



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

April 25, 2008

Honorable Barbara A. Gunning
Administrative Law Judge
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1900L
Washington, DC 20460

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2008 APR 25 PM 1:25
REGIONAL HEARING
CLERK

Re: In the Matter of Suiza Dairy Corporation, Docket No. EPCRA-02-2007-2019
Status Report

Dear Judge Gunning:

Enclosed please find the Status Report you requested in the above captioned matter. As you will see, the parties have made substantial progress in moving towards the resolution of this case and would appreciate the time requested to continue to refine the agreement. The Respondent is in agreement with the contents of this Status Report.

If you have any questions, please call me at (212) 637-3172. Again, thank you for your cooperation and assistance in this matter.

Sincerely yours,

A handwritten signature in cursive script, reading "Andrew L. Praschak".

Andrew L. Praschak
Assistant Regional Counsel
Office of Regional Counsel

Enclosures

cc: Regional Hearing Clerk, Region II (with Original CA/FO)
Patricio Martínez Lorenzo, Esq.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

In the Matter of

Suiza Dairy Corporation
San Patricio Avenue
Río Piedras, San Juan, Puerto Rico

Respondent

Status Report

Docket No. CERCLA-02-2007-2019

U.S. ENVIRONMENTAL
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STATUS REPORT

COMES NOW Complainant, the U.S. Environmental Protection Agency, through the undersigned attorney and respectfully alleges, and prays as follows:

The parties have been engaged in a series of settlement meetings and conferences in an attempt to reach an agreement in the above captioned matter. On March 10, 2008, Respondent proposed the inclusion of a Supplemental Environmental Project ("SEP") as part of the settlement of this matter. In its proposal, Respondent broadly outlined a SEP that would provide specific benefits to the San Juan Local Emergency Planning Committee as well as other first responders. EPA indicated its interest in the development of this SEP.

On March 20, Respondent submitted a preliminary proposal for the SEP which included a nine-point explanation of the proposed elements of the SEP. EPA requested that Respondent provide a cost outline as well as a determination whether the San Juan LEPC and the other first responders would be interested in the benefits of the SEP. In the meantime, Respondent verified that the LEPC is interested in the benefits the SEP would provide and is awaiting a formal expression of interest by the Puerto Rico Police Department.

On April 8, 2008, Respondent submitted to EPA a Cost Estimate for the proposed SEP along with some slight revisions that were designed to improve the project.

On April 21, EPA informed Respondent that Region 2 had preliminarily approved the SEP, in concept, subject to some added definitions and clarifications as well as ultimate approval by EPA Headquarters, after it has been submitted to it for review.

The parties agreed to meet again on April 30, 2008 to discuss the progress made on providing additional definition to the SEP so that it can be submitted to EPA Headquarters for review and approval.

As of the date of the filing of this Status Report, the two major elements outstanding for finalization of the settlement agreement are submission of the draft final version for HQ review and agreement on the proper cash penalty amount to be paid by Respondent.

For the above reasons, and in hope of reaching an amicable settlement in this matter thereby avoiding the cost of litigation, the parties agreed to hereby respectfully ask this Honorable Judge for an extension of 60 days to continue to try to reach a settlement in this matter.

This Motion was discussed with and reviewed by Patricio Martínez-Lorenzo, Esq., counsel for Respondent, who agreed to the filing of present motion.

If you have any questions or comments, please contact me at (212) 637-3172.

Respectfully submitted,



Andrew L. Praschak
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007
(212) 637-3172
praschak.andrew@epa.gov

Dated: April 25, 2008
New York, New York

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

In the Matter of

Suiza Dairy Corporation
San Patricio Avenue
Río Piedras, San Juan, Puerto Rico

Respondent

Status Report

Docket No. CERCLA-02-2007-2019

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing **Status Report**, dated April 25, 2008, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

original and copy by inter-office mail to:

Karen Maples
Regional Hearing Clerk
Region II
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866;

copy by e-mail and certified mail, return receipt requested, to:

Attorney for Respondent:
Patricio Martínez-Lorenzo
Union Plaza Building, Suite 1200
416 Ponce de León Avenue
Hato Rey, PR 00918
e-mail: pmartlor@pmlawpr.com

and copy by overnight mail, to:

Administrative Law Judge:
Honorable Barbara A. Gunning
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
401 M Street, S.W.
Washington, D.C. 20460

Date:

April 25, 2008

Name:

Brenda Hadley

Title:

Branch Secretary

Address:

290 Bway, NYC 10007