

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF:

Bacardí Corporation
P. O. Box 363549
San Juan, PR 00936-3549,

Respondent

In a proceeding under Section 113(d) of the
Clean Air Act 42 U.S.C. § 7413(d)

Docket No. CAA-02-2009-1220

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2
2010 JAN 13 PM 3:40
REGIONAL HEARING
CLERK

Joint Motion Requesting Extension of Time to File Executed Consent

Agreement and Final Order

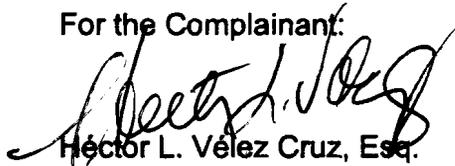
COME NOW Complainant, the U.S. Environmental Protection Agency (EPA), and Respondent, Bacardí Corporation, through the undersigned attorneys (together, the "Parties"), and respectfully allege, pray and request as follows:

- 1) During the week of November the 16th, 2009, the Parties reached an agreement in principle dispositive of all matters asserted in the Administrative Complaint, including a penalty.
- 2) On November 30, 2009, Respondent submitted an Informative Motion to the Chief Administrative Law Judge, Honorable Susan L. Biro, informing about the agreement in principle reached by the Parties, that Complainant was preparing a draft settlement agreement, and that the Parties expected to file a final settlement agreement by the end of December 2009.
- 3) On December 11, 2009, the Hon. Susan L. Biro, issued an Order granting until January 15, 2010, for the Parties to file the fully executed Consent Agreement and Final Order (CA/FO) memorializing the terms of the settlement.
- 4) The Parties continue to be engaged in settlement discussions in order to reach an agreement as to the final language and terms of the CA/FO. Once the CA/FO is finalized it will be submitted to several EPA officers located in Region 2 San Juan and New York offices for their review and concurrence. Also, in order to file a duly executed CA/FO, the signature of the Respondent and the signature of the Regional Administrator are required. Once this process concludes, the fully executed CA/FO will immediately be filed.

5) This Motion is filed today in order to have the Honorable Susan L. Biro take notice of the progress made in formalizing this agreement in a fully executed CA/FO. Due to the complexity of the review and concurrence process within the Agency and between the Parties, in order to finalize a fully executed CA/FO the Parties request the Honorable Chief Administrative Law Judge until February 15, 2010, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

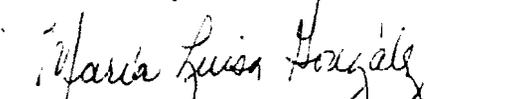
Respectfully submitted, in San Juan, Puerto Rico, this 8th day of January, 2010.

For the Complainant:



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For the Respondent:



Eduardo M. Megrón Navas, Esq.
María Luisa González, Esq.
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:

Bacardí Corporation
P. O. Box 363549
San Juan, PR 00936-3549,

Index No. CAA-02-2009-1220

Respondent

In a proceeding under Section 113(d) of the
Clean Air Act 42 U.S.C. § 7413(d)

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing *Joint Motion Requesting Extension of Time to File Executed Consent Agreement and Final Order*, dated January 8, 2010, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Overnight Mail** to:

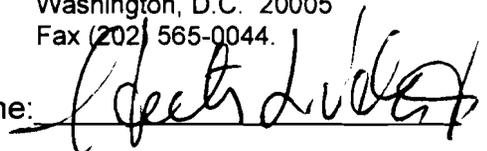
Karen Maples
Regional Hearing Clerk
Region II
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
Fax (212) 637-3202.

Copy by facsimile, **Certified Mail, Return Receipt Requested** to:

Attorney for Respondent:
Eduardo M. Negrón Navas, Esq.
María Luisa González, Esq.
BACARDI CORPORATION
FIDDLER GONZÁLEZ & RODRÍGUEZ PSC.
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Tel. (787) 759-3106
Fax (787) 759-3108.

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

Chief Administrative Law Judge:
The Honorable Susan L. Biro
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005
Fax (202) 565-0044.

Name: 

Date: 1/08/10