

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2010 APR -9 PM 2:00
REGIONAL HEARING
CLERK

IN THE MATTER OF:

Desarrollos Altamira I, Inc.
P. O. Box 9021990
San Juan, Puerto Rico 00902-1990

and

Cidra Excavation, S.E.
P. O. Box 1128 Caparra Heights Station
San Juan, Puerto Rico 00922

**Hacienda Altamira Residential
Development**

NPDES PRU201934

RESPONDENTS

Proceeding Pursuant to Section 309(g) of
the Clean Water Act, 33 U.S.C. § 1319(g),
to Assess Class II Civil Penalty

**DOCKET NUMBER
CWA-02-2009-3462**

STATUS REPORT

To the Honorable Court:

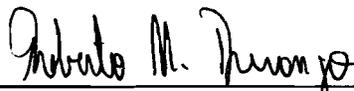
COMES NOW the United States Environmental Protection Agency, Complainant
in the instant action, and very respectfully avers and prays as follows:

1. Pursuant to this Honorable Court's Prehearing Order, dated March 25, 2010,
the Parties were directed to engage in a settlement conference on or before
April 5, 2010, and Complainant was directed to file a Status Report regarding
settlement on or before April 12, 2010.
2. That on December 23, 2009 the Parties agreed to participate in the Alternate
Dispute Resolution (ADR) process offered by the Office of Administrative Law
Judges.

3. That on January 28, 2010, the Parties engaged in a settlement conference, in an effort to reach a prompt, amicable resolution to the instant action.
4. That on Wednesday, February 17, 2010, Complainant forwarded Respondents a copy of the Penalty Memorandum used in support of the instant action.
5. That on Thursday, February 25, 2010, the Parties conducted a site visit, as proposed by Respondents during the aforementioned settlement meeting.
6. That on Wednesday, March 3, 2010, the ADR process was terminated.
7. That on Friday, March 5, 2010, Complainant delivered Respondents a copy of the April 20, 2007, and July 17, 2007, Inspection Reports and attached photographs, in color.
8. That the Parties have continued to engage in settlement discussions, but that, to this date, have been unable to reach a settlement in the instant action.

WHEREFORE it is respectfully requested that this Honorable Court take notice of the status in the instant action.

Respectfully submitted in San Juan, Puerto Rico, on this 8th day of April, 2010.



Roberto M. Durango, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Status Report**, dated April 8, 2010, was sent in the following manner to the addresses listed below:

Original and Copy by **Overnight**:

Karen Maples
Regional Hearing Clerk
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by **Overnight** and **Facsimile**:

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

Copy by **Certified Mail**:

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Patricio Martinez-Lorenzo, Esq.
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416 Ponce de Leon Avenue
San Juan, PR 00918-3424

Dated: 4/8/2010



Aileen Sánchez, Program Support Assistant
Office of Regional Counsel, Caribbean Team