

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 2**

IN THE MATTER OF:

**INMOBILIARIA UNIBÓN, INC.**  
P.O. Box 9065983, San Juan,  
Puerto Rico 00906

**RESPONDENT**

**DOCKET NUMBER CWA-02-2008-3457**

PROCEEDING PURSUANT TO SECTION  
309(G) OF THE CLEAN WATER ACT,  
33 U.S.C. § 1319(G), TO ASSESS  
CLASS II CIVIL PENALTY

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2009 JAN 13 PM 12:46  
REGIONAL HEARING  
CLERK

**STATUS REPORT**

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

Complainant and Inmobiliaria Unibón, Inc. (Respondent), (together, "the Parties") have been actively participating in good faith negotiations, including numerous meetings and conference calls in order to expedite a final settlement of this matter. The Parties have presented each other with arguments and settlement proposals.

Complainant reviewed a settlement proposal presented by Respondent which included various Supplemental Environmental Projects (SEPs). After a careful review of the SEPs proposed by Respondent, Complainant determined that such did not comply with the requirements of EPA's *Supplemental Environmental Projects Policy*, dated May 1, 1998, as amended.

Respondent has alleged that it is presently going through financial hardship and has presented Complainant with financial documents in support of its claim. Complainant is currently entertaining such claim and is performing a financial analysis of the documents and information provided by Respondent. The Parties intend to meet on Wednesday, January 14, 2009, in furtherance of the negotiations efforts.

This Motion was discussed today with Roberto Passalacqua, Esq., Respondent, who agreed to the filing of this status report.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, this 9<sup>th</sup> day of January, 2009.

For the Complainant:

  
Héctor L. Velez Cruz, Esq.

**US Environmental Protection Agency, R2**  
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1492 Ponce de León  
San Juan, PR 00907  
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**JOINT STATUS REPORT**

**Certificate of Service**

I certify that I have this day caused to be sent the foregoing *Status Report*, dated January 9, 2009, 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, **Regular Mail** to:

Attorney for Respondent:  
**Roberto Passalacqua, Esq.**  
President Inmobiliaria Unibón, Inc.  
P.O. Box 9065983  
San Juan, P.R. 00906  
Tel: (787) 462-5040  
Fax: (787) 758-6967.

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

Administrative Law Judge:  
**Honorable Barbara A. Gunning**  
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) 565-0044.

Date

1/09/09

Name

