

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF:

**USVI Department of Health - Division of  
Environmental Health -St. Thomas & St.  
Croix**

Respondent

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

Docket No. RCRA-02-2010-7111

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2011 MAR 28 A 11:01  
REGIONAL HEARING  
CLERK

**Motion Requesting Extension of Time**

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 dated February 25, 2011, Complainant and the USVI Department of Health, Division of Environmental Health (Respondent) (herein together the "Parties") held a conference call on January 14, 2011, in which the following agreements were reached:
  - a. March 18, 2011, was set as Respondent's deadline to submit all answers, documentation, and evidence in response to the Compliance Order.
  - b. The Parties will meet after the submittal of the totality of the documents in order to present each other with settlement proposals.
  - c. Respondent requested certain specific documents regarding the inspections performed by Complainant to its Facilities. EPA agreed to send the documents.

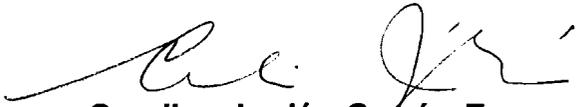
2. Complainant was not able to send the documents regarding the inspections until March 21, 2011. Counsel for Respondent has explained that it was not possible to produce the information necessary to fulfill the requirements of the Compliance Order and thus, comply with the March 18, 2011 deadline, since it did not have the opportunity to review the documents requested to EPA.
3. Moreover, Counsel for Respondent explained that the compilation of information and allocation of resources has been difficult due to changes in personnel at the U.S. Virgin Island's local government.
4. In addition, since Counsel for Respondent will be out on medical leave from March 28 to April 3, the Parties agreed to set April 8, 2011, as the new deadline for Respondent's response to the Compliance Order, subject to the timely receipt of EPA's inspection documents.
5. The information gathered from the response to the Compliance Order will be essential for Complainant's Initial Prehearing Exchange.
6. On March 16, 2011, the Parties held a conference call in which they agreed to: (1) extend the deadline to answer the Compliance Order two weeks after Respondent's receipt of EPA's documents and; (2) to request an extension of time to modify the Prehearing Exchange schedule.
7. Complainant requests this Honorable Court to modify the Prehearing Exchange schedule to allow Complainant the benefit of a response to the Compliance Order prior to filing its Initial Prehearing Exchange.

8. The January 19, 2011 Prehearing Order sets March 25, 2011, 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 Motion was served to: Pamela R. Tepper, Esq., VI Department of Justice, 34-38 Kronprindsens Gade, GERS Building, 2<sup>nd</sup> Floor, St. Thomas, VI, 00802.

Respectfully submitted, in San Juan, Puerto Rico, this 24<sup>th</sup> day of March, 2011.



**Carolina Jordán-García, Esq.**  
US Environmental Protection Agency, R2  
Centro Europa Building, 417  
1492 Ponce de Leon  
San Juan, PR 00907  
Tel. 787-977-5834  
Fax. 787-729-7748  
[jordan-garcia.carolina@epamail.epa.gov](mailto:jordan-garcia.carolina@epamail.epa.gov)

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

Docket No. RCRA-02-2010-7111

**CERTIFICATE OF SERVICE**

I certify that, on the date noted below, I caused to be mailed the foregoing Status Report to the following persons, at the addresses listed below and in the following manner:

**Original and Copy by overnight mail to:**

Karen Maples  
Regional Hearing Clerk  
Region 2  
290 Broadway, 16th Floor  
New York, NY 1007-1866  
Fax (212) 637-3202

**Copy by Facsimile and overnight mail to:**

Administrative Law Judge:  
Honorable Barbara A. Gunning  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street, N.W., Suite 350  
Washington, D.C. 20005  
Fax (202) 565-0044

**Copy by email and Regular Mail:**

Pamela R. Tepper, Esq.  
VI Department of Justice  
34-38 Kronprindsens Gade  
GERS Building, 2nd Floor  
St. Thomas, VI, 00802  
Fax (340) 774-9710

Date: 3/25/2011

  
San Juan, Puerto Rico  
Office of Regional Counsel - CT