

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II**

IN THE MATTER OF:

Marina PDR Operations, LLC.
4900 State Road PR-3
Fajardo, PR 00738-4067

Marina Puerto Del Rey
NPDES MSGP Tracking Number
PRR053171

RESPONDENT

DOCKET NUMBER CWA-02-2017-3452

PROCEEDING PURSUANT TO
SECTION 309(g) OF THE CLEAN
WATER ACT, 33 U.S.C. § 1319(g), TO
ASSESS CLASS II CIVIL PENALTY

STATUS REPORT

COMES NOW Complainant, the U.S. Environmental Protection Agency ("EPA"), through the undersigned attorney, and respectfully alleges, prays and requests as follow:

Pursuant to the March 6, 2017 Prehearing Order (the "Order") issued by the Administrative Law Judge, Honorable Christine D. Coughlin, the parties were directed to engage in a settlement conference to attempt to reach an amicable resolution of the above captioned case on or before March 17, 2017. Also, Complainant was ordered to file a Status Report regarding the conference and the status of settlement on or before March 24, 2017.


On March 9, 2017, Complainant received a new settlement offer from Respondent, and pursuant to the Order, the parties met on March 15, 2017 to continue their good faith efforts to reach a settlement. No agreement was reached. Nonetheless, EPA requested Respondent to consider the possibility of proposing a Supplemental Environmental Project for Complainant's evaluation. Likewise, Respondent requested

Complainant to further consider a reduction of the settlement amount based on litigation considerations pursuant to EPA's CWA Settlement Penalty Policy, as amended. Accordingly, the parties will continue their efforts in the upcoming weeks to attempt to reach an amicable resolution in this case.

The content of this Status Report was discussed with Respondent's counsel, who agreed to its filing.

This Status Report has been filed today in order to have the Administrative Law Judge, Honorable Christine D. Coughlin, take notice of the efforts made by the parties in trying to reach a settlement agreement dispositive of all matters asserted in the administrative complaint.

Respectfully submitted, in San Juan, Puerto Rico, on March 21, 2017.



Evelyn Rivera-Ocasio, Esq.
Associate Regional Counsel for
Caribbean Programs
Office of Regional Counsel
US Environmental Protection Agency
Region 2
City View Plaza II, Suite 7000
#48 RD. 165 km 1.2
Guaynabo, PR 00968-8069
phone: 787.977.5859
email: rivera-ocasio.evelyn@epa.gov

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CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing **Status Report**, dated March 21, 2017, and bearing the above-referenced docket number, in the manner specified below:

Electronic filing through the OALJ E-Filing System to:

Mary Angeles
Headquarters Hearing Clerk
Office of Administrative Law Judges
US Environmental Protection Agency

Honorable Christine D. Coughlin
Administrative Law Judge
Office of Administrative Law Judges
US Environmental Protection Agency

Copy by Electronic mail to:

Edwin Cruz, Esq.
Doira Díaz- Rivera, Esq.
Pietrantoní Méndez & Alvarez LLC
Popular Center, 19th Floor
208 Ponce de León Ave.
San Juan, PR 00918
Email: ecruz@pmalaw.com
Email: ddiaz@pmalaw.com

Attorneys for Respondent

3/21/2017
Date



Evelyn Rivera-Ocasio, Esq.
Attorney for Complainant