

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF: )  
)  
USVI Department of Health – Division of )  
Environmental Health – St. Thomas & )  
St. Croix )  
)  
Respondent )  
)  
Proceeding under Section 3008 of the )  
Solid Waste Disposal Act, as amended )  
42 U.S.C. section 6928 )  
)  
\_\_\_\_\_ )

Docket No. RCRA – 02-2010-7111

U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
2011 MAY 23 P 3:01  
REGIONAL HEARING  
CLERK

MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONDENT’S INITIAL  
PREHEARING EXCHANGE

The Department of Health – Division of Environmental Health, St. Thomas & St. Croix (“DOH”) files this Motion for Enlargement of Time to File Respondent’s Initial Pre-hearing Exchange and would show as follows:

1. This Court ordered that the Parties exchange documents and witnesses lists.
2. The Complainant’s response was due on April 29, 2011 with the Respondent’s due 30 later.
3. The Complainant’s response was sent to the undersigned on May 6, 2011 and received on May 10, 2011. A copy of the certificate of service and envelope is attached as Exhibit A.
4. The undersigned is requesting an additional 10 days to respond to the Court’s order due to the late receipt of Complainant’s response. The new due date would be June 8, 2011.

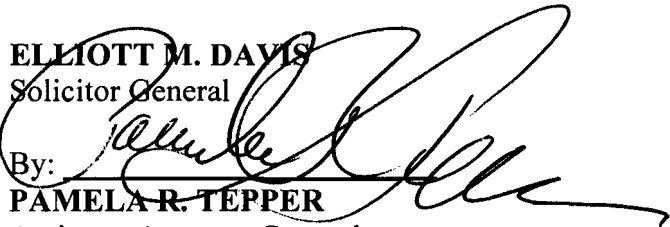
5. Since this matter involves both the islands of St. Croix and St. Thomas, the undersigned must procure information from the Department of Health from different sites and different people. This additional time will afford the Department of Health to prepare and submit a complete response.
6. Prior to filing this Motion for Enlargement of Time, the undersigned attempted to contact Complainant's Counsel by telephone to advise her of the filing of this Motion and determine whether she had any objections. However, the parties have been unable to confer on this Motion prior to its filing.
7. This motion for enlargement of time is not filed for purposes of delay, but so that justice can be done.

Wherefore, the Department of Health – Division of Environmental Health, St. Thomas & St. Croix requests additional time to file its response to the initial pre-hearing exchange and for such other and further relief as the Respondent may be justly entitled.

Respectfully Submitted,

**VINCENT F. FRAZER, ESQ.**  
Attorney General

**ELLIOTT M. DAVIS**  
Solicitor General

By:   
**PAMELA R. TEPPER**  
Assistant Attorney General  
Department of Justice  
34-38 Kronprindsens Gade  
GERS Bldg., 2nd Floor  
St. Thomas, VI 00802  
(340) 774-5666  
Attorney for the Respondent

Dated: May 17, 2011

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 16<sup>th</sup> day of May, 2011, a copy of the Motion for Enlargement of Time to File Respondent's Initial Pre-hearing Exchange was served upon the following individuals by depositing it in the United States Mail, first class, postage prepaid, at St. Thomas, VI, addressed to:

1. Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor- Room 1631  
New, York, N.Y. 10007-1866  
Fax: (212) 637-3202
  
2. Carolina Jordan-Garcia, Esq.  
Assistant Regional Counsel  
U.S Environmental Protection Agency, Region 2  
Caribbean Environmental Protection Division  
Centro Europa Building, Suite 417  
1492 Ponce De Leon Avenue  
San Juan, Puerto Rico 00907
  
3. Administrative Law Judge  
Honorable Barbara A. Gunning  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> St., N.W. Suite 350  
Washington, D.C. 20005  
Fax (202) 565-0044


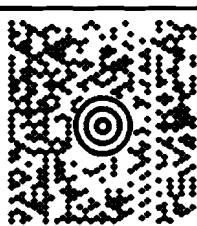
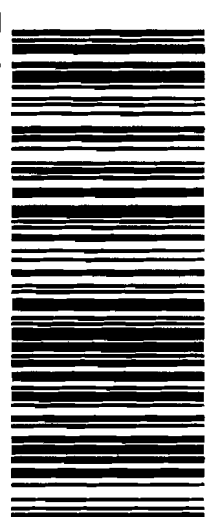

  
Pamela R. Tepper

**UPS CampusShip: View/Print Label**

- 1. Print the label(s):** Select the Print button on the print dialog box that appears. **Note:** If your browser does not support this function select Print from the File menu to print the label.
- 2. Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
- 3. GETTING YOUR SHIPMENT TO UPS**  
**Customers without a Daily Pickup**  
 Ground, 3 Day Select, and Standard to Canada shipments must be dropped off at an authorized UPS location, or handed to a UPS driver. Pickup service is not available for these services. To find the nearest UPS location, select the Drop-off icon from the UPS tool bar.  
 Air shipments (including Worldwide Express and Expedited) can be picked up or dropped off. To schedule a pickup, or to find a UPS location, select the Pickup or Drop-off icon from the UPS tool bar.

**Customers with a Daily Pickup**  
 Your driver will pickup your shipment(s) as usual.

FOLD HERE

<p>0.5 LBS LTR 1 OF 1</p> <p>SHIP#: R180 33TC QRJ          SHP WT: 0.5 LBS          DATE: 06 MAY 2011</p> <p>ALLEN SANCHEZ          787.977-5803 787          US EPA CBPD          PONCE DE LEON AVE 1492          SAN JUAN 00907          PUERTO RICO</p> <p><b>SHIP TO:</b>          PAMELA R. TEPPER          340-774-5666          U.S.&gt; DEPARTMENT OF JUSTICE          GERS BLDG. 2ND FLOOR          48B-50C KRONDRINCENS GADE  <b>ST. THOMAS 00802</b>  <b>U.S. VIRGIN ISLANDS</b></p>	<p><b>VIR 823 6-00</b></p>  	<p><b>UPS SAVER</b></p> <p><b>1P</b></p> <p>TRACKING #: 1Z R18 033 04 9256 6875</p>		<p><b>EDI-DOC</b></p> <p>BILLING: P/P          DESC: Prehearing USVI DOH</p> <p>CS 13.1.13. WXP/E70 15.0A 04/2011</p> 
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USVI Department of Health - Division of  
Environmental Health -St. Thomas & St.  
Croix

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-02-2010-7111

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing **Initial Prehearing Exchange**, dated April 29, 2011, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Overnight Mail** to:

**Karen Maples**  
Regional Hearing Clerk  
Region II  
U.S. Environmental Protection Agency  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866  
Fax (212) 637-3202.

Copy by facsimile, **Overnight Mail** to:

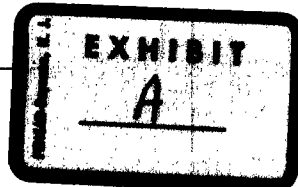
Attorney for Respondent:  
**Pamela R. Tepper**  
Assistant Attorney General  
Department of Justice  
48B-50C Krondprincens Gade  
GERS Bldg., 2<sup>nd</sup> Floor  
St. Thomas, VI 00802

Copy by facsimile, **Overnight Mail** to:

Administrative Law Judge  
**Honorable Barbara A. Gunning**  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street, N.W., Suite 350  
Washington, D.C. 20005  
Fax (202) 565-0044.

Date

*May 6, 2011*



Signature

*[Handwritten Signature]*