



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
Total Petroleum Puerto Rico, Corp.,) **Docket No. RCRA-02-2018-7101**
)
Respondent.)

ORDER ON AGENCY’S MOTION REQUESTING 10-DAY EXTENSION OF TIME

On December 13, 2018, this Tribunal set a deadline of January 28, 2019 for the parties to file a fully executed Consent Agreement and Final Order (“CAFO”) or begin the prehearing exchange process. *See* Order Granting Joint Motion Requesting an Extension of Time.

On December 28, 2018, the U.S. Environmental Protection Agency along with many other federal government agencies shut down due to an appropriations lapse, and the Office of Administrative Law Judges was closed. The office did not reopen until January 28, 2019.

On January 29, 2019, in light of time lost due to the government shutdown, the Agency filed a Motion Requesting an Extension of Time asking for an additional 45 days to submit an executed CAFO. The motion was granted. *See* Order on Agency’s Motion Requesting Extension of Time (Jan. 31, 2019).

Now, the Agency requests an additional 10-day extension to “complete the process of finalizing and approving the [CAFO].” *See* Motion Requesting a 10-Day Extension of Time to File Consent Agreement and Final Order (March 18, 2019). The Agency asserts that Respondent agrees to the extension.

This Tribunal “may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative.” 40 C.F.R. § 22.7(b). I find the request for extension satisfies these requirements. Accordingly, the Agency’s Motion is **GRANTED**.

The parties shall file a fully executed CAFO with the Regional Hearing Clerk and a courtesy copy with the Headquarters Hearing Clerk no later than **March 29, 2019**. In the event that a fully executed CAFO is not filed on or before that date, the parties shall engage in the prehearing exchange of information described in the Prehearing Order pursuant to the following schedule:

March 29, 2019

Complainant’s Initial Prehearing Exchange

April 19, 2019

Respondent's Prehearing Exchange

May 3, 2019

Complainant's Rebuttal Prehearing Exchange

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: March 19, 2019
Washington, D.C.

In the Matter of *Total Petroleum Puerto Rico, Corp.*, Respondent.
Docket No. RCRA-02-2018-7101

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Agency's Motion Requesting 10-Day Extension of Time**, dated March 19, 2019, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Matt Barnwell
Attorney Advisor

Original and One Copy by Hand Delivery to:

Mary Angeles
Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington, DC 20004

Copies by Electronic Mail to:

Carolina Jordan-Garcia, Esq.
Assistant Regional Counsel
U.S. EPA Region 2
Guaynabo, Puerto Rico
Email: jordan-garcia.carolina@epa.gov
Attorney for Complainant

Rafael Rivera-Yankovich, Esq.
Toro, Colon and Mullet, PSC
San Juan, Puerto Rico
Email: rry@tcm.law
Attorney for Respondent

Dated: March 19, 2019
Washington, D.C.