

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2011 FEB - 3 P 3:28
RECORDING CLERK

IN THE MATTER OF)
)
USVI DEPARTMENT OF HEALTH-)
DIVISION OF ENVIRONMENTAL)
HEALTH- ST. THOMAS &)
ST, CROIX)
)
RESPONDENT)
)
)
)
_____)

DOCKET NO. RCRA-02-2010-7111

**INFORMATIONAL MOTION AND REQUEST TO STAY PREHEARING
ORDER**

COMES NOW, the Virgin Islands Department of Health-Division of Environmental Health and files this Informational Motion and would show unto this body as follows:

1. On January 19, 2011, this Court issued a Prehearing Order.
2. In that order the Administrative Law Judge cited in footnote number 2 that the Department of Health did not respond to the request for Alternative Dispute Resolution.
3. The Department of Health did make a timely request on December 13, 2010 which was acknowledged by Ms. Maria Whiting-Beale. Attached as Exhibit A is the e-mail requesting Alternative Dispute Resolution and the acknowledgement of receipt by the court's representative.
4. The Department of Health is requesting that the Prehearing Order be stayed pending the request for Alternative Dispute Resolution. The Department of Health believes that this matter can be settled through Alternative Dispute Resolution.

5. The Department of Health is available to mediate this matter during the month of March. The undersigned has planned leave from April 20, 2011 through May 1, 2011. Anytime during the month of May also is available for mediation.
6. The parties are in contact with each other and had a conference call on January 14, 2011 to discuss this matter.
7. This motion is not filed for purposed of delay but so that justice can be done and that the parties can have the opportunity to resolve all issues pending before this administrative body.

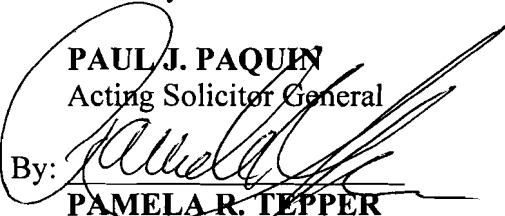
WHEREFORE, the Virgin Islands Department of Health - Division of Environmental Health – St. Thomas & St. Croix respectfully requests a stay of the Administrative Law Judge’s Prehearing Order dated January 19, 2011 pending Alternative Dispute Resolution and for such other and further relief as the Department of Health may be justly entitled.

Respectfully Submitted,

VINCENT F. FRAZER, ESQ.
Attorney General

PAUL J. PAQUIN
Acting Solicitor General

By:


PAMELA R. TEPPER
Assistant Attorney General
Department of Justice
34-38 Kronprindsens Gade
GERS Bldg., 2nd Floor
St. Thomas, VI 00802
(340) 774-5666
Attorney for the Respondent

Dated: January 31, 2011

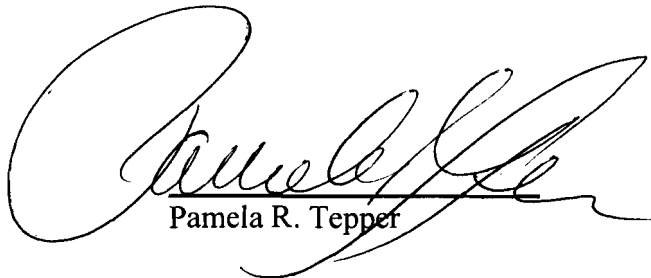
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31st day of January, 2011, a copy of
the the Virgin Islands Department of Health's Informational Motion and Request to Stay

1. Eduardo R. Gonzalez, P.E.
U.S Environmental Protection Agency, Region 2
Caribbean Environmental Protection Division
Response & Remediation Branch
Centro Europa Building, Suite 417
1492 Ponce De Leon Avenue
San Juan, Puerto Rico 00907

2. Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor- Room 1631.
New, York, N.Y. 10007-1866

3. Carolina Jordan-Garcia, Esq.
Assistant Regional Counsel
U.S Environmental Protection Agency, Region 2
Caribbean Environmental Protection Division
Centro Europa Building, Suite 417
1492 Ponce De Leon Avenue
San Juan, Puerto Rico 00907


Pamela R. Tepper

Pamela Tepper

From: Pamela Tepper
Sent: Monday, December 13, 2010 3:30 PM
To: 'whiting-beale.maria@epa.gov'
Cc: 'Jordan-Garcia.Carolina@epamail.epa.gov'; 'Commissioner Julia Sheen'; 'Tull, Eugene'
Subject: Submission to ADR: Docket No. RCRA-02-2010-7111

Dear Ms. Whiting-Beale:

I am in receipt of the letter regarding mediation. I represent the VI Department of Health in this matter. Pursuant to your letter, the VI Department of Health-Division of Environmental Health hereby submits to your offer of Alternative Dispute Resolution. I can be reached at the number and address cited below. Please be advised that although the letter for the ADR request was dated November 29, 2010, I did not receive the letter until over 10 days later. Often times the mails are slower here, especially during the holidays. I note this because of the deadline of today in your letter. I just received the letter and am glad I did not miss this opportunity.

I look forward to hearing from your office.

Sincerely,

Pamela R. Tepper
Assistant Attorney General
VI Department of Justice
34-38 Kronprindsens Gade
GERS Building, 2nd Floor.
St. Thomas, VI 00802
340.774-5666
340.774-9710 (fax)



1/27/2011

To:
Subject:

Pamela Tepper
Re: Submission to ADR: Docket No. RCRA-02-2010-7111

E-mail rec'd.