

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.11  
2011 MAR -1 A 11:56  
REGIONAL HEARING  
CLERK

In the Matter of:

**Destilería Serrallés, Inc.**  
PO Box 198  
Mercedita, PR 00715

**Respondent**

In a proceeding under Section 113(d) of the  
Clean Air Act, 42 U.S.C. § 7413(d)

**MOTION**

Docket No.: CAA-02-2010-1233

**Joint Motion to Set Aside Prehearing Exchange Order and Requesting  
60 Days to File Consent Agreement and Final Order**

COMES NOW Complainant, the U.S. Environmental Protection Agency ("EPA" or "Complainant") through the undersigned attorney, and respectfully alleges, prays and requests as follows:

1. On December 14, 2010, this Honorable Court ordered that Complainant's Initial Prehearing Exchange be filed by February 28, 2011. Respondent's Prehearing Exchange is due March 28, 2011.
2. These exchanges are not necessary since the Parties reached an agreement in principle on February 25, 2011. The agreement is dispositive of all matters asserted in the Complaint.
3. The Parties will engage in settlement discussions in order to reach an agreement as to the final language and terms of the Consent Agreement and Final Order

(CA/FO). Once the CA/FO is finalized it will be placed into concurrence, and the fully executed CA/FO will be filed immediately.

4. This Motion has been filed today in order to have the Administrative Law Judge, Honorable Barbara A. Gunning, take notice of the agreement reached by the Parties and of the progress made in formalizing this agreement in a fully executed CA/FO, and to request 60 days to file the CA/FO.
5. The Parties request the Honorable Presiding Officer to: (1) set aside the Prehearing Exchange schedule and: (2) to impose a 60 days deadline to file the duly executed CA/FO.
6. This Motion was discussed today, February 28, 2011, with Francis Torres, Esq., counsel for Respondent, who agreed to the filing of this Joint Motion.

Respectfully submitted, in San Juan, Puerto Rico, this 28<sup>th</sup> day of February, 2011.



**Carolina Jordán-García, Esq.**  
Office of Regional Counsel - Caribbean Team  
U.S. Environmental Protection Agency - Region 2  
Centro Europa Bldg., Suite 417  
1492 Ponce de León Ave.  
San Juan, PR 00907-4127  
Fax (787) 729-7748  
[jordan-garcia.carolina@epa.gov](mailto:jordan-garcia.carolina@epa.gov)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

In the Matter of:

**Destilería Serrallés, Inc.**  
PO Box 198  
Mercedita, PR 00715

**Respondent**

In a proceeding under Section 113(a) of the  
Clean Air Act, 42 U.S.C. § 7413(d)

**Docket No.: CAA-02-2010-1233**

**CERTIFICATE OF SERVICE**

I certify that, on the date noted below, I caused to be mailed the foregoing Status Report to the following persons, at the addresses listed below and in the following manner:

**Original and Copy by overnight mail to:**

Karen Maples  
Regional Hearing Clerk  
Region 2  
290 Broadway, 16th Floor  
New York, NY 1007-1866  
Fax (212) 637-3202

**Copy by Facsimile and overnight mail to:**

Administrative Law Judge:  
Honorable Barbara A. Gunning  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street, N.W., Suite 350  
Washington, D.C. 20005  
Fax (202) 565-0044

**Copy by email and Regular Mail:**

Francis Torres, Esq.  
705 Fernández Juncos Avenue  
San Juan, PR 00907-4226  
Tel: (787) 721-8220  
Fax: (787) 721-8223

Date: 2/28/2011

  
San Juan, Puerto Rico  
Office of Regional Counsel - CT