

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:

**Pepsi Cola Puerto Rico Bottling
Company LLC**

RESPONDENT

STATUS REPORT

DOCKET NUMBER CWA-02-2010-3468

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2011 JUL 12 A 11:05
REGIONAL HEARING
CLERK

STATUS REPORT

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

Pursuant to the June 8, 2011 Order Directing Status Report, issued by the Chief Administrative Law Judge, Honorable Susan L. Biro, Counsel for Complainant submits the following status report in the above captioned matter.

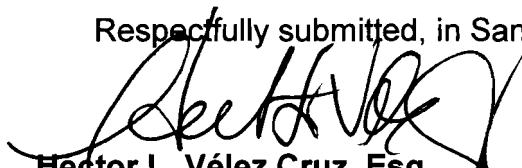
During the past weeks, Complainant and the Pepsi Cola Puerto Rico Bottling Company LLC (Respondent) (herein together the “Parties”) have been actively participating in good faith negotiations, including conference calls, discussing the merits of Respondent’s settlement offers, in order to expedite a final settlement of this matter. Accordingly, on July 7, 2011, Respondent presented EPA with a new settlement proposal, including a revised Supplemental Environmental Project and a cash penalty, which EPA has accepted.

The Parties are engaged in settlement discussions in order to reach an agreement as to the final language and terms of the Consent Agreement and Final Order (CA/FO). Once the CA/FO is finalized it will be 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 signature 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.

This Motion has been filed today in order to have the Chief Administrative Law Judge, Honorable Susan L. Biro, take notice of the agreement reached by the Parties and of the progress made in formalizing this agreement in a fully executed CA/FO. Due to the complexity of the review and concurrence process within the Agency and between the Parties in order to finalize a fully executed CA/FO, the Parties request the Honorable Presiding Officer sixty (60) days, until September 6, 2011, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

This Motion was discussed today, July 8, 2011, with Pedro Reyes Bibiloni, Esq., attorney for the Respondent, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 8th day of July, 2011.



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:

**Pepsi Cola Puerto Rico Bottling
Company LLC**

RESPONDENT

STATUS REPORT

DOCKET NUMBER CWA-02-2010-3463

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing **Status Report**, dated July 8, 2011, 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, 16th Floor
New York, NY 10007-1866
Fax (212) 637-3202.

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

Attorney for Respondent:
Pedro Reyes Bibiloni, Esq.
Fiddler González & Rodríguez, P.S.C
254 Muñoz Rivera Ave. Corner Chardon Street
Hato Rey, P.R. 00918
PO Box 363507
San Juan, P.R. 00936-3507
Telephone 787-759-3208
Mobile 787-379-9756
Fax 787-759-3108

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

Chief Administrative Law Judge
Honorable Susan L. Biro
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005
Fax (202) 565-0044.

Date

7/08/11

Name

