

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

In the Matter of:

Total Petroleum Puerto Rico, Corp.

Respondent

Proceeding under Section 3008 of the
Solid Waste Disposal Act, as amended,
42 U.S.C. § 6928

COMPLAINT, COMPLIANCE
ORDER, AND NOTICE OF
OPPORTUNITY FOR HEARING

Docket No. RCRA-02-2018-7101

Status Report and Preliminary Statement

COMES NOW the Complainant, the United States Environmental Protection Agency (“EPA”) through the undersigned attorney and respectfully alleges and prays as follows:

1. Pursuant to the Prehearing Order issued by the Administrative Law Judge, Honorable Susan L. Biro, dated November 2, 2018, Counsel for Complainant submits the following Status Report in the above captioned matter.
2. The Prehearing Order directed Complainant and Total Petroleum Puerto Rico, Corp. (collectively “the Parties”) to hold a settlement conference and attempt to reach an amicable resolution on or before November 16, 2018.
3. The Prehearing Order directs Complainant to file a Status Report to inform the status of settlement, without mentioning any specific terms, on or before November 23, 2018.

4. In compliance with the Prehearing Order, Complainant informs that the Parties held conference calls and, after exchanging counteroffers, have reached an agreement in principle.
5. Respondent agreed to share with EPA the details of its proposed Supplemental Environmental Project. EPA has committed to collaborate with Respondent in that process, while gathering the necessary concurrences for the proposed settlement.

Preliminary Statement

6. The Prehearing Order requires each party to file a Preliminary Statement that:
 - a. identifies the party's preference for the location of the hearing;
 - b. indicates the party's consent to service by email only; and
 - c. provides a valid email address for service.
7. Pursuant to the Prehearing Order, Complainant herein identifies the Federal District Court of Puerto Rico as its preference for the location of a hearing.
8. Pursuant to the Prehearing Order, Complainant herein indicate its consent to service of orders and decisions by this Tribunal and other parties by email only during this proceeding. Complainant herein identifies as its email address for such service as: jordan-garcia.carolina@epa.gov.

Certificate of Service

I hereby certify that a true copy of this Status Report was mailed via certified mail and emailed to: Rafael Rivera-Yankovich, Toro, Colon & Mullet, PSC, P.O. Box 195383, San Juan, PR, 00919-5383; rry@tcm.law.

Respectfully submitted, in Guaynabo, Puerto Rico, this 23rd day of November 2018.



Carolina Jordán-García, Esq.

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