

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2**

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IN THE MATTER OF:)	
)	
US Virgin Islands Water and Power Authority)	COMPLAINT, COMPLAINEE ORDER AND NOTICE OF OPPORTUNITY FOR HEARING
Respondent)	
)	
Proceeding under Section 3008 of the Solid Waste Disposal Act, as amended, 42 U.S.C. § 6928)	Docket No. RCRA-02-2012-7108
)	
_____)	

**RESPONDENT'S UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE PREHEARING EXCHANGE**

On October 5, 2012, the U.S. Virgin Islands Water and Power Authority (“the Respondent”) received the Complaint, Compliance Order and Notice of Opportunity for Hearing issued by the U.S. Environmental Protection Agency and dated October 1, 2012. On February 28, 2013, Administrative Law Judge M. Lisa Buschmann issued an Order granting the motion of EPA Region 2, Complainant, seeking an extension of time for 30 days to file Complainant’s Prehearing Exchange. The Order requires Respondent to file its Prehearing Exchange by April 19, 2013. Pursuant to 40 C.F.R. § 22.7(b), Respondent moves for an extension of time to May 17, 2013, to file its Prehearing Exchange.

In support of this motion, Respondent states as follows:

- (1) Since EPA and Respondent met on February 8, 2013, to discuss possible settlement of the Complaint, Respondent has gathered and provided to EPA Region 2 additional information as discussed in the meeting, specifically, an updated Standard Operating Procedures for paint waste handling; information on hazardous materials handling that VI WAPA has required for its staff and management; the results of analysis of used oil sampled from various locations and storage sources at the St. Thomas facility; and a proposal for a supplemental environmental project.
- (2) The Parties are continuing to work on resolving this matter through settlement, which would obviate further proceedings before the Office of Administrative Law Judges.
- (3) An extension of time until May 17, 2013, would allow the Parties additional time to negotiate and possibly agree to the terms of a settlement.
- (4) Resolving this matter without further litigation in this matter would conserve the resources of VI WAPA, EPA Region 2, and the Office of Administrative Law Judges.

For the foregoing reasons, Respondent requests an extension from April 19, 2013, the date when its Prehearing Exchange was originally due, to May 17, 2013.

Counsel for VI WAPA has spoken with EPA counsel, who indicated that
EPA does not oppose this Motion.

Respectfully Submitted,

April 19, 2013



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Counsel for the U.S.
Virgin Islands
Power and Water Authority

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2013, I caused copies of the foregoing Unopposed Motion for Extension of Time to File Prehearing Exchange to be sent to the following:

Via facsimile, and original and copy for filing via overnight delivery service:

Office of Administrative Law Judges (MC 1900L)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20004
Fax to: 202-565-0044

Via overnight delivery service:

U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007

Via facsimile and overnight delivery service:

Hon. Lisa Buschmann
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, NW, Suite 350
Washington, DC 20004
Fax to: 202-565-0044

Via email and overnight delivery service:

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Dated: April 19, 2013



Monica Derbes Gibson