

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

**Mayagüez Medical Center
Dr. Ramón Emeterio Betances, Inc.**

RESPONDENT

MOTION

DOCKET NUMBER RCRA-02-2016-7106

**MOTION REQUESTING AN EXTENSION OF TIME TO FILE AN ANSWER TO THE
COMPLAINT AND REQUEST FOR A HEARING**

TO THE HONORABLE REGIONAL JUDICIAL OFFICER:

COMES NOW Respondent, Mayagüez Medical Center - Dr. Ramón Emeterio Betances, Inc. ("MMC"), through the undersigned attorneys, and respectfully states, alleges and requests as follows:

1. On September 26, 2016, the Director of the Caribbean Environmental Protection Division, United States Environmental Protection Agency, Region 2 (the "Complainant"), filed a "Complaint, Compliance Order, and Notice of Opportunity for Hearing" (the "Complaint") in the above captioned matter against Respondent alleging that it had violated the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984 (collectively, "RCRA") at its hospital facility located in the Municipality of Mayagüez, Puerto Rico. MMC received the Complaint on September 27, 2016.

2. MMC just recently retained the services of the undersigned attorneys to represent it in the captioned case. We respectfully inform the Regional Judicial Officer that we are currently reviewing and studying the Complaint and further investigating Hospital information in order to file an adequate and complete Answer to the Complaint and request a hearing, if deemed necessary.

3. After the issuance of the Complaint, Respondent has also been in communication with Complainant in order to schedule an informal settlement conference in order to possibly reach a settlement of the above captioned matter.

4. Depending on the informal settlement conference, Respondent expects to file an Answer to the Complaint, and Complainant has acquiesced to Respondent's request for additional time to file such Answer.

5. In light of the above, and since there is no undue delay, bad faith or dilatory motive that can affect either party's rights under law, and since there is no prejudice or additional burden to Complainant, Respondent respectfully requests an extension of time of thirty (30) days from the filing of this motion to allow it to file an Answer to the Complaint.

6. This motion was discussed with the attorneys for Complainant, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico this 21st day of October, 2016.

Pietrantonio Méndez & Alvarez LLC
Attorneys for Respondent
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By: _____



Edwin R. Cruz



Doira Díaz-Rivera

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CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing **Motion Requesting an Extension of Time to File the Answer the Complaint and Request for Hearing**, dated October 21, 2016, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

ORIGINAL AND COPY BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO:

Regional Hearing Clerk
Region 2
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866

COPY TO COMPLAINANT BY ELECTRONIC MAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO:

Suzette M. Meléndez-Colón, Esq.
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10/21/2016

Date



Doira Díaz-Rivera