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HATO REY, PR 00918**

May 20, 2011

**UNITED PARCEL SERVICES**

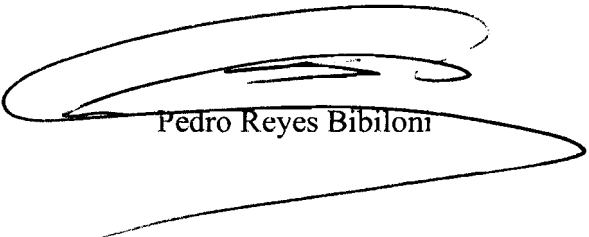
Ms. Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region II  
290 Broadway, 16th Floor  
New York, NY 10007-1866

**RE: Pepsi Cola Puerto Rico Bottling  
Company, LLC.  
Docket No. CWA-02-2010-3463**

Dear Ms. Maples:

Enclosed for filing please find Joint Motion Requesting Second Extension of ADR Process in the case of reference. I will appreciate if you can return the enclosed one additional copy stamped filed in the enclosed addressed envelope.

Cordially,

  
Pedro Reyes Bibiloni

tvv

Enclosure

c: Héctor Vélez, Esq.

U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
REGIONAL HEARING  
CLERK  
2011 MAY 24 P 2:28

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

IN THE MATTER OF:

**Pepsi Cola Puerto Rico Bottling  
Company, LLC**  
P.O. Box 2600  
Toa Baja, Puerto Rico 00949

NPDES Permit No. PR005B157

Respondent

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

Proceeding Pursuant to Section 309(g) of the Clean  
Water Act, 33 U.S.C. §1319(g) to Assess Class II  
Civil Penalty

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U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II

**JOINT MOTION REQUESTING SECOND EXTENSION OF ADR PROCESS**

Pepsi Cola Puerto Rico Bottling Company, LLC,<sup>1</sup> and the U.S Environmental Protection Agency (EPA), through their undersigned attorneys, inform that the parties are engaged in serious negotiations to settle this case. A conceptual supplemental environmental project (SEP) was presented by Respondent subject to further definition. However said SEP was not accepted by EPA. Consequently, the parties are working to identify and present to EPA a second SEP. The cash component of settlement will be negotiated once the supplemental environmental project is further defined. Therefore, parties respectfully request a second thirty (30) day extension of the Alternate Dispute Resolution (ADR) process to continue negotiations to reach settlement.

Respectfully Submitted.

In San Juan, Puerto Rico, this May 20, 2011.

**U.S. Environmental Protection Agency**  
Region 2  
Hector Vélez, Esq.  
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Office of Regional Counsel, Caribbean Team  
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**Pepsi Cola Puerto Rico Distributing, LLC.**  
Fiddler González & Rodríguez, P.S.C.  
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By:   
Hector Vélez

By:   
Pedro Reyes-Bibiloni

<sup>1</sup> Pepsi Cola Puerto Rico Distributing, LLC is the successor of Pepsi Cola Puerto Rico Bottling Company

## **CERTIFICATE OF SERVICE**

We hereby certify that the foregoing Joint Motion Requesting Extension of ADR Process, dated May 20, 2011, was sent this day in the following manner to the addressees listed below:

Copy by email and Overnight:

Hon. Spencer T. Nissen  
Administrative Law Judge  
Office of Administrative Law Judges  
1099 14<sup>th</sup> Street, N.W., Suite 350  
Franklin Court  
Washington, D.C. 20005  
(202) 565-0044

Original and Copy by Facsimile and Overnight:

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