

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

In the Matter of:

Homeca Recycling Center Co., Inc.
PMB 323-200
Ave. Rafael Cordero 140
Caguas, Puerto Rico 00725

Respondent

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

Docket No. CAA-02-2024-1201

**COMPLAINANT'S STATUS REPORT ON
SETTLEMENT AND PRELIMINARY
STATEMENT**

In compliance with the Prehearing Order issued by Judge Michael B. Wright on Complainant U.S. on January 19, 2024, the Environmental Protection Agency ("EPA") hereby respectfully submits the following Status Report and Preliminary Statement.

STATUS REPORT ON SETTLEMENT

1. On February 1, 2024, Complainant and Respondent engaged in a settlement conference.
2. On February 6, 2024, Respondent's counsel advised EPA that is not in a position to make a new counteroffer to settle this matter.
3. Complainant will move forward with complying with the prehearing exchange deadlines contained in the Order.

PRELIMINARY STATEMENT

4. Guided by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), specifically 40 C.F.R. §§ 22.21(d) and 22.19(d), Complainant prefers that the hearing be held in person in Guaynabo, Puerto Rico, where EPA Region 2, Caribbean Environmental Protection Division office's is located. In the alternative, the hearing could be held in the Puerto Rico Federal District Court in San Juan, Puerto Rico. Although, Respondent's principal place of business resides in Caguas, Puerto Rico, Complainant's request for the hearing to be held in Guaynabo or San Juan should not be an inconvenience to Respondent. Complainant also consents to virtual hearing given health conditions that may still limit in person hearings. Complainant's valid email address to receive service of orders and decisions issued by this Tribunal and service of documents filed by other parties is rivera-ocasio.evelyn@epa.gov.

Date: February 8, 2024

Evelyn Rivera-Ocasio, Esq.
Assistant Regional Counsel
Office of Regional Counsel – Caribbean Team
U.S. Environmental Protection Agency - Region 2

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CERTIFICATE OF SERVICE

I certify that, on the date noted below, I caused to mail, by electronic mail, a copy of the foregoing Complainant's Status Report on Settlement and Preliminary Statement to the following persons at the addresses listed below:

Rafael A. Toro Ramírez, P.E., Esq.
TORO & ARSUAGA, LLC
rtoro@toro-arsuaga.com

Mary Angeles
Headquarters Hearing Clerk
Via OALJ E-filing System

Date: February 8, 2024

Evelyn Rivera-Ocasio, Esq.
Assistant Regional Counsel
Office of Regional Counsel – Caribbean Team
U.S. Environmental Protection Agency - Region 2