

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.II  
2012 FEB 28 P 12:33  
REGIONAL HEARING  
CLERK

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

COMPLAINT, COMPLIANCE ORDER,  
AND NOTICE OF OPPORTUNITY FOR  
HEARING

Docket No. RCRA-02-2010-7111

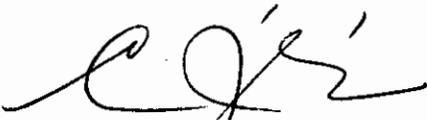
**Motion Requesting a Final Extension of Five (5) Days to File CA/FO**

COMES NOW Complainant, the U.S. Environmental Protection Agency ("EPA" or "Complainant") through the undersigned attorneys, and respectfully allege, pray and request as follows:

1. Upon Complainant's request, this Honorable Court issued an Order Granting an Extension of Time to File the Consent Agreement and Final Order ("CA/FO") until February 22, 2012.
2. On January 21, 2012, the EPA-Caribbean Environmental Protection Division completed its move to new offices. The move has compromised our time and resources, and the process to produce a duly executed CA/FO has been unintentionally delayed.

3. The granting of five (5) additional days to file the duly executed CA/FO will not result in prejudice to the other party, the US Virgin Islands Department of Health ("Respondent" or "VIDOH"). Moreover, this request was discussed with Respondent's counsel, who agreed to the filing of the petition and expressed no objections or conditions to the same.
4. In light of the above, and that there is no excessive or unjustifiable 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 a final extension of time of five (5) days to file the duly executed CA/FO.
5. This Motion was discussed today, February 22, 2012, with Pamela Tepper, Esq., attorney for Respondent, who agreed to the filing of this motion.

Respectfully submitted, in Guaynabo, Puerto Rico, today, February 22, 2012.

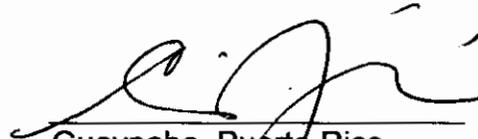


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**Copy by email and Regular Mail:**

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34-38 Kronprindsens Gade  
GERS Building, 2nd Floor  
St. Thomas, VI, 00802  
Fax (340) 774-9710

Date: 2/19/12

A handwritten signature in black ink, appearing to be 'P. Tepper', written over a horizontal line.

Guaynabo, Puerto Rico  
Office of Regional Counsel - CT

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**CERTIFICATE OF SERVICE**

I certify that, on the date noted below, I caused to be mailed the foregoing Motion 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