

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 2

IN THE MATTER OF  
MUNICIPALITY OF TOA ALTA

Respondent

Proceeding under Section 3008 of  
the Solid Waste Disposal Act, as  
amended, 42 USC sec. 6928

COMPLAINT, COMPLIANCE ORDER  
AND NOTICE OF OPPORTUNITY FOR  
HEARING

Docket No. RCRA-02-2014-7103

U.S. Environmental  
Protection Agency-Reg 2  
2014 SEP 26 AM 8:55  
REGIONAL HEARING  
CLERK

Municipality of Toa Alta's motion requesting a thirty day extension to answer the complaint and that a hearing be scheduled pursuant to 40 C.F.R. §22.15

COMES NOW the Municipality of Toa Alta, through the undersigned counsel, and very respectfully ALLEGES AND REQUESTS:

1. This matter has just been assigned to the undersigned counsel by the Municipality. Apparently due to human error, the certificate of service and the complaint were misplaced and thus the Municipality was not able to timely respond.
2. Under these circumstances, the Municipality very respectfully submits that just cause exists for the belated filing of this first appearance (excusable human error in the handling of the complaint documents) and thus requests that it be allowed to appear at this time to request a thirty day extension of

time to file its answer to the complaint and to request that a hearing be held after such an answer is filed.

3. In the meantime, the Municipality will attempt in good faith to confer with Complainant, through regional counsel Carolina Jordán-García, in an attempt to reach an amicable and prompt resolution to this matter. In fact, the undersigned have already had communication with MS. Jordán-García, who has informed that she has no objection to the request for an extension herein made.

**WHEREFORE**, it is very respectfully requested that: (a) the Municipality be given a thirty day extension, until 20 October 2014, to file its answer to the complaint; and (b) pursuant to 40 C.F.R. §22.15, a hearing be scheduled after such answer is filed.

**RESPETFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 19 September 2014.

**WE HEREBY CERTIFY** that, on this same date, I have sent a true and exact copy of this document to: (a) **Mr. José Font**, Director, Caribbean Environmental Protection Division, US Environmental Protection Agency, Region 2, City View Plaza 2, Suite 7000, #48 PR-165 km 1.2 Guaynabo, PR 00968-8069; (b) **Mr. Jesse Avilés**, US Environmental Protection Agency, Region 2, Response and Remediation Branch, City View Plaza 2, Suite 7000, #48 PR-165 km 1.2

Guaynabo, PR 00968-8069; and (c) Ms. **Carolina Jordán-García**, US Environmental Protection Agency, Region 2, Office of Regional Counsel, City View Plaza 2, Suite 7000, #48 PR-165 km 1.2 Guaynabo, PR 00968-8069, email [jordan-garcia.carolina@epa.gov](mailto:jordan-garcia.carolina@epa.gov).

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