

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG.II

2012 NOV 13 P 3 33

REGIONAL HEARING CLERK

In Re: *

Compañía de la Centra Roig, Inc. * Index No. CAA-02-2012-1210

Respondent *

In a proceeding under Section 113(d) *

of the Clean Air Act, 42 U.S.C. Sec. 7413(d) *

MOTION FOR EXTENSION OF TIME TO ANSWER THE COMPLAINT OR OTHERWISE PLEAD

To the Honorable Regional Hearing Clerk:

Comes now the above cited respondent through the undersigned attorney and respectfully states, avers and prays as follows:

1. I have been approached by Mr. Rene de Leon Cuadrado, president of Compañia de la Central Roig, Inc. (the company) to represent the company in the above cited matter.
2. According to information received directly from Mr. de Leon, he received actual notification of the Complaint and Notice of Opportunity to Request a Hearing (signed on September 28, 2012) rather belatedly because of a problem with the Post Office. Upon actual receipt of the Notice, Mr. de Leon immediately contacted the EPA Region 2 Office to let them know of the involuntary delay. Mr. de Leon does not remember well on what exact date he actually received the Notice. 40 CFR 22.7 (c) establishes that service of the complaint is complete when the return receipt is signed. That same section establishes that 5 days shall be added to the time allowed for filing of a responsive document. If we establish the date of notice as September 28, 2012, Respondent's response would be due on November 2, 2012.

3. As soon as I was contacted by Mr. de Leon, I began to gather information, visit the site of the alleged violations and do all that is required to present my client's case appropriately.
4. At this juncture, I am still in the process of gathering pertinent information and documents that are indispensable for my client to defend himself and which may very well exonerate the company of all wrong doing or at least be grounds for Agency action other than that threatened in the Complaint as per the established Laws and Regulations.
5. The purpose of this motion (and of the information so far averred herein) is to respectfully request the Regional Hearing Clerk an extension of time to answer the complaint or otherwise plead. 40 CFR 22.7(b) gives the Hearing Clerk with ample discretion to grant extensions of time.
6. I respectfully and vehemently request an extension of 45, or until December 15, 2012, to answer the complaint or otherwise plead. My request is justified because:
 - a. My client and I got a late start because of the problems with the date of notice as discussed above.
 - b. I have come across pertinent information which I need to translate in order to make it part of the record.
 - c. I am in the process of obtaining other information (which is held by third parties) regarding remedial work performed at the site that will be certainly pertinent at the time of answering the complaint or otherwise pleading.
 - d. Given the circumstances, my request is timely.
 - e. Given the circumstances we have good cause to request the extension and, very respectfully, in our opinion, we have shown good cause for the Hearing Clerk to grant our petition.

f. Our request presents no prejudice to other parties. There are no other parties involved at this juncture as part of the complaint.

7. My client has already approached the EPA Puerto Rico Office to commence a dialogue to clarify this situation. I will be joining this effort together with my client during this coming week, when we hope to meet with the Office of Regional Counsel.

WHEREFORE, for the reasons detailed above, I respectfully request and extension of time of 45 days, or until December 15, 2012 to answer the complaint or otherwise plead.

Respectfully submitted on October 29, 2012.

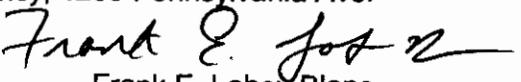
I certify that I have sent via regular mail, return receipt requested, copy of this motion to:

Jose C. Font, Acting Director, Caribbean Environmental Protection Division, U.S. Environmental Protection Agency, Region 2 City View Plaza, Suite 7000, #48 165 Rd. Km 1.2, Guaynabo, Puerto Rico 00968-8069

Lourdes del Carmen Rodriguez, Esq. Office of Regional Counsel, U.S. Environmental Protection Agency, Region 2 City View Plaza, Suite 7000, #48 165 Rd. Km 1.2, Guaynabo, Puerto Rico 00968-8069

Luis Sierra, Director, Air Quality Area, Puerto Rico Environmental Quality Board P.O. Box 11488, Santurce, Puerto Rico 00910.

Hearing Clerk, Mail Code 1900, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington DC 20460.


Frank E. Laboy Blanc

RUA 12,028

Fed. Dist. Court., P.R. 224-502

First District Court of Appeals 1145482

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