

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

**In the ADR Matter of** )  
 )  
**Pepsi Cola Puerto Rico Bottling Co.** )  
 )  
 )  
**Respondent** )

**Docket No. CWA-02-2010-3463**

U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
2011 MAY 31 A 9:49  
HEARINGS  
CLERK

**ORDER DENYING SECOND EXTENSION OF  
ALTERNATIVE DISPUTE RESOLUTION PROCESS**

By a joint motion, dated May 20, 2011, the parties have requested a second extension of the ADR process, which, as extended expired on May 24, 2011. The motion represents that the initial supplemental environmental project ("SEP") proposed by Respondent was rejected by EPA, that the parties are working to develop and present to EPA a second "SEP" and that the cash component of the settlement will be negotiated once the "SEP" is further defined.

Because the proposed second "SEP" has apparently not been finalized by Respondent, let alone accepted by EPA, and the parties do not contemplate negotiating the cash component of the penalty until EPA accepts the "SEP," it is unlikely that this proceeding would be settled within the additional 30 days contemplated by the motion, if it were to be granted. Accordingly, the motion for an extension of the ADR process is denied. A separate order will be issued terminating the ADR process and returning the proceeding to the chief judge.\*

So Ordered.

  
Spencer T. Nissen  
Administrative Law Judge

Issued: May 25, 2011  
Washington, D.C.

\* The parties are, of course, free to continue efforts to reach a settlement, subject to any orders of the litigation judge once designated.

In the ADR Matter of *Pepsi Cola Puerto Rico Bottling Co., LLC.*, Respondent.  
Docket No. CWA-02-2010-3463

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Denying Second Extension of Alternative Dispute Resolution Process**, dated May 25, 2011, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
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