

UNITED STATES ENVIRONMENTAL AGENCY
Region 2

IN THE MATTER OF:

Municipality of Aguadilla
Respondent

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

Docket no. RCRA-02-2009-02

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2009 FEB -6 PM 1:27
REGIONAL HEARING
CLERK

REQUEST FOR EXTENSION OF TIME TO FILE ANSWER TO COMPLAINT

Respondent, **Municipality of Aguadilla**, hereby requests from Environmental Protection Agency, Region 2, through its Regional Judicial Officer, the following:

1. That it grant an extension of time of sixty (60) days to file its *Answer* to the *Complaint* in the above referenced matter, which was set to expire on February 13, 2009. Respondent, **Municipality of Aguadilla**, seeks this additional time until April 13, 2009 because it is still in the process of gathering the necessary information to adequately respond each of the factual allegations that are contained in the *Complaint*. The instant counsel believes that the requested extension of time will allow the Respondent **Municipality of Aguadilla** to provide an adequate response and will not prejudice the Complainant.

2. Also, this extension time will allow for the scheduling of an informal settlement conference pursuant to 40 C.F.R. §22.18(b) with the Office of the Regional Counsel with representatives of the Agency (Complainant) and Respondent **Municipality of Aguadilla**, as we will actively try to settle the

matter. Copy of Letter to Melva J. Hayden, Esq., Assistant Regional Counsel is hereby attached pursuant to 40 C.F.R. §22.5(a)(2).

3. Notwithstanding, the Respondent **Municipality of Aguadilla**, expressly reserves its right to request a formal hearing pursuant to 40 C.F.R. §22.15(c), if necessary, when it files its formal *Answer* to the Complaint.

4. Any notifications or correspondence should be sent to the undersigned counsel to her address included in this document and directly to the Respondent **Municipality of Aguadilla**, through its designated officer: Mr. Elvin Roldán, Planning Office, Apartado 1008, Aguadilla, PR 00605.

For the reasons set forth above, Respondent **Municipality of Aguadilla** very respectfully requests that an extension of sixty (60) days, until April 13, 2009, be granted to formally file its *Answer* to the instant *Complaint*.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 5th day of February, 2009.

I HEREBY CERTIFY that on this same date, a true and exact copy of this motion has been mailed to Melva J. Hayden, Esq., Assistant Regional Counsel, Office of Regional Counsel, U.S. Environmental Protection Agency, Region 2, 290 Broadway – 16th Floor, New York, New York, 10007-1866.



LIZABEL M. NEGRÓN, ESQ.

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February 5, 2009

Melva J. Hayden, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 16th Floor
New York, New York 10007-1866

Re: In the Matter of Aguadilla Department of Public Works
Docket No. RCRA-02-2009-7102

Via: Expedited Private Courier

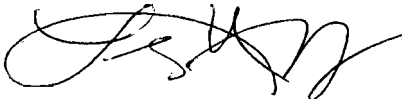
Dear Ms. Hayden:

The purpose of this letter is to kindly request an informal settlement conference pursuant to 40 C.F.R. §22.18(b), with representatives of the Complainant (the Agency), and Respondent Municipality of Aguadilla, in a good faith effort to settle this matter.

We have formally requested to the Regional Hearing Clerk an extension of time to answer the *Complaint*, in order to gather the necessary information to adequately respond to the same, and to be able to provide relevant information that may assist the Agency in settling this matter. Copy of this request is hereby enclosed to this letter.

Thank you for your cooperation with this matter. You may reach me at (787) 782-3148 or my mobile (787) 392-0450, to discuss alternate dates for the informal conference, or if you have any questions or comments.

Sincerely,



Lizabel M. Negrón
Legal Counsel for the Municipality of Aguadilla

Cc: Hon. Carlos Méndez-Martínez, Mayor Municipality of Aguadilla
Mr. Elvin Roldán, Planning Office Municipality of Aguadilla
Mr. Pablo Rivera Díaz, Esq., Legal Counsel for Municipality Aguadilla
Mr. William Sarriera, Environmental Consultant for Municipality of Aguadilla

Enclosure