

11/13/08

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 2**

-----X  
 In the Matter of :  
 :  
 U.S. Department of Agriculture :  
 Agricultural Research Service :  
 Tropical Agricultural Research Station :  
 Mayaguez and Isabela, Puerto Rico :  
 :  
 :  
 Respondent. :  
 : Docket Number RCRA-02-2008-7505  
 Proceeding under Section 9006 of the :  
 Solid Waste Disposal Act, as amended :  
 -----X

Joint Motion for Extension of Time

Counsel for Complainant and Respondent have conferred on this Motion and Counsel for Respondent has authorized counsel for Complainant to submit this Joint Motion .

The parties had their first alternative dispute resolution conference (ADR) with Judge Nissen yesterday. As stated by the undersigned, the parties have had several telephone conversations regarding settlement but we have been unable to reach a settlement yet. However, the undersigned remains optimistic that a reasonable settlement can be reached. Respondent provided EPA last Monday with some information regarding the groundwater usage in the area of the facilities which EPA is now evaluating in order to determine whether it may have an impact in the initial proposed penalty.

Since the ADR process terminates on November 24, 2008, the parties respectfully request

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an extension of thirty days to continue their negotiation efforts under the ADR process.

Dated: 11/13/08  
New York, New York

Respectfully submitted,



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**In the Matter of U.S. Department of Agriculture, Agricultural Research Service,  
Tropical Agricultural Research Station, Mayaguez and Isabela, Puerto Rico  
Docket No. RCRA-02-2008-7505**

**CERTIFICATE OF SERVICE**

I certify that the foregoing Motion for Extension of Time was sent this day in the following manner to the addressees listed below:

Original and Copy by Hand: Office of the Regional  
Hearing Clerk  
U.S. Environmental Protection  
Agency, Region 2  
290 Broadway, 16<sup>th</sup> floor  
New York, NY 10007-1866

Copy by Fax and  
Pouch Mail: Honorable Spencer T. Nissen  
Administrative Law Judge  
U.S. Environmental Protection  
Agency  
1200 Pennsylvania Avenue, NW  
Mail Code 1900L  
Washington, D.C. 20460-2001

Copy by Fax and  
First Class Mail Kirk Minckler, Esq.  
Office of General Counsel  
U.S. department of Agriculture  
Mountain Region  
740 Simms Street, Room 309  
Golden, CO 80401-4720

Dated: NOV 13 2008  
New York, New York

Mildred Bay