

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:

TAPI Puerto Rico, Inc.

RESPONDENT

Proceeding under Section 113
of the Clean Air Act, 42 U.S.C. § 7413

DOCKET NUMBER CAA-02-2011-04

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2011 JAN -9
11:51
REGIONAL HEARING
CLERK

**MOTION REQUESTING EXTENSION OF TIME TO FILE COMPLAINANT'S
PREHEARING EXCHANGE**

COMES NOW Complainant, the U.S. Environmental Protection Agency ("EPA" or "Complainant") through the undersigned attorney, and respectfully alleges, prays and requests as follows:

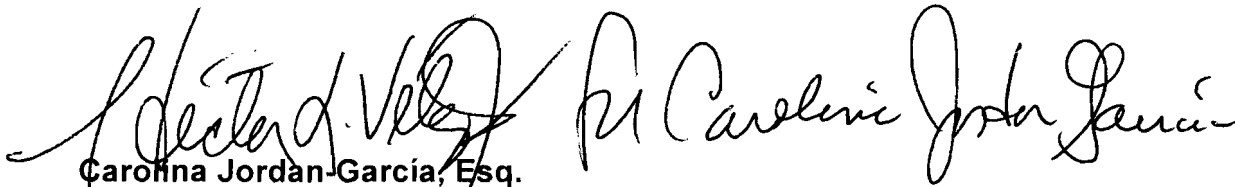
1. Pursuant to the November 29, 2011 Order issued by the Honorable Susan L. Biro, Chief Administrative Law Judge (hereinafter the "Prehearing Order"), Complainant has until January 6, 2012, to file its Initial Prehearing Exchange.
2. During a conference call held on December 28, 2011, counsel for Respondent presented a series of arguments and factual issues, which the undersigned attorney is considering.

3. These arguments and factual issues need to be further investigated, analyzed and discussed with Mr. Francisco Claudio, Complainant's enforcement officer who has conducted most of the inspections and performed the technical analysis for the development of this case.
4. Mr. Claudio has been on vacation since December 19, 2011, and is scheduled to return to work on January 10, 2012.
5. These arguments and factual issues are part of the matters and deliverables which Complainant is instructed to address in its initial prehearing exchange pursuant to the Prehearing Order.
6. Complainant wishes to submit a most accurate and complete prehearing exchange for the benefit of all Parties. In order to accomplish this, it is important for the undersigned attorney to meet with Mr. Claudio to address the arguments and factual issues presented by Respondent's counsel. Under these circumstances, it would be necessary to wait until January 10, 2012, date when Mr. Claudio returns to work.
7. In light of the above, and that there is no undue delay, bad faith or dilatory motive that can affect Respondent's rights under law, and there is no prejudice or additional burden to Respondent, Complainant requests the Honorable Chief Administrative Law Judge to grant the Complainant four (4)

additional business days from the January 6, 2012 deadline, until January 11, 2012, in order to file Complainant's Initial Prehearing Exchange.

8. This Motion was discussed today, January 5, 2012, with Gretchen Méndez-Vilella, Esq., attorney for Respondent, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 5th day of January, 2012.



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:

TAPI Puerto Rico, Inc.

DOCKET NUMBER CAA-02-2011-1204

RESPONDENT

Proceeding under Section 113
of the Clean Air Act, 42 U.S.C. § 7413

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing *MOTION REQUESTING EXTENSION OF TIME TO FILE COMPLAINANT'S PREHEARING EXCHANGE*, dated January 5, 2012, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Overnight Mail** to:

Karen Maples
Regional Hearing Clerk
Region II
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
Fax (212) 637-3202.

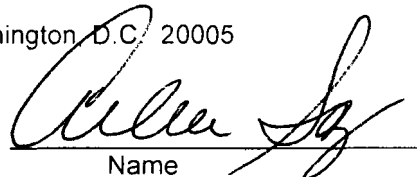
Copy by facsimile, **Overnight Mail** to:

Attorney for Respondent:
Gretchen Méndez-Vilella, Esq.
Goldman Antonetti & Córdova, P.S.C.
American International Plaza, 14th Floor
250 Muñoz Rivera Avenue
San Juan, P.R. 00918
Telephone 787-759-8000
Fax 787-474-2407

Copy by facsimile, **Overnight Mail** to:

Chief Administrative Law Judge
Honorable Susan L. Biro
Office of Administrative Law Judges,
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350, Washington, D.C. 20005
Fax (202) 565-0044.

January 5, 2012
Date


Name