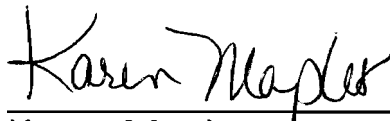


CERTIFICATE OF SERVICE

I hereby certify that the Report of Status Conference and Order by Regional Judicial Officer Helen Ferrara in the matter of Herminio Cotto Construction, Docket No. CWA-02-2007-3404, was served on the parties as indicated below:

First Class Mail - Jose Alberto Feliciano Ramos, Esq.
ILA Building 604
Kennedy Avenue
San Juan, Puerto Rico 00920

Inter Office Mail - Diane Gomes, Esq.
Office of Regional Counsel
USEPA - Region II
290 Broadway, 16th Floor
New York, New York 10007-1866



Karen Maples
Regional Hearing Clerk
USEPA - Region II

Dated: March 27, 2008

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF: :

Herminio Cotto Construction, :

Respondent :

Docket No. CWA-02-2007-3404

REPORT OF STATUS CONFERENCE AND ORDER

The status teleconference in this matter was held on March 11, 2008. Participating were:

Presiding Officer:	Helen S. Ferrara
Respondent's Attorney:	Jose Alberto Feliciano Ramos
Complainant's Attorney:	Diane Gomes

Introduction: The Presiding Officer established that the purpose of the teleconference was to assess the status of this matter.

Status: The Respondent's attorney claims that his client has no assets and no ongoing projects, and is therefore unable to pay the proposed penalty. The parties noted that the project which is the subject of the Agency's complaint was never finished. Complainant's attorney, while acknowledging that Respondent had forwarded certain tax returns to support its inability to pay claim, did complain of a delay in getting information from the Respondent, including a copy of the answer in this matter.


Respondent will put together relevant financial documentation to prove that it is facing severe financial constraints and forward the documentation to Complainant's attorney. Both parties agreed that it would be in the best interest of the parties to allow the Respondent additional time to compile and forward any necessary information, to allow Complainant to review that information, and to give the parties an opportunity to finalize, execute and file a CA/FO. Therefore, the parties requested that the status conference be continued, agreeing to a two month continuation.

IT IS ORDERED:

The Presiding Officer is continuing this status teleconference until Tuesday, May 13, 2008, beginning at 2:00 PM DST, or as soon thereafter as the Presiding Officer can make the necessary arrangements. Unless the parties advise the Presiding Officer otherwise, she will call Mr. Feliciano at (787) 460-0277 and Ms. Gomes (212) 637-3235. The undersigned expects that significant progress will have been made towards final resolution of this matter during the continuance.

Additions or Corrections: The attorneys for the Agency and Respondent may bring errors or omissions in this Report to the attention of the Presiding Officer no later than April 4, 2008, and a corrected report will be issued as appropriate.

Date: March 26, 2008



Helen Ferrara
Presiding Officer
U.S. Environmental Protection Agency
290 Broadway – 16th Floor
New York, N.Y. 10007-1866
Tel: (212) 637-3233