

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

Total Petroleum Puerto Rico Corp.

Respondent

Docket No. RCRA-02-2018-7101

RE: Complaint, Compliance Order, and Notice of
Opportunity for Hearing

MOTION REQUESTING AN EXTENSION OF TIME TO ANSWER

TO THE REGIONAL HEARING CLERK:

COMES NOW, Total Petroleum Puerto Rico, Corp. (hereinafter, "Respondent" or "TPPRC"), represented by the undersigned attorneys and respectfully states and prays:

1. On behalf of Respondent, we acknowledge receipt of the referenced Complaint & Compliance Order, and assessment of civil penalties issued pursuant to Section 3008 of the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act and the Hazardous & Solid Waste Amendments of 198, 42 U.S.C. Sections 6991-6991), dated March 22, 2018, and received by Respondent on March 28, 2018.

2. According to the Complaint, Respondent must file a written answer within thirty (30) days of the date of receipt of the Complaint in order to avoid being found in default and having the proposed penalty assessed without further proceedings. In the case at hand, this time period expires on Friday, March 27, 2018. The "*Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits*", at 40 C.F.R. Section 22.07(b) (1999), provide that the Environmental Appeals Board, the Regional Administrator, or the Presiding Officer, as appropriate, may grant an extension of time for the filing of any pleading, document, or motion upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.

3. As informed yesterday evening via email to attorney Carolina Jordán-García (EPA Region 2 / Assistant Regional Counsel), we have initiated interviews, and gather some information with TPPRC and a recently engaged consultant, but since we are dealing with three separate facilities, including one in St. Thomas, U.S. Virgin Islands, we need additional time. In light of the timing and extent of sites in question, Respondent still needs to review a substantial amount of information in order to submit a proper and complete response.

4. In connection with the foregoing, Respondent respectfully requests a time extension to lapse on Wednesday, May 9, 2018, to submit an answer to the Complaint. That is, an additional twelve (12) calendar days after the the date of expiration of the original date to respond.

5. With regard to the time extension requested herein, and as mentioned above, Respondent also contacted attorney Carolina Jordán (Assistant Regional Counsel) to confirm whether she had any objections to Respondent's plan to request an extension of time for filing the corresponding answer to the complaint. In this respect, attorney Carolina Jordán graciously responded that she had not objections to the extension requested.

6. Based on the foregoing, Respondent believes there is good cause for granting the requested extension of time to respond. Furthermore, Respondent understands that such extension will not prejudice or affect the Administrator's positions, or in any way cause any detrimental effects on the environment.

WHEREFORE, Respondent respectfully requests that the present motion requesting an extension of time of twelve (12) calendar days after May 27, 2018, **to lapse on Wednesday, May 9, 2018**, be granted.

I CERTIFY: that on this same date I sent, via next day service, an original and copy to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 16th floor, Room 1631, New York, New York 10007-1866, and a true and exact copy of this motion via certified mail to Carolina Jordán-García, Esq., Assistant Regional Counsel, Caribbean Environmental Protection Agency, U.S. Environmental Protection Agency, Region 2, City View Plaza 2, Suite 7000, #48 PR-165 km 1.2, Guaynabo, Puerto Rico 00968-8069.

Respectfully submitted this 24th day of April, 2001

TORO COLON MULLET, PSC
PO BOX 195383
San Juan, PR 00919-5383



By: Rafael Rivera-Yankovich (RUA 10558)
Counsel for Repondent
Total Petroleum Puerto Rico Corp.
Tel. (787) 751-8999 / Fax. (787) 763-7760
Mobile (787) 647-1913 / e-mail: rry@tcm.law