

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

U.S. ENVIRONMENTAL PROTECTION AGENCY
2009 NOV 20 PM 4
REGIONAL HEARING CLERK

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

**RESPONDENT'S MOTION IN COMPLIANCE WITH ORDER TO PRODUCE SWPP
PLAN**

TO THE HONORABLE COURT:

COMES NOW Respondent, Wyeth Pharmaceuticals Company, Inc. – Guayama Operations (“Wyeth-Guayama”), through the undersigned counsel, and respectfully sets forth and pray as follows:

1. On November 18, 2009, Wyeth-Guayama received from this Honorable Court the Order Denying, in Part, Motion for Additional Discovery, of that same date. In its footnote 5, the Order directs Respondent to “promptly” provide to EPA the SWPP Plan in effect as of September 2008.
2. As noted in Wyeth-Guayama’s Exhibit 4 to its Prehearing Exchange, the SWPP Plan provided to Complainant was revised on June 22, 2009 to include the name, title and signature of the new highest ranking officer at the Wyeth-Guayama facility, which had just changed. In September 2008, the highest ranking facility officer was Ricardo Zayas, Vice President and General Manager. Mr. Zayas was

substituted by Mr. Edwin Gómez, Managing Director, in June 2009. Notwithstanding, the contents of the SWPP Plan did not change with this minor administrative revision. Notations to that effect were included in Respondent's Exhibit 4, and are attached herewith for the convenience of this Honorable Court.

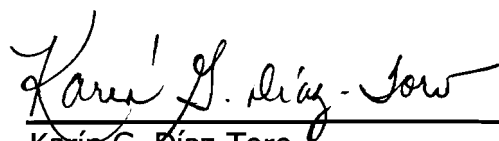
3. The actual document in effect in September 2008, dated August 2007, is no longer available.

WHEREFORE, Wyeth-Guayama respectfully requests that this Honorable Court deem its Order directing Respondent to promptly provide EPA with the SWPP Plan in effect as of September 2009, as being complied with.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 19th day of November, 2009.

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CERTIFICATE OF SERVICE

I CERTIFY that, on the date noted below, I caused to be submitted a copy of the foregoing Respondent's Motion in Compliance with Order 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 by messenger:

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 19th day of November, 2009.

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Karin G. Diaz-Toro
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June 2009

Guayama, Puerto Rico

Wyeth Pharmaceuticals Company

For

Plan

Stormwater Pollution Prevention

Wyeth

Note: This document was revised on June 22, 2009 to include the name, title and signature of the new highest ranking officer at the Wyeth-Guayama facility. In September 2008, the highest ranking facility officer was Ricardo Zayas, Vice President and General Manager. Mr. Zayas was substituted by Mr. Edwin Gómez, Managing Director, in June 2009. Notwithstanding, the contents of the SWPPP did not change with this minor administrative revision.

TABLE 1. 1
RECORD OF REVISIONS

DOCUMENT	DATE	ORIGINATOR
SWPP PLAN	January 2000	WPC
SWPP PLAN	December 2000	WPC
SWPP PLAN	October 2001	WPC
SWPP PLAN	April 2002	WPC
SWPP PLAN	November 2006	Edwin D. Ortiz
SWPP PLAN	August 2007	Edwin D. Ortiz
SWPP PLAN	June 2009	WPC *

* Minor changes.