

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. 2  
2009 NOV 10 AM 9:34  
REGIONAL HEARING  
CLERK

In the Matter of:

**WYETH PHARMACEUTICALS COMPANY, INC.**  
State Road 3, Km. 142.1  
Guayama, Puerto Rico 00784

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

**RESPONDENT**

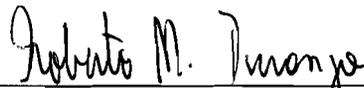
**DOCKET NUMBER  
CWA-02-2009-3460**

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

**COMPLAINANT'S SUPPLEMENTAL PREHEARING EXCHANGE**

Pursuant to Section 22.19 of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" (Rules of Practice), allowing to file with the Regional hearing Clerk and to serve on the opposing party and on the Presiding Judge, Complainant hereby files the following supplemental prehearing information.

Respectfully submitted, in San Juan, Puerto Rico this 6th day of November 2009.



Roberto M. Durango, Esq.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
Office of Regional Counsel—Caribbean Team  
Centro Europa Building, Ste. 417  
1492 Ponce de León Ave.  
San Juan, PR 00907  
Tel. (787) 977-5822; Fax: (787) 729-7748

The following supplemental prehearing information is filed pursuant to Section 22.19(f) of the Rules of Practice, which orders “[a] party who has made an information exchange under [Section 22.19(a)]. . . . [to] promptly supplement or correct the exchange when the party learns that the information exchanged or response provided is incomplete”. 40 C.F.R. § 22.19(f).

1. ***Complainant's Exhibit 4—Penalty Memorandum dated August 27, 2009***, prepared by Mr. José A. Rivera, Docket CWA-02-2009-3460, is hereby amended to include the Attachments listed in the Penalty Memorandum, which Complainant made a good faith effort to provide in its Initial Prehearing Exchange (see ***Complainant's Exhibits 4a.–4i.***), and that may have been inadvertently left out. All the aforementioned information was submitted to Respondent via-Certified Mail on October 22, 2009.
2. ***Complainant's Exhibit 4j., Consent Agreement and Final Order***, In the Matter of Wyeth Pharmaceuticals Company, Docket No. CWA-02-2000-3314, executed on September 25, 2000.

Complainant reserves the right, and nothing herein is intended or should be construed to prejudice such right, to supplement or add, subject to notice to the Court and Respondent, documentary evidence to Complainant's prehearing exchange submission in order to respond to and/or rebut, or otherwise to address an issue arising as a consequence of, evidence Respondent submits in its prehearing exchange or otherwise to update this prehearing exchange.

Respectfully submitted, in San Juan, Puerto Rico this 6th day of November 2009.



Roberto M. Durango, Esq.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
Office of Regional Counsel—Caribbean Team  
Centro Europa Building, Ste. 417  
1492 Ponce de León Ave.  
San Juan, PR 00907  
Tel. (787) 977-5822; Fax: (787) 729-7748

**CERTIFICATE OF SERVICE**

I certify that I have this day caused to be sent the foregoing **Supplemental Prehearing Exchange**, dated November 6, 2009, and 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:

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

