


CERTIFICATE OF SERVICE

I hereby certify that the Report Of Status Conference And Order by Regional Judicial Officer Helen Ferrara in the matter of Armando Sanchez Crespo, Docket No. CWA-02-2009-3601, was served on the parties as indicated below:

First Class Mail - Heriberto Guivas, Esq.
HC-03 Box 39605
Aguada, Puerto Rico 00602

Inter Office Mail - Eduardo J. Gonzalez, Esq.
Office of Reigonal Counsel
USEPA - Region II
290 Broadway, 16th Floor
New York, New York 10007-1866


Karen Maples
Regional Hearing Clerk
USEPA - Region II

Dated: August 4, 2010

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF: :

Armando Sanchez Crespo, :

Docket No. CWA-02-2009-3601

Respondent :

REPORT OF STATUS CONFERENCE AND ORDER

A status teleconference in this matter was held on July 27, 2010. Participating were:

Presiding Officer:	Helen S. Ferrara
Respondent's Attorney:	Heriberto Güivas-Lorenzo
Complainant's Attorney:	Eduardo J. Gonzalez

Status: Complainant's attorney reported that EPA had received the Respondent's technical report and that EPA's technical experts, Dave Pohle and Jose Cedeno, were unsatisfied with the contents of the report. While it did describe conditions on Site and confirm disturbances and fill at the Site, EPA felt that the report was inadequate in that it failed to recommend a detailed work plan for removing fill from the Site. It was also noted that the report was submitted in Spanish only.

Respondent's attorney noted that two reports had been sent to Cedeno and does not recall being asked to submit the reports in English. He also claimed that this was the first he was hearing regarding the insufficiency of the reports. Respondent's attorney had understood that a meeting was to occur between technical experts on both sides to work out a detailed removal plan. He stated that he does know how detailed the reports actually are, but that he was waiting for a response to the reports from EPA.

Complainant's attorney agreed that the parties had discussed meeting on Site with Cedeno representing EPA, but that EPA expected a detailed action plan first. Respondent's attorney thought a meeting was to be based on studies confirming the removal but was not sure whether a detailed or general work plan was contemplated as a prerequisite. Complainant's attorney advised Respondent's attorney that he should inform his client that EPA will not be acting as a consultant, and that original plan should come

from Respondent, with Cedeno and Pohle weighing in and making recommendations.

It was agreed that Complainant would receive a full copy of a detailed action plan for removal, in English, no later than August 31, 2010. The parties also agreed that there was no need to translate the earlier reports.

The parties and the Undersigned agreed to continue the status teleconference on September 14, 2010 at 10:00AM DST.

IT IS ORDERED:

The Undersigned continues the status conference until Tuesday, September 14, 2010 at 10:00AM DST, at which time she will contact Mr. Gonzalez and Mr. Güivas-Lorenzo, unless she hears otherwise from either party.

Additions or Corrections: The attorneys for the Complainant and Respondent may bring errors or omissions in this Report to the attention of the Presiding Officer no later than **August 13, 2010**, and a corrected report will be issued as appropriate.

Date: August 3, 2010



Helen Ferrara
Presiding Officer
U.S. Environmental Protection Agency
290 Broadway – 16th Floor
New York, N.Y. 10007-1866