

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

U.S. ENVIRONMENTAL
PROTECTION AGENCY-RE
NOV 12 PM 4:00
REGIONAL HEARING
CLERK

In the Matter of:

**WYETH PHARMACEUTICALS
COMPANY, INC.**

State Road 3, Km. 142.1
Guayama, Puerto Rico 00784

RESPONDENT

PROCEEDING TO ASSESS A CLASS II
CIVIL PENALTY

DOCKET NUMBER CWA-02-2009-3460

**REPLY TO COMPLAINANT'S OPPOSITION TO MOTION TO DISMISS AND
MOTION IN LIMINE**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW Respondent, Wyeth Pharmaceuticals Company, Inc. – Guayama Operations ("Wyeth-Guayama"), through its undersigned attorney, and respectfully sets forth and prays as follows:

1. On November 5, 2009, Wyeth-Guayama received via electronic mail an advance copy of Complainant's Motion Opposing Respondent's Motion to Dismiss, dated November 4, 2009 (hereinafter, the "Opposition"). The Certificate of Service for Complainant's aforementioned Opposition indicates that it was served upon the undersigned by certified mail on November 4, 2009; however, as of the date of this Reply, we have not yet received such document.
2. Wyeth-Guayama presents this Reply to correct the statements made by Complainant in its Opposition to the effect that "Respondent's Motion fails to demonstrate – or even allege – that there is no genuine issue of material fact

that would render a hearing unnecessary.” Moreover, Wyeth-Guayama vigorously disagrees with Complainant’s characterization that Respondent is attempting to “usurp this Honorable Court’s authority to rule on evidentiary matters.” On the contrary, Wyeth-Guayama is precisely requesting this Honorable Court to use its “authority to rule on evidentiary matters” to dismiss the present action “on the basis of [Complainant’s] failure to establish a prima facie case or other grounds which show no right to relief on the part of the Complainant.” 40 CFR § 22.20(a) (emphasis added).

3. It is Wyeth-Guayama’s position that, even if the hearing were held, the evidence to be introduced by Complainant, as set forth in its Prehearing Exchange, will be insufficient to prove, by a preponderance of the evidence, that the violations occurred as alleged in the Complaint and that the relief sought is appropriate, as required by 40 CFR § 22.24.
4. Contrary to Complainant’s repeated assertions in its Opposition that Respondent is “merely denying the allegations set forth in the Complaint,” Wyeth-Guayama proffered ample documentary evidence in its Prehearing Exchange that the allegations as set forth in the Complaint are not supported by the evidence proffered by Complainant. The discussion in Respondent’s Motion to Dismiss is hereby incorporated hereto and made part of this Reply.
5. Neither is Wyeth-Guayama “attempting to substitute the Agency’s own interpretation of the CWA, and EPA regulations and policies, for its own.” On

the contrary, it is Complainant who is attempting to substitute the clear language of the NPDES permit for a novel interpretation of its provisions, inserting alleged "requirements" which are not set forth in the permit provisions cited by the Complainant. The discussion in Respondent's Motion to Dismiss is hereby incorporated hereto and made part of this Reply.

6. In the interest of procedural economy and justice, and (in the words of Complainant EPA, as quoted in *In Re Quality Engineers and Contractors*, Docket No. CWA-02-2007-3411), to "avoid the unnecessary expenditures and delays that would entail if this process is continued before this Honorable Court," the present Complaint should be dismissed.
7. In the alternative, Wyeth-Guayama respectfully requests that the following evidence proffered by Complainant in its Prehearing Exchange be excluded:
 - a. The testimony of José Rivera as an expert witness must be excluded, as he is not qualified as a hydrologist or hydrogeologist to address runoff at the Wyeth-Guayama site. See, Complainant's Exhibit 9 (copy of which is included as Attachment 1 for the convenience of this Honorable Court). At best, since he has been the Wyeth-Guayama facility's inspector with respect to storm water permit matters for a number of years, Mr. Rivera would be a factual witness. In that case, he would also be unable to testify, as he has no personal knowledge of the events which transpired on September 22, 23 and 24, 2008 at the Wyeth-Guayama facility.

- b. The testimony of Pedro Modesto as an expert witness must also be excluded. According to his resume (Complainant's Exhibit 10, copy of which is included as Attachment 2 for the convenience of this Honorable Court), Mr. Modesto appears to have experience in the design of municipal wastewater treatment systems. Mr. Modesto, however, has no experience relating to the design of wastewater treatment systems for pharmaceutical manufacturing facilities, nor does he have any operational experience with respect thereto. In any event, the present action does not involve, and Complainant has not alleged, a malfunction of Wyeth-Guayama's wastewater treatment system. Hence, Mr. Modesto's testimony is immaterial, irrelevant, and of little probative value.
- c. The testimony of Luis Torres must be excluded, as he was off duty on September 22, 23 and 24, 2008. See, affidavit from Ms. María del Pilar Sastre, Employee Relations Director for Wyeth Puerto Rico Operations (Attachment 3). Hence, Mr. Torres has no personal knowledge of the events that transpired at Wyeth-Guayama on September 22, 23 and 24, 2008.
- d. Complainant's Exhibit 4d (copy of the annual comprehensive site inspection report) does not correspond to the facility at issue, namely, the prescription drug manufacturing operation whose storm water runoff discharges are permitted under the individual NPDES permit number PR0024724

(hereinafter referred to as “Wyeth-Pharma”). Rather, it corresponds to another manufacturing operation co-located at the Guayama site, which is dedicated to the production of over-the-counter (“OTC”) products, and whose storm water runoff discharges are discharged through a separate and distinct outfall pursuant to a Multi Sector General Permit (“MSGP”) for storm water discharges associated with industrial activity, under permit number PRR05A799/PRR05BN36 (hereinafter referred to as “Wyeth-OTC”). Hence, such evidence should be excluded as immaterial, irrelevant, and of little probative value.

- e. The administrative action cited by Complainant and proffered as purported evidence of “prior history of violations” (see, Complainant’s Exhibit 4, at page 7 of 8) also corresponds to Wyeth-OTC and its alleged failure to file a Notice of Intent to obtain coverage under the MSGP. It is not a “similar environmental requirement,” as Complainant is attempting to induce this Honorable Court to believe. Hence, such evidence should be excluded as immaterial, irrelevant, and of little probative value.
- f. Complainant’s Exhibit 7 (i.e., the industrial wastewater discharge permit issued to Wyeth-Pharma by the Puerto Rico Aqueduct and Sewer Authority, the local POTW) must also be excluded. The allegations in the Complaint do not involve any alleged malfunction of the facility’s WWTP, nor do they

involve a discharge to the POTW. Hence, such evidence should be excluded as immaterial, irrelevant, and of little probative value.

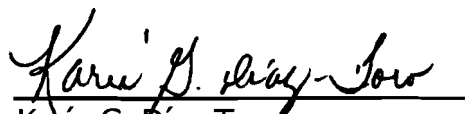
Since the aforementioned evidence must be excluded pursuant to 40 CFR § 22.22(a), Wyeth-Guayama respectfully asserts that the remaining Complainant's evidence as set forth in its Prehearing Exchange does not create a *prima facie* case and will be insufficient to prove, by a preponderance of the evidence, that the violations occurred as set forth in the Complaint and that the relief sought is appropriate, as required by 40 CFR § 22.24.

WHEREFORE, Respondent respectfully requests that its Motion to Dismiss be granted; in the alternative, Respondent respectfully requests that the evidence proffered by Complainant, as discussed above, be excluded as irrelevant, immaterial and of little probative value.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 11th day of November, 2009.

TORRES & GARCIA, P.S.C.
Attorneys for Wyeth Pharmaceuticals
Company, Inc.
PO Box 19539
San Juan, Puerto Rico 00910-1539
Tel. 787-721-8220
Fax 787-721-8223


Karín G. Díaz-Toro
E-mail: kdiaz@envirolawpr.com

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

In the Matter of:

**WYETH PHARMACEUTICALS
COMPANY, INC.**

State Road 3, Km. 142.1
Guayama, Puerto Rico 00784

RESPONDENT

Proceeding pursuant to Section
309(g)(2)(B) of the Clean Water Act, 33
USC § 1319(g)

PROCEEDING TO ASSESS A CLASS II
CIVIL PENALTY

DOCKET NUMBER CWA-02-2009-3460

CERTIFICATE OF SERVICE

I CERTIFY that, on the date noted below, I caused to be submitted a copy of the foregoing Respondent's Reply to Complainant's Opposition to Motion to Dismiss and Motion In Limine to the following persons, at the addresses listed below, and in the manner specified below:

Original and one copy via Federal Express:

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

Copy via Federal Express:

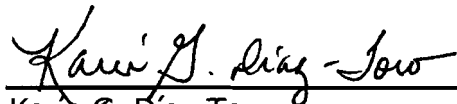
Judge William B. Moran
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Franklin Court Building
1099 14th Street N.W. Suite 350
Washington DC 20460

Copy via Federal Express:

Roberto Durango, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency –
Caribbean Environmental Protection Division
Centro Europa Bldg. – Suite 417
1492 Ave. Ponce de León
San Juan, Puerto Rico 00907

In San Juan, Puerto Rico, this 11th day of November, 2009.

TORRES & GARCIA, P.S.C.
Attorneys for Wyeth Pharmaceuticals
Company, Inc.
PO Box 19539
San Juan, Puerto Rico 00910-1539
Tel. 787-721-8220
Fax 787-721-8223


Karin G. Díaz-Toro
E-mail: kdiaz@envirolawpr.com

JOSE A. RIVERA

P.O. Box 8776, San Juan, PR 00910
Office: 787.977.5842

rivera.jose@epa.gov

SUMMARY OF QUALIFICATIONS

Accomplished and respected civil and environmental engineering Professional with experience and proven success in project management, problem solving, team leading, inspections, enforcement, case development, negotiation, expert testimony and training. Superior communications skills in both, English and Spanish, easily interact with managers and executives, colleagues, regulatory agencies, costumers, media and non-trade organizations. Broad knowledge of federal, state and local regulations and statutes.

PROFESSIONAL EXPERIENCE
Environmental Engineering**NPDES Enforcement Coordinator**

- First line supervisory duties of the NPDES enforcement personnel.
- Coordination with second line supervisors and senior managers.
- Work assignments: planning; coordination with EPA, state and local agencies officials; inspections and enforcement actions review and follow-up; work plan tracking; review and decision-making of technical issues; review and coordination of inspections and enforcement cases; and reporting of activities.

Senior Environmental Engineer

- Vast experience in permitting activities, inspections, operations and maintenance evaluations, sampling, enforcement and compliance assistance of the NPDES program activities at sewage and drinking water treatment plants, industrial and commercial facilities, construction sites, and other facilities.
- Experience in non-point source pollution prevention and controls, and habitat protection and restoration in wetlands and watersheds.
- Vast regulatory and field experience in dealing with broad scope of regulations, statutes, pollution prevention techniques, compliance plans, storm water, erosion/sediment controls, environmental professionals and regulatory agencies.
- Expert witness duties on the Clean Water Act/NPDES storm water and industrial program. Expert testimony and sophisticated judgment in both administrative and judicial cases.
- Trainer in Clean Water Act/NPDES permit writing and inspections, international environmental inspections and storm water program.
- Oversight of VI and PR enforcement activities, grants and work plan commitments.
- Vast knowledge in work plan, budget, and staff development.

Lead Inspector

- Supervision of multi-media teams of inspectors at commercial and manufacturing facilities
- Management, coordination and integration of work activities and resources of media inspectors.
- Enforcement officer, case developer, enforcement team coordination and negotiator duties involving administrative and judicial cases against violators of environmental laws and regulations.
- Coordination with case first line, middle and senior managers, witnesses, case developers, attorneys, federal, state and local officials and costumers.

Storm Water Coordinator and Specialist

- Coordination and implementation of EPA's storm water regulatory and enforcement activities.
- Co-chair EPA national workgroup who developed the storm water multi-sector general permit.
- Co-chair EPA national workgroup who developed the NPDES storm water sampling guidance.
- Development and implementation of storm water enforcement initiatives. Storm water expert testimony.

Permit Writer

- Vast experience in writing individual and general permits and providing technical support to State or EPA permitting authorities responsible for writing NPDES permits to implement Clean Water Act objectives, using procedures established in EPA regulations and guidance.
- Knowledge of scientific principles related to water quality protection, including water quality modeling, water quality assessment, water quality standards and wastewater treatment.

PROFESSIONAL EXPERIENCE

Civil Engineering

Work Assignment Manager

- Successful analysis, feasibility, efficiency funding, construction and operation of a Combined Sewer Overflows Floatable Control Demonstration Project in the City of Newark, New Jersey.

Civil Engineer

- Planning, consulting, management, design and securing of construction permits for housing development.
- Field engineer, workers and sub-contractors supervision, construction estimates and cost controls, permits' compliance, management and inspection of construction activities, and general construction.

Research Assistance

- Development of methodology for the Analysis of Vulnerable Connections and Elements found in wooden structures subject to extreme winds, such as those experienced during hurricanes.

WORK HISTORY

<i>U. S. ENVIRONMENTAL PROTECTION AGENCY, Region 2</i> <i>Caribbean Environmental Protection Division - San Juan Office</i> Senior Environmental Engineer & Storm Water Specialist	October 1993 to present
<i>JARLEM & ASSOCIATES, Caguas, Puerto Rico</i> Partner, Civil Engineer	July 1999 to present
<i>U. S. ENVIRONMENTAL PROTECTION AGENCY, Region 2</i> <i>Water Management Division - New York City Office</i> Regional Storm Water Coordinator, Permit Writer & Auditor	September 1990 to October 1993
<i>CONSTRUCTORA DE LAS AMERICAS, Santurce, PR</i> Civil Engineer	Summers of 1989 and 1990
<i>UNIVERSITY OF PUERTO RICO, Mayaguez Campus</i> Research Assistance	January 1989 to May 1990

EDUCATION

University of Puerto Rico, Mayagüez Campus
Bachelor in Science in Civil Engineering, 1990

Columbia University, New York, New York
Advanced English, 1991

PROFESSIONAL EXAMINATIONS & CERTIFICATIONS

U. S. Environmental Protection Agency
CWA/NPDES Inspector Trainer, 2004

U. S. Environmental Protection Agency
Project Officer, 2003

Puerto Rico Department of State
Engineer-in-Training, 1990

PROFESSIONAL TRAINING

CWA/NPDES Inspector Train-the-Trainer, '04
Prevention of Sexual Harassment, '03
Effective Case Development, Negotiation and Litigation, '01
Introduction to Groundwater Investigations, '98
Managing your Assistance Agreements, '97
Risk Assessment Guidance for Superfund, '96
Pollution Prevention for Permit Writers, Inspectors and Enforcement Staff, '96
Jurisdictional Delineation of Waters, '95
Chemical Safety Audits, '95
Operation of Wastewater Treatment Plants, '94
Safety and Health Decision Making for Managers, '94
Hazardous Material Incident Response Operations, '94
Basic Project Officer, '93
NPDES Permit Writers' Course, '92
NPDES Inspector Training, '92
24-Hour Basic Field Safety, '91
Health and Safety Field Operation, '91
Fundamentals of Environmental Compliance Inspections, '90

AWARDS

EPA Distinguished Achievement, '92
EPA Sustained Outstanding Performance, '91-'05
EPA Regional Administrator's Team Awards, '98, '99
EPA Bronze Medals for Commendable Service, '92, '95, '96, '01, '03, '06

Pedro A. Modesto; M.E.M.; P.E.

Environmental Engineer

Professional Engineer (P.E.) License # 10976

Address: RC- Encantada- Via Amazonas RJ-11 • Trujillo Alto, P. R. 00976 •

Tel.-(787)-977-5828(w) & (787)-748-4030 (h) & (939)-630-1709 (mobile)

e-mail: modesto.pedro@epa.gov

pmodesto@onelinkpr.net

Education

Master in Engineering Management; M.E.M.

Polytechnic University of Puerto Rico, Hato Rey, Puerto Rico

Major; Environmental Engineering Management-Year; 1995

Graduate Student Work, Polytechnic Institute of New York

Brooklyn, New York, New York, 1985 (no degree obtained)

Bachelors in Science of Civil Engineering; B.s.C.E.

Mayaguez Campus School of Engineering.(RUM), U.P.R.

Major; Civil Engineering-Year; 1984

University of Puerto Rico-School of Architecture

Rio Piedras, PR, 1976- 1979 (no degree obtained)

Education (other):

Seminars, continuous education courses, conferences, symposiums and short training courses throughout 25 years of career in the environmental field

Work Experience

U.S. Environmental Protection Agency (EPA), N.Y., N.Y., Region II 1984 -1989

Caribbean Environmental Protection Division 1989- today

Part time Lecturer III- Polytechnic University of Puerto Rico, Department of Civil and Environmental Engineering (since 1999). Water Storage and Distribution, Environmental Laws and Regulations for Engineers, Environmental Impact Analysis, Capstone (design) course for environmental engineers

Part time Lecturer- Turabo University Graduate Program in Environmental Sciences.

Hazardous Waste Classification, Environmental Impact Analysis, Industrial Toxicology, Water Resources

Environmental Engineer-Municipal Programs Specialist

Applicable Date(s) 1984- to present

Over twenty five (25) years of professional experience as an engineer and program manager with the U.S. Environmental Protection Agency (EPA) dealing with water treatment projects related

programs (i.e.; planning, design, funding, construction, operation) and environmental regulations in the Commonwealth of Puerto Rico and the U.S. Virgin Islands.

Responsible for the construction grants program which funded and built Wastewater Treatment Installations in the Commonwealth of Puerto Rico and the U.S Virgin Islands.

Reviewed engineering documents for consistency with planning studies and prepared summaries which highlight findings and recommended appropriate actions.

Served as the Region II South Atlantic Division (SAD) U.S. Army Corps of Engineers Coordinator for Water Pollution projects funded by EPA in Puerto Rico. Involved in the resolution of planning and design issues for water pollution control installations. Provided technical support during the preparation of NPDES discharge permits. Reviewed and commented on regulations, policies, procedures and guidance and their related impact on the programs administered by the Commonwealth and the USVI Territorial Authorities.

Served as operation and maintenance specialist while conducting field inspections of water and wastewater treatment plants in Puerto Rico and the U.S. Virgin Islands. Served as a source of engineering leadership to provide information and advice on program implementation to state officials, supervisors, the general public and the regulated community.

Review Administrative orders-AO's,) quarterly reports due to Federal Court and recommended enforcement actions to ensure effective program implementation.

Responsible for the development of a Drinking Water Pollutants Vulnerability Study (funded by EPA) and performed by the U.S. Army Corps of Engineers. Water intakes were evaluated in terms of their vulnerability to sewage spills and bypasses from sewage related appurtenances.

Routinely and extensively exposed to Agency regulations and Federal statutes (i.e., Federal Water Pollution Control Act (CWA), Comprehensive Environmental Response Compensation and Liabilities Act (CERCLA), Toxic Substance Control Act (TSCA), Resource Conservation and Recovery Act (RCRA), Superfund Amendment and Reauthorization Act (SARA), Safe Drinking Water Act (SDWA), Federal Insecticide Fungicide and Rodenticide Act (FIFRA) as part of my job responsibilities as an EPA enforcement officer.

Responsible for the implementation of negotiated agreements between the Commonwealth of Puerto Rico, the U.S. Virgin Islands, the U.S. Department of Justice (DOJ) and EPA under Federal District Courts in the Commonwealth of Puerto Rico and the USVI Territory.

Liaison between EPA , Federal District Court and the Court appointed Monitor in the PRASA I Consent Decree No. 000078-(c)as amended in 1985.

Responsible for the implementation and compliance with the Mayaguez WWTP Consent Decree (1988) between EPA and the Commonwealth of Puerto Rico Consent Decree No. 94-2491 (HL) which required the construction of a secondary treatment train in Mayaguez. Lead technical negotiator for EPA and responsible for the implementation of the Sewage Pump Station decree, Consent Decree No. 01-1709. Lead technical negotiator in the PRASA Criminal case No. 06-

CR-00202-001 (PG) which committed 1.5 billion dollars from the Commonwealth for capital water projects infrastructure improvements over a fifteen year (15) timeframe and the payment of 9 million dollars in fines to the U.S. Treasury (April 2007). Responsible for the implementation of the projects required by the US Virgin Islands Consent Decree No. 84-104 in the District of the Virgin Islands.

Provided advice and guidance to recently hired scientists and engineers on NPDES related issues as they pertain to the Puerto Rico Aqueduct and Sewers Authority (PRASA). Team leader of inspectors /engineers after hurricane events to assess the condition of critical water and sewage treatment infrastructure in Puerto Rico and the U.S. VI (i.e. in the wake of Hurricane Hugo 1989 Marilyn 1996 and, Georges 1998).

Prepared congressional correspondence and responses to inquiries about pollution abatement problems in the Caribbean. Exercise leadership while dealing with complex issues which requires immediate resolution. Developed work plans with specific milestone dates and regularly track the expected outcome and /or results.

Served as witness for the United States during evidentiary hearings, civil and criminal trials and, grand Jury investigations in Federal District Court in proceedings against the Commonwealth of Puerto Rico, the Territory of the Virgin Islands and, regulated community for violations to federal environmental statutes.

Routinely review drafts and prepares motions to enforce assisted by the U.S. DOJ. Review documents prepared by the U.S. DOJ for consistency with engineering and technical requirements. Advice DOJ and the Office of the Regional Counsel (ORC) on technical matters as they relate to violations of the CWA.

Provided technical assistance related to enforcement actions including the evaluation of violations, field inspections, and review of engineering documents.

Responsible for the development of an Used Motor Oil Management and Disposal Strategy in the Commonwealth of Puerto Rico which turned into Commonwealth Law # 173 currently in full force and effect.

EPA project engineer responsible for the construction of the new Mangrove Lagoon STP, in St. Thomas (2000) and, the construction of the new Cruz Bay STP in St. John (2001). Both projects were built with federal monies from EPA.

Responsible for the construction of the new Red Point SBR plant in St. Thomas (2008) and the new Anguila STP plant in St. Croix (2007). The construction of these two projects have been the largest public investment ever undertaken by the U.S. Virgin Islands Government in its history.

Supported the creation of the US VI Waste and Management Authority (the VIWMA) created as an autonomous agency to deal with solids waste and sewage problems in the Territory of the Virgin Islands.

Monitored the implementation of projects to be completed within specified time frames agreed on consent with the USVI authorities representing an investment of over 230 million dollars. Under this initiative sewage pump stations in St. Croix were refurbished, and, collapsed sewer line segments repaired.

Prepared, organized and participated as speaker / lecturer in courses and seminars offered to the regulated community and state agencies within the Government of Puerto Rico, the Government of the US Virgin Islands and Central America assisting in the implementation of environmental requirements under NAFTA.

Train the Trainer lecturer on EPA's Basic Inspector Training Courses.

Participates every year in the Drinking Water and Wastewater Seminar in Puerto Rico since 1997. In this seminar regulations and technical issues are presented and discussed among water related field professionals.

Academic Work- Graduate Students Research Advisor
Graduate Program in Environmental Sciences Turabo University

"Evaluation on the Effectiveness of the Measures to Control Erosion and Sedimentation in the Carraizo Lake Hydrographic Watershed"- Kelvin Morales, M.S. Thesis, 2006 Turabo University

"PreTreatment Program Effects, Success and Failures /Evaluation;(Industrial Discharges Impact on the Aibonito STP and Other Regions ", Hector Manfredy. P.E., M.Sc. ;May 2005 Turabo University, Caguas Puerto Rico

"Impact and Environmental Risk of Discharges from Wastewater Treatment Plants of the Puerto Rico Aqueduct and Sewers Authority" Evelyn Huertas Correa, M.S. Thesis, May 2004, Metropolitan University SJ, PR,

"El Proceso de Desinfeccion con Cloro y el Control de Trihalometanos en sistemas Publicos de Agua Potable " Potable Water Disinfection and the Control of Trihalomethanes in Public Systems;Edwin Ortiz Rivera, M.S. April 2004, Turabo University,

"Cloro Residual en Sistema de Distribucion de la planta de Filtracion de Miradero, Mayaguez PR" Residual Chlorine Controls in the Miradero Drinking Water Distribution System Mayaguez, PR, -Yarely Mercado Lugo, M.S. Thesis, June 2003, Turabo University,

"Agua Embotellada y Presencia de Organismos Heterotrofos" Bottled Water and the Presence of Heterotrophic Microorganisms -Jose Antonio, M.S. Thesis, Turabo University, 2004

"Control of Nitrates Concentrations in a Battery of Drinking Water wells in Juana Diaz, Puerto Rico " . -Wanda Maldonado, M.S. Thesis. 2002, Turabo University,

SKILLS

- Substantial knowledge on regulations and policies administered by the U.S. Environmental Protection Agency (EPA).
- Knowledge of personal computers and related software, Power Point, Word, Lotus Notes, Office, Excell .
- Written and oral communication skills in English and Spanish
- Ability to establish effective work relationships
- Ability to make presentations in English and Spanish

Extracurricular Activities (personal interests)

Musician (Slide trombone player), classical, jazz and contemporary music collector, acrylic, oil and, water color painter. Attends church regularly and participates in activities, member residents association and home owners associations. Certified home quality inspector.

Honors and Awards

- Recipient of EPA bronze medal -January 2008
- Recipient of EPA silver medal -June 2007
- Commendation from the U.S. Department of Justice (DOJ) Environmental Natural Resources Division for outstanding performance and support of the activities of the ENRD - September 2006
- Arthur Sidney Bedell Award - Water Environment Federation /American Water Works Association (WEF/AWWA) Puerto Rico Chapter 2006
- Recipient of EPA bronze medal -January 2004
- Commendation from the U.S. Department of Justice (DOJ) Environmental Natural Resources Division for outstanding performance and support of the activities of the ENRD October 2003
- Recipient of EPA bronze medal -January 2003
- Recipient of EPA bronze medal -January 2002
- Recipient of EPA bronze medal -January 2001
- Special award- Water Environment Federation /American Water Works Association (WEF/AWWA) Puerto Rico chapter 2000
- Recipient of EPA bronze medal -December 1999
- Recipient of EPA bronze medal -May 1996
- Recipient of EPA bronze medal - December 1994

Professional organizations;

member; College of Engineers and Surveyors of Puerto Rico, Professional Engineer (P.E.) license number 10972, (since 1990)

member: Water Environment Federation, Alexandria Va. (Since 1988)

member: American Water Works Association, Alexandria Va. (Since 1988)

Member Inter American Association for Sanitary Engineers (since 1998)

member: Puerto Rico Water Environment Association (since 1988)

MEMBER; Puerto Rico Home Quality Inspectors Association (since 1999)

References:

-Dr. Rafael Rios Davila, PhD, P.E., Dean, Environmental Science Program, UPR –(787) -764-0000-x-4718

-Dr. Teresa Lipsett, PhD, Associate Dean Science and Technology- Universidad del Turabo – (787)-743-7979- x-4251


-Eng. Jose Borrageros Lezama, P.E.: Director, Civil and Environmental Engineering Department, Polytechnic University, S.J., P.R. , (787)-754-8000-x-341

SWORN STATEMENT

I, MARIA DEL PILAR SASTRE, of legal age, married, Employee Relations Director for Wyeth Pharmaceuticals, Inc. (now known as Pfizer Pharmaceuticals), and resident of San Juan, Puerto Rico, under the most solemn oath DO DECLARE:

1. That my name and personal circumstances are as stated above.
2. That I have been Employee Relations Director, Puerto Rico Operations for Wyeth Pharmaceuticals, Inc. ("Wyeth") since March 21, 2007.
3. That my duties as Employee Relations Director for Wyeth include obtaining reports regarding employee attendance at Wyeth's Guayama and Carolina sites.
4. That attendance records for payroll purposes are kept at Wyeth using the electronic KRONOS system.
5. That the KRONOS system evidences that Mr. Luis Torres-Pérez was off-duty on Monday, September 22, 2008; Tuesday, September 23, 2008; and Wednesday, September 24, 2008. To that effect, attached please find copy of the KRONOS system report evidencing such particulars.
6. That the above information is true, accurate and correct.

WHEREFORE, I sign this Statement in San Juan, Puerto Rico, this 11th day of November, 2009.


MARIA DEL PILAR SASTRE

Affidavit No. 784

Sworn to and subscribed before me by María del Pilar Sastre, of the aforementioned personal circumstances, and whom I have identified by means of license number 1224306, in San Juan, Puerto Rico, this 11th day of November, 2009.




NOTARY PUBLIC

Time Detail

Time Period: 9/01/2008 - 9/30/2008
 Query: Previously Selected Employee(s)
 Actual/Adjusted: Actual Only

Data Up to Date: 11/9/2009 5:23:09PM
 Printed: 11/9/2009 5:23:24PM
 Printed for: RODRIGM1
 Insert Page Break After Each Employee: No

Employee: TORRES-PEREZ, LUIS A		ID: 000090260		Time Zone:					
Primary Account		Status: Active		Status Date: 11/9/2009					
Start	End	Pay Rule: HOURLY							
11/4/2002	10/6/2008	9801/9801A/180/H/NA							
Date	Apply To	In Punch	In Exc	Out Punch	Out Exc	Money Amount	Adj/Ent Amount	Totaled Amount	Cum. Tot. Amount
Xfr/Move: Account		Comment		Xfr: Work Rule					
9/1/2008		9:53:00PM		1:00:00AM				3.00	3.00
9/2/2008-		1:27:00AM		6:21:00AM				5.00	8.00
9/1/2008	LABOR DAY 2008						8.00		
9/2/2008	DAY OFF						0.00		8.00
9/3/2008	DAY OFF						0.00		8.00
9/4/2008	DAY OFF						0.00		8.00
9/5/2008		5:55:00AM		9:00:00AM				3.00	11.00
9/5/2008		9:28:00AM		2:23:00PM				5.00	16.00
9/6/2008		5:53:00AM		9:00:00AM				3.00	19.00
9/6/2008		9:28:00AM		2:24:00PM				5.00	24.00
9/7/2008		5:53:00AM		9:00:00AM				3.00	27.00
9/7/2008		9:28:00AM		2:20:00PM				5.00	32.00
9/8/2008		5:54:00AM		9:00:00AM				3.00	35.00
9/8/2008		9:30:00AM		2:22:00PM				5.00	40.00
9/9/2008		5:53:00AM		9:00:00AM				3.00	43.00
9/9/2008		9:28:00AM		2:23:00PM				5.00	48.00
9/10/2008	DAY OFF						0.00		48.00
9/11/2008		1:53:00PM		5:30:00PM				3.50	51.50
9/11/2008		5:58:00PM		10:31:00PM				4.50	56.00
9/12/2008		1:53:00PM		5:30:00PM				3.50	59.50
9/12/2008		5:56:00PM		10:31:00PM				4.50	64.00
9/13/2008		1:57:00PM		5:30:00PM				3.50	67.50
9/13/2008		5:56:00PM		10:27:00PM				4.50	72.00
9/14/2008		1:53:00PM		5:30:00PM				3.50	75.50
9/14/2008		5:57:00PM		10:23:00PM				4.50	80.00
9/15/2008		1:53:00PM		5:00:00PM				3.00	83.00
9/15/2008		5:28:00PM		10:20:00PM				5.00	88.00
9/16/2008	DAY OFF						0.00		88.00
9/17/2008		9:53:00PM		1:00:00AM				3.00	91.00
9/18/2008-		1:29:00AM		6:21:00AM				5.00	96.00
9/18/2008		9:53:00PM		1:00:00AM				3.00	99.00
9/19/2008-		1:28:00AM		6:21:00AM				5.00	104.00
9/19/2008		9:53:00PM		1:00:00AM				3.00	107.00
9/20/2008-		1:28:00AM		6:25:00AM				5.00	112.00
9/20/2008		9:53:00PM		1:00:00AM				3.00	115.00
9/21/2008-		1:27:00AM		6:27:00AM				5.00	120.00
9/21/2008		9:53:00PM		1:00:00AM				3.00	123.00
		US							
9/22/2008-		1:28:00AM		6:20:00AM				4.75	127.75
9/22/2008	DAY OFF						0.00		127.75
9/23/2008	DAY OFF						0.00		127.75

Time Detail

Time Period: 9/01/2008 - 9/30/2008
 Query: Previously Selected Employee(s)
 Actual/Adjusted: Actual Only

Data Up to Date: 11/9/2009 5:23:09PM
 Printed: 11/9/2009 5:23:24PM
 Printed for: RODRIGM1
 Insert Page Break After Each Employee: No

9/24/2008	DAY OFF			0.00	127.75
9/25/2008		5:53:00AM	9:00:00AM	3.00	130.75
9/25/2008		9:28:00AM	2:20:00PM	5.00	135.75
9/26/2008		5:53:00AM	10:25:00AM	4.50	140.25
9/26/2008		10:52:00AM	2:22:00PM	3.50	143.75
9/27/2008		5:55:00AM	9:00:00AM	3.00	146.75
9/27/2008		9:27:00AM	3:10:00PM	5.75	152.50
			LV, LE		
9/28/2008		5:53:00AM	9:00:00AM	3.00	155.50
9/28/2008		9:27:00AM	2:25:00PM	5.00	160.50
9/29/2008		5:53:00AM	9:00:00AM	3.00	163.50
9/29/2008		9:27:00AM	2:50:00PM	5.25	168.75
			LV, LE		
9/30/2008	DAY OFF			0.00	168.75

Labor Account Summary

	Pay Code	Money	Hours
9801/9801A/180/H/NA	DAY OFF		0.00
	DOUB2ND		8.00
	DOUB3RD		7.75
	DOUBLE		0.25
	HOLIDAY		8.00
	MEALALW		8.00
	OVT 1.5		1.25
	OVT 1.5 3		8.00
	REG		79.50
	REG 2		32.00
	REG 3		32.00

Pay Code Summary

	Pay Code	Money	Hours
	DAY OFF		0.00
	DOUB2ND		8.00
	DOUB3RD		7.75
	DOUBLE		0.25
	HOLIDAY		8.00
	MEALALW		8.00
	OVT 1.5		1.25
	OVT 1.5 3		8.00
	REG		79.50
	REG 2		32.00
	REG 3		32.00

Totals: \$0.00 184.75

Time Detail

Time Period: 9/01/2008 - 9/30/2008
Query: Previously Selected Employee(s)
Actual/Adjusted: Actual Only

Data Up to Date: 11/9/2009 5:23:09PM
Printed: 11/9/2009 5:23:24PM
Printed for: RODRIGM1
Insert Page Break After Each Employee: No

Pay Code Summary

Pay Code	Money	Hours
DAY OFF		0.00
DOUB2ND		8.00
DOUB3RD		7.75
DOUBLE		0.25
HOLIDAY		8.00
MEALALW		8.00
OVT 1.5		1.25
OVT 1.5 3		8.00
REG		79.50
REG 2		32.00
REG 3		32.00
Totals:	\$0.00	184.75

Total Number of Employees: 1