



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

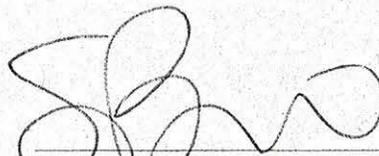
In the Matter of: )  
)  
SHELL CHEMICAL YABUCOA, INC., ) Docket No. CWA-02-2009-3461  
)  
Respondent. )

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 (the "Rules of Practice") (40 C.F.R. Part 22). The parties are advised to familiarize themselves with both the applicable statute(s) and the Rules.

The record indicates that on August 31, 2009, the parties reported that they had reached an agreement in principle to settle the matter. Therefore, the parties are hereby ORDERED to file their fully executed Consent Agreement and Final Order memorializing their settlement no later than October 5, 2009, with a copy contemporaneously sent to the undersigned by facsimile and mail.

**FAILURE TO SUBMIT THE CONSENT AGREEMENT IN A TIMELY MANNER MAY RESULT IN ENTRY OF AN ORDER OF DISMISSAL WITH PREJUDICE OR DEFAULT, AS APPROPRIATE, WITHOUT FURTHER NOTICE.**

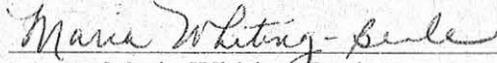
  
\_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

Dated: September 3, 2009  
Washington, D.C.

In the Matter of Shell Chemical Yabucoa, Inc., Respondent  
Docket No. CWA-02-2009-3461

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated September 3, 2009, was sent this day in the following manner to the addressees listed below:



Maria Whiting-Beale  
Staff Assistant

Dated: September 3, 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 Pouch Mail To:

Nina Dale, Esquire  
Office of Regional Counsel  
U.S. EPA  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy By Regular Mail To:

Jerry Lucas Marrero, Esquire  
Hernan Marrero-Caldero, Esquire  
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San Juan, PR 00918