



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG.11 2012 MAY 29 A 11:16 REGIONAL HEARING CLERK

In the Matter of: )
TAPI Puerto Rico, Inc., )
Respondent. )
Docket No. CAA-02-2011-1204

ORDER ON JOINT MOTION REQUESTING EXTENSION OF TIME TO FILE CONSENT AGREEMENT AND FINAL ORDER AND ORDER TO SHOW CAUSE

This action was initiated on September 13, 2011, by the United States Environmental Protection Agency, Region 2, Caribbean Environmental Protection Division ("Complainant" or "EPA"), filing an Administrative Complaint against Respondent, TAPI Puerto Rico, Inc., under Section 113(d) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(d). By Order dated November 14, 2011, the undersigned was designated to preside over this proceeding. By Prehearing Order dated November 29, 2011, Complainant was ordered to file a Consent Agreement and Final Order ("CAFO") or its Initial Prehearing Exchange by January 6, 2012. Respondent was ordered to file its Prehearing Exchange by January 27, 2012. Finally, the undersigned ordered Complainant to file its Rebuttal Prehearing Exchange by February 10, 2012.

This Tribunal is in receipt of Complainant's Initial Prehearing Exchange. On January 31, 2012, the undersigned granted Respondent additional time to file their Prehearing Exchange. Respondent has failed to file either a Prehearing Exchange or a statement electing only to conduct cross-examination of Complainant's witnesses as its manner of defense, as required by the Prehearing Order. In addition, Respondent has not filed a motion requesting an extension of the filing deadline.

The undersigned has thrice previously granted the parties a stay in proceedings. Most recently, on April 23, 2012, the undersigned issued an Order on Motion Requesting Stay in Proceedings and Order to Show Cause ("Order"). The Order granted the parties's joint request for a stay in proceedings until May 21, 2012, because they had reached an agreement in principle. The parties were ordered to file a completely executed Consent Agreement and Final Order ("CAFO") by May 21, 2012. Alternatively, if the CAFO was not filed by that date, the Respondent was ordered to show cause why it failed to meet the filing deadline set by the January 31, 2012 Order on Motion Requesting Extension of Time to File Respondent's

Prehearing Exchange and why a default order should not be entered for failing to meet this deadline.

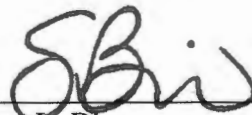
On May 21, 2012, the parties filed a Joint Motion Requesting Stay in Proceedings (“Motion”). The Motion states that the parties understand that ten additional days would be sufficient to finalize the CAFO and the concurrences associated theretofore.

Under Section 22.17(a) of the Rules of Practice, 40 C.F.R. § 22.17(a), a party may be found to be in default upon failure to comply with the information exchange requirements of Section 22.19(a) of the Rules of Practice, 40 C.F.R. § 22.19(a), or an order of the Administrative Law Judge.

Good cause exists to grant the stay. It is in the interest of the parties and judicial economy for the parties to settle any dispute in this case. A hearing of this matter has not been set, and therefore, the granting of a stay will not prejudice the parties.

The Motion is hereby **GRANTED** for good cause and this proceeding is **STAYED** until **May 31, 2012**. Accordingly, the parties shall file the fully executed CAFO on or before **May 31, 2012**. If the CAFO is not filed by this date, Respondent is **ordered to show cause**, if any, on or before **May 31, 2012**, why it failed to meet the filing deadline set by the January 31, 2012 Order on Motion Requesting Extension of Time to File Respondent’s Prehearing Exchange and why a default order should not be entered against it for failing to meet this deadline.

**SO ORDERED.**



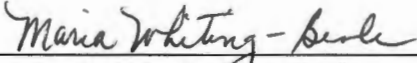
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Susan L. Biro  
Chief Administrative Law Judge

Dated: May 23, 2012  
Washington, D.C.

In the Matter of TAPI Puerto Rico, Inc., Respondent  
Docket No.CAA-02-2011-1204

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Joint Motion Requesting Extension Of Time To File Consent Agreement And Final Order And Order To Show Cause**, dated May 23, 2012, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: May 23, 2012

Original And One Copy By Regular Mail To:

Karen Maples  
Regional Hearing Clerk  
U.S. EPA  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy By Regular Mail And Facsimile To:

Carolina Jordan-Garcia, Esquire  
Caribbean Environmental Protection  
Division  
U.S. EPA  
City View Plaza, Suite 7000  
#48 Road 165, Km. 1.2  
Guaynabo, PR 00968-8069

Gretchen Mendez-Vilella, Esquire  
Goldman Antonetti & Cordova, P.S.C.  
P.O. Box 7034  
San Juan, PR 00936-8364