

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 2

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.II  
2012 OCT 23 A 10 20  
REGIONAL HEARING  
CLERK

IN THE MATTER OF: )  
)  
US Virgin Islands Water and ) COMPLAINT, COMPLAINEE  
Power Authority ) ORDER AND NOTICE OF  
Respondent ) OPPORTUNITY FOR  
) HEARING  
)  
Proceeding under Section 3008 ) Docket No. RCRA-02-2012-7108  
of the Solid Waste Disposal Act, )  
as amended, 42 U.S.C. § 6928 )  
\_\_\_\_\_ )

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE ANSWER**

On October 5, 2012, the U.S. Virgin Islands Water and Power Authority ("the Respondent") received the Complaint, Compliance Order and Notice of Opportunity for Hearing issued by the U.S. Environmental Protection Agency and dated October 1, 2012. Pursuant to 40 C.F.R. § 22.7(a), the Respondent's Answer to the Complaint must be filed by November 5, 2012. Additionally, the Complaint directs Respondent to commence compliance with the Compliance Order or file a request for hearing by November 1, 2012. Pursuant to 40 C.F.R. § 22.7(b), Respondent moves for an extension of time to December 5, 2012 to file its Answer and to December 1, 2012 to commence compliance with Compliance Order or to file a request for a hearing pursuant to 40 C.F.R. § 22.37.

In support of this motion, Respondent states that it cannot file a meaningful and comprehensive Answer to the Complaint by

November 5, 2012 because the personnel needed to research, gather and coordinate the information needed to file such an Answer are currently involved with several other major projects. The personnel include, but not limited to, the Executive Director, the Chief Operating Officer, the Chief Financial Officer, the General Counsel, the Plant Superintendents and the Water Distribution Directors. Specifically, the Respondent's personnel are involved in the following projects:

1. The Respondent is currently negotiating a contract for the supply of No. 2 fuel oil critical to its continued operations, because HOVENSA, LLC, its sole supplier for the past 31 years, which supplied that fuel on substantially discounted terms pursuant to its contract with the USVI Government (under which it was obligated to continue supplying through 2022) has announced that it will no longer satisfy that obligation after December 31, 2012. All of the Respondent's executive personnel listed above, except the Directors of Water Distribution, are actively involved in this project and it should be completed by year end.
2. The Respondent is researching and compiling information requested by EPA and the Department of Justice to prepare for a meeting with them in New York on October 30, 2012, on alleged violations of Section 113 of the Clean Air Act, 42 U.S.C. § 7413, at the Respondent's Estate Richmond Facility, located in St. Croix, U.S. Virgin Islands, per notice issued on July 31, 2012. The Respondent's Executive Director, Chief Operating Officer, General Counsel and Plant Superintendents are involved in this project and it is expected to continue into 2013.
3. The Respondent is also in the midst of responding to an EPA notice of consideration of initiation of an action dated December 28, 2010, for alleged violations of various sections of the Clean Air Act, the Respondent's PSD permits and its Title V Operating Permit. This includes, among many other things, (a) conducting an

extensive emission testing program at the Respondent's Krum Bay Facility, located in St. Thomas, U.S. Virgin Islands per EPA's request, and (b) negotiating a multi-million-dollar contract with a third-party vendor to perform maintenance on emission control monitors and extensive training of Respondent's personnel, pursuant to prior EPA requests. All of Respondent's executive personnel, except the Directors of Water Distribution, are actively involved in this project and it is expected to continue into 2013.

4. The Respondent is also presently taking corrective action to come into compliance with Compliance Orders, EPA Index No. CAA-02-2011-1007 and 1008, issued on May 9, 2011. All of Respondent's executive personnel, except the Directors of Water Distribution, are actively involved in this project.
5. The Respondent is preparing for its electrical and water Rate-Based increase petitions to be filed with the Public Services Commission on November 15, 2012. All of the Respondent's executive staff is involved in this project.
6. The Respondent has issued two Requests for Qualifications seeking qualified bidders to submit proposals outlining how they can supply Respondent with liquefied propane gas and with liquefied natural gas for Respondent to use at its generating facilities. Responses are due November 5, 2012, and the Respondent aims to select qualified bidders, negotiate a contract and commence the project by year end. All of Respondent's executive personnel, except the Directors of Water Distribution, are actively involved in this project.
7. Respondent is also in the midst of completing its Fiscal Year 2011 and 2012 annual audits. All of the Respondent's executive personnel are involved in this project.

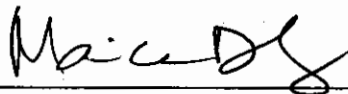
For the foregoing reasons, Respondent requests a 30-day extension from November 5, 2012, the date which its Answer was originally due, to file its Answer to the Complaint and a 30-day extension from November 1, 2012, the date the Compliance Order

would have become effective, to commence compliance with the Compliance Order or to request a hearing. Should this motion for an extension be granted, Respondent's Answer to the Complaint would be due on December 5, 2012, and Respondent would be required to commence compliance with the Compliance Order or request a hearing no later than December 1, 2012.

Counsel for the Authority has spoken with EPA counsel, who indicated that EPA does not oppose this Motion.

Respectfully Submitted,

October 22, 2012



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Robert G. Smith  
Monica Derbes Gibson  
VENABLE LLP  
575 7<sup>th</sup> Street, NW  
Washington, DC 20004  
202-344-4526

Counsel for the U.S.  
Virgin Islands  
Power and Water Authority

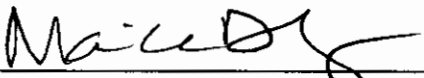
CERTIFICATE OF SERVICE

I hereby certify that on this date I have caused copies of the foregoing Unopposed Motion for Extension of Time to File Answer to be delivered, via overnight delivery service, to the following:

Carolina Jordán-García, Esq.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region 2  
City View Plaza II, Suite 7000  
Road PR-165, Km. 1.2, #48  
Guaynabo, PR 00968  
787-977-5834

José C. Font  
Acting Director  
Caribbean Environmental Protection Division  
U.S. Environmental Protection Agency  
Region 2  
City View Plaza II, Suite 7000  
Road PR-165, Km. 1.2, #48  
Guaynabo, PR 00968  
787-977-5815

Date: 10/22/2012

  
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Monica Derbes Gibson