

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

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**JOINT MOTION REQUESTING AN EXTENSION OF TIME TO ALLOW FOR
ADDITIONAL INQUIRY AND CERTIFICATION**

COMES NOW the Complainant, the United States Environmental Protection Agency (“EPA”) and Total Petroleum Puerto Rico Corp., (herein collectively “the Parties”), through the undersigned attorney and respectfully alleges and prays as follows:

1. Pursuant to the Order on Motion Requesting a 15-day Extension of Time issued by the Administrative Law Judge, Honorable Susan L. Biro, dated April 2, 2019, Complainant was granted an extension of time to file the Consent Agreement and Final Order (“CA/FO”).
2. The Consent Agreement and Final Order that settles the case of reference includes, in addition to the payment of a penalty amount, a Supplemental Environmental Project (“SEP”).
3. There is no controversy between the Parties regarding the material elements of the agreement. However, the finalization and submittal of the CA/FO is prolonged by the need to make sure that all necessary inquiries regarding federal appropriations have been satisfied.

4. Since Respondent is working with state agencies from two different territories for the proposed SEP, it depends on these agencies to provide Respondent with the needed information to complete its own inquiry and be in a position to certify that “the SEP recipient is not a party to an open federal financial assistance transaction that is funding or could fund the same activity as the SEP,” as required by the Supplemental Environmental Projects Policy.

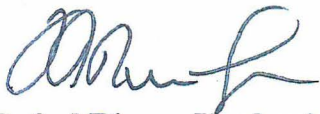
5. Without entering into the details of the SEP, the inquiry on augmentation in this case is particularly intricate, even when the project itself is relatively simple. This circumstance has lengthened the process to submit the executed CA/FO.

6. The Parties have worked and will continue to work diligently in conducting all necessary inquiries in compliance with the Supplemental Environmental Projects Policy.

7. In light of the above, and that there is no undue delay, bad faith or dilatory motive that can affect the Parties’ rights under law, and that there is no prejudice or additional burden, the Parties request this Honorable Court to allow for the finalization of additional inquiries and certifications regarding augmentation of appropriations.

8. The Parties respectfully request this Honorable Court to allow for the finalization of additional inquiries and certifications regarding augmentation of appropriations and provide an extension of thirty (30) days to file the executed CA/FO.

Respectfully submitted, in Guaynabo, Puerto Rico, this 19^h day of April, 2019.



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