

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

BFI of Ponce, Inc.,

RESPONDENT

DOCKET NUMBER
CWA-02-2010-3462

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2
2011 MAY 13 A 11:53
REGIONAL HEARING
CLERK

**JOINT MOTION FOR FINAL EXTENSION OF TIME
AND TO AMEND RESPONDENT'S NAME**

To the Honorable Court:

COME NOW Complainant, the United States Environmental Protection Agency, and Respondent, BFI of Ponce, Inc., (BFI) (collectively, the Parties), by and through the undersigned counsel, pursuant to Rule 22.18(b) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(b), and very respectfully aver and pray as follows:

1. Pursuant to the Order Granting Joint Motion for Extension of Time, dated April 15, 2011, this Honorable Court granted the Motion and Ordered the Parties to submit a fully executed Consent Agreement and Final Order (CA/FO) by May 13, 2011, for good cause shown.
2. That the Parties have reached an agreement in principle, dispositive of all matters asserted in the Complaint, as disclosed in the April 12, 2011 Motion, and are attaching Respondent's signature page of the CA/FO. (See, Exhibit 1).

3. That prior to submitting the fully executed CA/FO, in compliance with the April 15, 2011 Order, the Parties jointly move the Court to amend Respondent's name in the caption of the CA/FO, along with all future pleadings, papers, correspondence, motions, and other material relevant to this action, in order to properly reflect Respondent's correct legal name: "Allied Waste of Ponce, Inc."¹

4. That it is the Parties' belief that good cause exists to request an additional two weeks from the May 13, 2011 deadline, until Monday, May 30, 2011, to properly reflect Respondent's name in the fully executed CA/FO and to allow sufficient time for the Regional Administrator's concurrence and signature in the Final Order.

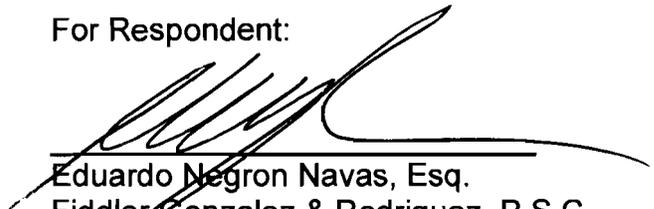
WHEREFORE the Parties respectfully request that this Honorable Court grant an additional fortnight to file a fully executed CA/FO by Monday, May 30, 2011.

For Complainant:



Roberto M. Durango, Esq.
Office of Regional Counsel
U.S. EPA, Region 2
1492 Ponce de Leon Avenue, Ste. 417
San Juan, PR 00907
Tel. (787) 977-5822
Fax (787) 729-7748
E-mail: durango.roberto@epa.gov

For Respondent:



Eduardo Negron Navas, Esq.
Fiddler Gonzalez & Rodriguez, P.S.C.
Counsel for Respondent,
Allied Waste of Ponce, Inc.
P.O. Box 363507
San Juan, PR 00936-3507
Tel. (787) 759-3106
Fax (787) 759-3108
E-mail: enegron@fgrlaw.com

¹ Respondent apprised Complainant and this Honorable Court that, effective September 10, 2007, its name changed from "BFI of Ponce, Inc." to "Allied Waste of Ponce, Inc.".

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Joint Motion for Final Extension of Time and to Amend Respondent's Name**, dated May 12, 2011, was sent in the following manner to the addresses listed below:

Original and Copy by **Overnight**:

Karen Maples
Regional Hearing Clerk
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by **Overnight and Facsimile**:

Honorable Susan L. Biro
Chief Administrative Law Judge
Environmental Protection Agency
Office of Administrative Law Judges
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005

Copy by **Certified Mail**:

Eduardo Negron Navas, Esq.
Fiddler Gonzalez & Rodriguez
Counsel for Respondent,
Allied Waste of Ponce, Inc.
P.O. Box 363507
San Juan, PR 00936-3507
Tel. (787) 759-3106
Fax (787) 759-3108
E-mail: enegron@fgrlaw.com

Dated: 5/12/2011

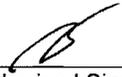


Aileen Sánchez, Program Support Assistant
EPA, Region 2, Office of Regional Counsel



- 57. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.
- 58. Each party hereto agrees to bear its own costs and fees in this matter.
- 59. Respondent consents to service upon Respondent by a copy of the CA/FO by an EPA employee other than the Regional Hearing Clerk.
- 60. In any collection action, the validity, amount, and appropriateness of the penalty and of this CA/FO shall not be subject to review.

FOR RESPONDENT:

BY: 
Authorized Signature

NAME: Mr. Allyson Blease
General Manager
Allied Waste of Ponce, Inc.
P. O. Box 7104
Ponce, Puerto Rico 00723;

TITLE: General Manager

DATE: May 11th 2011