



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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

**ORDER ON JOINT MOTION REQUESTING STAY IN PROCEEDINGS 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 no later than January 6, 2012. Respondent was ordered to file its Prehearing Exchange no later than 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 its 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.

On March 7, 2012, the undersigned issued an Order on Motion Requesting Stay in Proceedings and Order to Show Cause (“Order”). The Order granted the parties’ joint request for a stay in proceedings until April 5, 2012, because they had reached an agreement in principle which would obviate the need for continued litigation. The parties were ordered to file a completely executed Consent Agreement and Final Order (“CAFO”) by April 5, 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 April 3, 2012, the parties filed a Joint Motion Requesting Stay in Proceedings (“Motion”). The Motion states that the parties are currently discussing and agreeing upon the CAFO terms proposed by Complainant on March 22, 2012. The Motion further states that the parties require fifteen additional days to finalize the CAFO and obtain the necessary concurrences.

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, granting the brief stay will not prejudice the parties.

The Motion is hereby **GRANTED** for good cause and this proceeding is **STAYED** until **April 20, 2012**. Accordingly, the parties shall file the fully executed CAFO on or before **April 20, 2012**. If the CAFO is not filed by this date, Respondent is **ordered to show cause**, if any, on or before **April 20, 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 for failing to meet this deadline.

SO ORDERED.




Susan L. Biro
Chief Administrative Law Judge

Dated: April 4, 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 Stay In Proceedings And Order To Show Cause**, dated April 4, 2012, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: April 4, 2012

Original And One Copy By Regular Mail To:

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