

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. I  
2009 DEC 16 AM 8:42  
REGIONAL HEARING  
CLERK

In the Matter of: )  
)  
BACARDI CORPORATION, ) Docket No. CAA-02-2009-1220  
)  
Respondent )

**INITIAL PREHEARING ORDER**

As you have been previously notified, I am designated to preside over this proceeding. This proceeding will be governed by the applicable statute(s) as well as the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. §22.1 et seq., (“Rules”). The parties are advised to familiarize themselves with the applicable statute(s) and the Rules.

On November 30, 2009, Respondent submitted an “Informative Motion” stating that Complainant United States Environmental Protection Agency and Respondent have agreed to enter into a settlement agreement to resolve all issues in the Complaint, that a draft settlement agreement is being prepared by Complainant and that the parties expect to finalize the settlement on or before the end of the month of December, 2009.

Accordingly, the parties will be given a brief opportunity to complete the settlement process on their own prior to engaging in the prehearing exchange process. Therefore, the parties are hereby **ORDERED** to file the fully executed Consent Agreement and Final Order (CAFO) memorializing their settlement no later than **January 15, 2010**, with a copy contemporaneously sent to the undersigned by facsimile or mail.

**FAILURE TO FILE THE CAFO IN A TIMELY MANNER MAY RESULT IN ENTRY OF AN ORDER OF DISMISSAL OR DEFAULT, AS APPROPRIATE, WITHOUT FURTHER NOTICE.**



Susan L. Biro  
Chief Administrative Law Judge

Dated: December 11, 2009  
Washington, D.C.

In the Matter of Bacardi Corporation, Respondent  
Docket No. CAA-02-2009-1220

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated December 11, 2009, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: December 11, 2009

Original And One Copy By Pouch Mail To:

Karen Maples  
Regional Hearing Clerk  
U.S. EPA  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy By Regular Mail To:

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