

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

IN THE MATTER OF:

**Bacardí Corporation**  
P. O. Box 363549  
San Juan, PR 00936-3549,

**Respondent**

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

Index No. CAA-02-2009-1220

U.S. ENVIRONMENTAL  
PROTECTING AGENCY REGION 2  
2010 FEB 16 AM 11:47  
REGIONAL HEARING  
CLERK

**Informative Motion and Request for Extension of Time to File  
Executed Consent Agreement and Final Order**

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

Complainant and Respondent, Bacardí Corporation have been in active negotiations for the past months, including conference calls and exchange of relevant information, discussing a few outstanding differences that remained as part of the settlement. The Parties have reached an agreement dispositive of all matters asserted in the administrative complaint, including a penalty. The Parties also reached an agreement as to the final language of the Consent Agreement and Final Order (CAFO).

The CA/FO has been placed into concurrence within several EPA officers located in Region 2's San Juan and New York offices for their review and concurrence. Also, in order to file a duly executed CA/FO, the signatures of the Respondent and the signature of the Regional Administrator are required. Once this process concludes, the fully executed CA/FO will immediately be filed.

Pursuant to the January 12, 2010 Order issued by the Hon. Susan L. Biro, Chief Administrative Law Judge, the deadline to file the executed CA/FO is February 15, 2010.

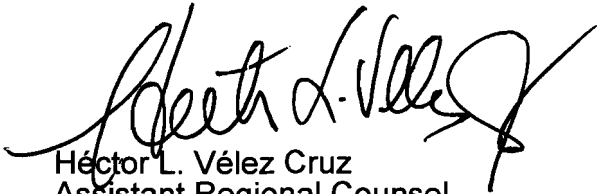
The EPA Region 2 New York office was closed on Wednesday, February 10, 2010, due to the weather conditions (snow storm) that affected New York City and most of the Northeastern area of the United States of America. This event has delayed the CA/FO's review, concurrence and approval process.

This Motion has been filed today in order to have the Chief Administrative Law Judge, Honorable Susan L. Biro, take notice of the progress made in formalizing this agreement in a fully executed CA/FO.

In light of the above, due to the complexity of the review, concurrence, and approval process of the CA/FO within the Agency and the concurrence process between the Parties to finalize a fully executed CA/FO, and pursuant to Rule 22.7(b) of the Rules of Procedure, Complainant requests the Honorable Administrative Law Judge ten (10) additional days, until February 25, 2010, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

This Motion was discussed yesterday, February 11, 2010, with María Luisa González, Esq., counsel for Respondent, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 12<sup>th</sup> day of February, 2010.



Héctor L. Vélez Cruz  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region II  
Centro Europa Bldg., Suite 207  
1492 Ponce de León Ave.  
San Juan, PR 00907-4127  
(787) 977-5850 (office)  
(787) 729-7748 (fax)  
[velez.hector@epamail.epa.gov](mailto:velez.hector@epamail.epa.gov)

Dated: February 12, 2010  
San Juan, Puerto Rico

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

IN THE MATTER OF:

**Bacardí Corporation**  
P. O. Box 363549  
San Juan, PR 00936-3549,

**Respondent**

Index No. CAA-02-2009-1220

**CERTIFICATE OF SERVICE**

I certify that I have this day caused to be sent the foregoing *Informative Motion and Request for Extension of Time to File Executed Consent Agreement and Final Order*, dated February 12, 2010, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Overnight Mail** to:

**Karen Maples**  
Regional Hearing Clerk  
Region II  
U.S. Environmental Protection Agency  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866  
Fax (212) 637-3202.

Copy by facsimile, **Certified Mail, Return Receipt Requested** to:

**Attorney for Respondent:**  
**Eduardo M. Negrón Navas, Esq.**  
**María Luisa González, Esq.**  
BACARDI CORPORATION  
FIDDLER GONZÁLEZ & RODRÍGUEZ PSC.  
P.O. Box 363507  
San Juan, Puerto Rico 00936-3507  
Tel. (787) 759-3106  
Fax (787) 759-3108.

Copy by facsimile, **Overnight Mail** to:

Chief Administrative Law Judge:  
**The Honorable Susan L. Biro**  
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) 565-8044.

Name: 

Date: 2/12/2010