

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 2

IN THE MATTER OF:

**US Virgin Islands Water and Power
Authority**

Respondent

Proceeding under Section 3008 of the Solid
Waste Disposal Act, as amended,
42 U.S.C. § 6928

**COMPLAINT, COMPLIANCE ORDER,
AND NOTICE OF OPPORTUNITY FOR
HEARING**

Docket No. RCRA-02-2012-7108

Motion Requesting Extension of Time to file Pre Hearing Exchange

COMES NOW Complainant, the U.S. Environmental Protection Agency (“EPA” or “Complainant”) through the undersigned attorney, and respectfully alleges, prays and requests as follows:

1. As stated in the Status Report submitted on February 15, 2013, Complainant and the US Virgin Islands Water and Power Authority (“Respondent”) (herein together the “Parties”) have been actively participating in good faith negotiations.
2. On February 8, 2013, the Parties held a face to face meeting in which the allegations of the Complaint and the requirements of the Compliance Order were discussed. Respondent raised a number of allegations and offered supporting documentation.
3. During the meeting, the Parties agreed on the possibility of reaching a settlement agreement and scheduled further discussions.
4. On conference call held on February 13, 2012, Respondent stated its intention to: (1) submit the remaining documentation in support of the allegations raised by Respondent during the February 8, 2013 meeting; (2) submit a Supplemental Environmental Project (SEP) Proposal.

5. Considering the Parties' ongoing conversation in order to reach a settlement agreement and Complainant's need to review the documentation offered by Respondent prior to submitting a complete and accurate Pre Hearing Exchange, the Parties agreed to request an extension of time to modify the Prehearing Exchange schedule.
6. Complainant requests this Honorable Court to modify the Prehearing Exchange schedule in the light of the status of settlement conversations and in order to allow Complainant the benefit of the documentation offered by Respondent prior to filing its Initial Prehearing Exchange.
7. The Prehearing Order sets February 22, 2013, as the deadline to file Complainant's Initial Prehearing Exchange. For the reasons stated above, Complainant respectfully requests this Honorable Court to grant a 30 days extension of this deadline.

Certificate of Service

I hereby certify that a true copy of this Status Report was served to: Monica Derbes Gibson, Venable LLP, 575 7th Street NW, Washington, DC 20004.

Respectfully submitted, in Guaynabo, Puerto Rico, this 22nd day of February, 2013.



Carolina Jordán-García, Esq.

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CERTIFICATE OF SERVICE

I certify that, on the date noted below, I caused to be mailed a copy of the foregoing "Motion" to the following persons, at the addresses listed below and in the following manner:

Original and copy for filing

UPS:

Sybil Anderson
Hearing Clerk
Office of Administrative Law Judges
1200 Pennsylvania Avenue
N.W., Mail Code 1900L
Washington, D.C. 20460
U.S. Environmental Protection Agency, Region 2
290 Broadway – 16th Floor
New York, New York, 10007

Copy by fax and UPS:

Hon. Lisa Buschmann
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005
Fax (202) 565-0044

Copy by Certified Mail /

Return Receipt Requested:

Monica Debres Gibson
Venable LLP
575 7th St. NW
Washington, DC 20004

Date: 2/22/2013



San Juan, Puerto Rico
Office of Regional Counsel - CT