



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:)
) Docket No. CAA-02-2011-1218
Laser Products, Inc.,)
)
Respondent.)

ORDER ON STATUS REPORT AND
JOINT MOTION REQUESTING STAY IN THE PROCEEDINGS

This action was initiated on October 4, 2011, by the Director of the Caribbean Environmental Protection Division of the United States Environmental Protection Agency, Region 2 (“Complainant” or “EPA”), filing an Administrative Complaint against Laser Products, Inc. (“Respondent”), under Section 113(d) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(d). Both parties agreed to participate in the Alternative Dispute Resolution (“ADR”) process offered by the Office of Administrative Law Judges, and an Order initiating that process was issued on November 14, 2011. The ADR process concluded on March 30, 2012. On April 5, 2012, the parties filed a Status Report and Joint Motion Requesting Stay in the Proceedings (“Motion”).

In their Motion, the parties state that they have reached an agreement in principle “and are now focused on furthering the development of a mutually acceptable consent agreement and final order” (“CAFO”) to resolve this case. Motion ¶ 2. The parties request that the Tribunal refrain from issuing a prehearing order and otherwise stay this matter for sixty (60) days from the date of the Motion to provide the parties with time to complete the CAFO. Motion ¶¶ 3–4. The Motion is dated April 2, 2012.

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. The Motion is **GRANTED**, subject to the following conditions:

1. Complainant shall both submit to the undersigned and file Status Reports every two weeks to apprise the undersigned of the progress made towards settlement. Status Reports will be due on the following dates:
 - a. April 20, 2012
 - b. May 4, 2012

c. May 18, 2012

2. If the case is settled, a finalized Consent Agreement and Final Order shall be filed on or before June 1, 2012. If no Consent Agreement and Final Order has been executed and filed by that date, a prehearing order will be issued immediately thereafter.

Filing and Service: A document is “filed” when the Regional Hearing Clerk *receives* it. A document is “served” upon mailing or when placed in the custody of a reliable commercial delivery service. A signed certificate of service must be attached to all filed documents. Documents filed with the Regional Hearing Clerk shall be addressed:

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Documents may be submitted to the Office of Administrative Law Judges by facsimile or email, as physical mail delivery is often subject to significant delay. The facsimile number for the Office of Administrative Law Judges is (202) 565-0044. The email address is oaljfiling@epa.gov. Any document submitted by email must be in PDF format. Hard copies of all documents served on the undersigned shall be addressed as follows *if sent by regular mail*:

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Mail Code 1900L
Washington, DC 20460

All documents served on the undersigned via Federal Express or other commercial delivery service that x-rays its packages as part of its routine security procedures may be addressed:

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, DC 20005

The parties SHALL NOT include, attach, or refer to any terms of settlement offers or agreements in any document submitted to the Presiding Judge, and no copies of Consent Agreements and Final Orders shall be submitted, or attached to any document submitted, to the Presiding Judge except those that

are fully executed and filed with the Regional Hearing Clerk.

Contact Information: Questions about whether a document has been received or issued may be directed to Maria Whiting-Beale at (202) 564-6259. Other procedural questions may be directed to staff attorney Ed Kulschinsky, Esq., by telephone at (202) 564-4133, or by email at edward.kulschinsky@epa.gov.

SO ORDERED.




Susan L. Biro
Chief Administrative Law Judge

Dated: April 6, 2012
Washington, D.C.

**In the ADR Matter of *Laser Products, Inc.*, Respondent.
Docket No. CAA-02-2011-1218**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Status Report and Joint Motion Requesting Stay in the Proceedings**, dated April 6, 2012, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Email and Regular Mail to:

Karen Maples
Regional Hearing Clerk
US EPA, Region II
290 Broadway, 16th Floor
New York, NY 10007-1866

One Copy by Email and Regular Mail to:

Carolina Jordan-Garcia, Esq.
Office of Regional Counsel
Caribbean Environmental Protection Division
City View Plaza II - Suite 7000
#48 Rd. 165 Km. 1.2
Guaynabo, PR 00968-8069

One Copy by Email and Regular Mail to:

Pedro Reyes Bibiloni, Esq.
Fiddler Gonzalez & Rodriguez, P.S.C.
Attorneys and Counselors at Law
P.O. Box 363507
San Juan, PR 00936-3507

**Dated: April 6, 2012
Washington, D.C.**