

UNITED STATES OF AMERICA  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
REGIONAL HEARING CLERK  
290 Broadway, 16<sup>th</sup> Floor-Room 1631  
New York, New York 10007-1866

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II

2007 OCT 29 PM 3:41  
REGIONAL HEARING  
CLERK

IN THE MATTER OF:

Municipality of San Juan,  
Dr. Javier J. Anton Hospital, San  
Juan Center for Diagnostic and  
Treatment

Respondent.

Docket No.

RCRA-02-2007-7112

FORMAL HEARING REQUESTED

**MOTION REQUESTING LEAVE OF THE AGENCY TO FILE BY  
SUPPLEMENTAL MEANS**

**TO THE HONORABLE ENVIRONMENTAL PROTECTION AGENCY:**

NOW COMES the respondent Municipality of San Juan through the undersigned attorney, and respectfully states, alleges and request as follows:

1. Pursuant to the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits" ("CROP"), the Presiding Officer may by order authorize facsimile or electronic filing, subject to any appropriate conditions and limitations. 40 C.F.R. § 22.5 (a) (1).
2. Due to the fact that the distance between the Environmental Protection Agency (EPA) Region 2 Offices and Respondent's location would impose time and economic burdens upon Respondent in every appearance needed, either written or personal, in accordance with CROP, the appearing party

respectfully requests leave of the EPA to file all documents related to the instant case preferably by electronic means.

3. To successfully accomplish the service of documents, we suggest that an electronic mail address be provided for each party to which the Municipality of San Juan must provide service.
4. The undersigned attorney's facsimile number and his electronic mail address are provided in each of our filed documents to secure appropriate and correct notifications take place.
5. This remedy will reduce the economic costs that Respondent would have incurred in every interstate mailing and will provide the desired flexibility in every administrative adjudicative proceeding.

WHEREFORE, Respondent prays from the Honorable EPA to authorize the Municipality to file all documents related to the instant case by electronic mail.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 24<sup>th</sup> day of October, 2007.

I HEREBY CERTIFY: that on this date served copy of the foregoing pleading by United States mail, properly addressed, and first-class postage to Regional Hearing Clerk, U.S. Environmental Protection Agency, 290 Broadway, 16<sup>th</sup> Floor-Room 1631, New York, New York 10007-1866; Mrs. Lourdes del Carmen Rodriguez, Esq., Assistant Regional Counsel, U.S.E.P.A.-Region 2, Centro Europa Building, Suite 417, 1492 Ponce de Leon Avenue, San Juan, P.R. 00907

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Jorge R. Quintana-Lajara, Esq.