

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

In the Matter of:

**WYETH PHARMACEUTICALS COMPANY,  
INC.**

State Road 3, Km. 142.1  
Guayama, Puerto Rico 00784

**RESPONDENT**

Proceeding pursuant to Section 309(g)(2)(B) of  
the Clean Water Act, 33 U.S.C. § 1319(g)

**PROCEEDING TO ASSESS  
A CLASS II CIVIL  
PENALTY**

**DOCKET NUMBER  
CWA-02-2009-3460**

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REGION 2  
2010 JAN 19 PM 3:40  
REGIONAL HEARING  
CLERK

**JOINT MOTION FOR CONTINUANCE**

To The Honorable Court:

COME NOW Complainant, the United States Environmental Protection Agency (EPA) and Respondent, Wyeth Pharmaceuticals Company, Inc. (Wyeth-Guayama) (collectively, the Parties), through their respective undersigned counsel, and respectfully set forth and pray as follows:

1. On November 24, 2009, the Parties submitted a Joint Motion for Continuance, representing that the Parties had reached an agreement in principle in the above-captioned matter.
2. On November 25, 2009, this Honorable Court issued an ORDER GRANTING, IN PART, JOINT MOTION FOR CONTINUANCE, granting the Parties a sixty-day extension to file a Consent Agreement and Final Order (CA/FO) with this Honorable Court.
3. The parties are currently exploring a possible Supplemental Environmental Project (SEP) proposed by Respondent on December 16, 2009.
4. Pursuant to EPA's April 10, 1998, Supplemental Environmental Projects Policy, Complainant has the duty to properly entertain Respondent's request to

perform a SEP.

5. Hence, Complainant will need additional time to review whether or not the proposed SEP can be approved, under EPA's SEP Policy.
6. Complainant believes that entertaining Respondent's SEP proposal is good cause for granting the Parties additional time.
7. In addition, the parties have concluded both a CA/FO and an Administrative Order on Consent (AOC) will be necessary to memorialize the November 23, 2009 agreement in principle.

WHEREFORE the Parties respectfully request a forty-five (45) day extension to finalize a CA/FO and AOC, after properly entertaining the aforementioned SEP proposal.

RESPECTULLY SUBMITTED.

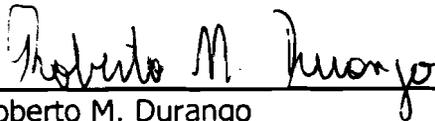
In San Juan, Puerto Rico, this 15th day of January, 2010.

**ATTORNEY FOR COMPLAINANT**

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Assistant Regional Counsel  
U. S. Environmental Protection Agency  
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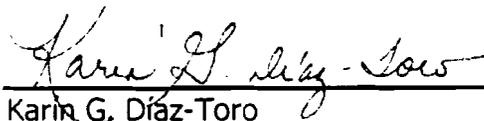
**ATTORNEYS FOR RESPONDENT**

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**CERTIFICATE OF SERVICE**

I certify that this day I have caused to be sent the foregoing **Motion for Continuance**, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original **Federal Express** to:

Judge William B. Moran  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Franklin Court Building  
1099 14<sup>th</sup> Street, N.W. Suite 350  
Washington, D.C. 20460  
Ph: 202.564.6255 / Fax (202) 565-0044

Original and copy by **Federal Express** to:

Karen Maples  
Regional Hearing Clerk  
Region 2  
U.S. Environmental Protection Agency  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866.

Copy by **Certified Mail** to:

Attorney for Respondents:

Karin G. Díaz-Toro, Esquire  
Torres & García, P.S.C.  
Counsel for Wyeth Pharmaceuticals Company, Inc.  
PO Box 19539  
San Juan, Puerto Rico 00910-1539

Date:

1/15/2010



Aileen Sánchez, Program Support Assistant  
Office of Regional Counsel