



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG.II 2012 APR 24 P 3 23 REGIONAL HEARING CLERK

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

ORDER ON JOINT 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.

This Tribunal is in receipt of Complainant's Initial Prehearing Exchange. On January 31, 2012, the undersigned granted Respondent additional time to file its Prehearing Exchange. 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.

The undersigned has twice previously granted the parties a stay in proceedings. Most recently, on April 4, 2012, the undersigned issued an Order on Motion Requesting Stay in Proceedings and Order to Show Cause ("Order"). The Order granted the parties's joint request for a stay in proceedings until April 20, 2012, because they had reached an agreement in principle. The parties were ordered to file a completely executed Consent Agreement and Final Order ("CAFO") by April 20, 2012. Alternatively, if the CAFO was not filed by that date, the Respondent was ordered to show cause 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.

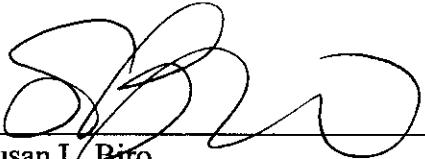
On April 20, 2012, the parties filed a Joint Motion Requesting Stay in Proceedings (“Motion”). The Motion states that the parties understand that ten additional days would be sufficient to finalize the CAFO but does not state the basis for this understanding.

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 a brief stay will not prejudice the parties. However, The undersigned takes administrative notice that, historically, the processing of CAFOs in Puerto Rico usually takes at least 30 days. With that understanding, unless the parties state the factual basis for requesting short stays of 10–15 days, it appears that the frequent requests and granting of short stays is an inefficient use resources. As such, the parties will be granted a stay for a slightly longer period of time than the parties have requested.

The Motion is hereby **GRANTED** for good cause and this proceeding is **STAYED** until **May 21, 2012**. Accordingly, the parties shall file the fully executed CAFO on or before **May 21, 2012**. If the CAFO is not filed by this date, Respondent is **ordered to show cause**, if any, on or before **May 21, 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 against it for failing to meet this deadline.

SO ORDERED.




Susan L. Bifo
Chief Administrative Law Judge

Dated: April 23, 2012
Washington, D.C.

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

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Joint Motion Requesting Stay in Proceedings and Order to Show Cause**, issued by Susan Bio, Chief Administrative Law Judge, dated July 18, 2011, in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Facsimile and Regular Mail to:

Karen Maples
Regional Hearing Clerk
US EPA, Region II
290 Broadway, 16th Floor
New York, NY 10007-1866
Fx: 212.637.3115

Copy by Facsimile and Regular Mail to:

Carolina Jordan-Garcia, Esq.
U.S. EPA, Caribbean Field Division
City View Plaza, Suite 7000
#48 Road 165, Km. 1.2
Guaynabo, PR 00968-8069
Fx: 787.729.7748

Copy by Facsimile and Regular Mail to:

Gretechen Mendez-Vilella
Goldman Antonetti & Cordova, P.S.C.
P.O. Box 70364
San Juan, PR 00936-8364
Fx: 787.474.2407

**Dated: April 23, 2012
Washington, DC**