



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG.11
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REGIONAL HEARING CLERK

In the Matter of:)
) Docket No. CAA-02-2011-1204
TAPI Puerto Rico, Inc.,)
)
Respondent.)

ORDER ON MOTION REQUESTING STAY IN PROCEEDINGS AND ORDER TO SHOW CAUSE

This action was initiated on September 13, 2011, by the United States Environmental Protection Agency, Region 2, Caribbean Environmental Protection Division ("Complainant" or "EPA"), filing an Administrative Complaint against Respondent, TAPI Puerto Rico, Inc., under Section 113(d) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(d). By Order dated November 14, 2011, the undersigned was designated to preside over this proceeding. By Prehearing Order dated November 29, 2011, Complainant was ordered to file a Consent Agreement and Final Order ("CAFO") or its Initial Prehearing Exchange no later than January 6, 2012. Respondent was ordered to file its Prehearing Exchange no later than January 27, 2012. Finally, the undersigned ordered Complainant to file its Rebuttal Prehearing Exchange by February 10, 2012.

On January 5, 2012, Complainant moved for an extension of time to file its Initial Prehearing Exchange until January 11, 2012. The undersigned granted Complainant's motion on January 6, 2012. Complainant filed its Initial Prehearing Exchange on January 12, 2012.

On January 27, 2012, Respondent submitted a Motion Requesting Extension of Time to File Respondent's Prehearing Exchange. On January 31, 2012, the undersigned granted Respondent's motion and ordered Respondent to file its Prehearing Exchange by February 17, 2012. The January 31 Order required Complainant to file its Rebuttal Prehearing Exchange by March 2, 2012. Respondent has failed to file either a Prehearing Exchange or a statement electing only to conduct cross-examination of Complainant's witnesses as its manner of defense, as required by the Prehearing Order. In addition, Respondent has not filed a motion requesting an extension of the filing deadline.

On March 5, 2012, the parties filed a Motion Requesting Stay in Proceedings ("Motion"). The Motion states that the parties have been engaged in settlement discussions since the

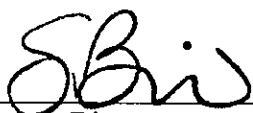
Complaint was filed and continued those discussions in February 2012. The Motion further states that, as of March 2, 2012, the parties have reached an agreement in principle and are currently focused on finalizing the Consent Agreement and Final Order ("CAFO"). In view of the foregoing, the parties jointly request a stay of the proceedings until April 5, 2012, to allow the parties to file the CAFO. The Motion, however, does not address Respondent's overdue prehearing exchange.

Under Section 22.17(a) of the Rules of Practice, 40 C.F.R. § 22.17(a), a party may be found to be in default upon failure to comply with the information exchange requirements of Section 22.19(a) of the Rules of Practice, 40 C.F.R. § 22.19(a), or an order of the Administrative Law Judge.

Good cause exists to grant the stay. It is in the interest of the parties and judicial economy for the parties to settle any dispute in this case. A hearing of this matter has not been set, and therefore, granting the brief stay will not prejudice the parties.

The Motion is hereby **GRANTED** for good cause and this proceeding is **STAYED** until **April 5, 2012**. Accordingly, the parties shall file the fully executed CAFO on or before **April 5, 2012**. If the CAFO is not filed by this date, Respondent is **ordered to show cause**, if any, on or before **April 5, 2012**, why it failed to meet the filing deadline set by the January 31, 2012 Order on Motion Requesting Extension of Time to File Respondent's Prehearing Exchange and why a default order should not be entered for failing to meet this deadline.

SO ORDERED.



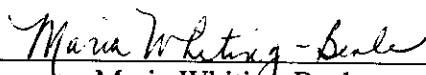
Susan L. Biro
Chief Administrative Law Judge

Dated: March 7, 2012
Washington, D.C.

the Matter of TAPI Puerto Rico, Inc., Respondent
Docket No.CAA-02-2011-1204

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Motion Requesting Stay In Proceedings And Order To Show Cause**, dated March 7, 2012, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: March 7, 2012

Original And One Copy By Regular Mail To:

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