

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2009 JAN -7 PM 1:31  
REGIONAL HEARING  
CLERK

IN THE MATTER OF:

Steve Bockino, Manager  
Pueblo International (La Reine)  
Public Water System  
PO Box 579  
2 Estate La Reine  
St. Croix, VI 00820

Respondent

Proceeding Pursuant to §1414(g)(3)(B)  
of the Safe Drinking Water Act, 42 U.S.C. §300g-  
3(g)(3)(B)

Docket No. SDWA-02-2007-8404

**Status Report**

The Complainant in the above captioned matter, pursuant to the Regional Judicial Officer's ("RJO") Order to Stay the Default Proceedings ("the Order") dated November 10, 2008 until December 1, 2008, submits this Status Report.

Pursuant to the Order, the RJO directed the parties to continue discussions until a resolution of this matter could be reached. However, subsequent to the RJO's Order, the Complainant in this matter, EPA, determined to withdraw the Complaint based on the new information provided to EPA by Mr. Sheesley, Counsel for Respondent.

Therefore, the parties did not continue in negotiations for the foregoing reason. Counsel for EPA did not meet the deadline provided by the RJO for good cause (a) the Complainant determined to withdraw the Complaint upon which the Default Motion is based; (b) litigation of another matter handled by Counsel for EPA prevented Counsel from following up on this matter sooner, for which Counsel respectfully apologizes to the RJO; and (c) an envelope containing EPA's letter dated October 29, 2008 addressed to Mr. Sheesley containing all of the Default Motion documents, as per his request, was returned unopened on December 10, 2008 with the Certified Mail Return Receipt still attached, and marked "Unclaimed."

Counsel for EPA will attempt to contact Mr. Sheesley via email to apprise him of recent developments since the October 21, 2008 teleconference call held between the parties. Counsel also requests further instructions from the RJO as to the appropriate procedures to withdraw the Complainant's Default Motion in lieu of the Complainant's determination to withdraw the Complaint against Respondent Pueblo La Reine (Pueblo La Reine's assets were acquired by World Fresh Markets, both were tenants that neither owned nor operated the public water system) and said World Fresh Markets entity has been dissolved in bankruptcy and no longer

exists, and because EPA has verified with the Virgin Islands Department of Planning and Natural Resources ("VIDPNR") that the public water system has returned to compliance.

Mr. Sheesley has been provided a copy of this Status Report via email.

COUNSEL FOR COMPLAINANT

Dated: 1/6/09

Respectfully submitted



Melva J. Hayden, Esquire  
Assistant Regional Counsel  
U.S. Environmental Protection Agency - Region 2  
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In the Matter of Steve Bockino, Manager Publeo La Reine Public Water System  
Docket No. SDWA-02-2007-8404

CERTIFICATE OF SERVICE

I certify that the foregoing Status Report and Exhibits have been sent this day to the following addressees listed herein in the manner listed below:

Original & one (1) Copy by Hand:

Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 2  
290 Broadway – 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy by Hand:

Helen Ferrara  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region 2  
290 Broadway – 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy by Facsimile & Certified Mail/  
Return Receipt Requested:

Michael Sheesley, Esquire  
POB 10829  
St. Thomas, VI 00801

Dated January 6, 2009  
New York, NY

  
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