



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
Total Petroleum Puerto Rico Corp.,) **Docket No. RCRA-02-2018-7101**
)
Respondent.)

**ORDER GRANTING JOINT MOTION REQUESTING AN EXTENSION OF TIME
TO FILE CONSENT AGREEMENT AND FINAL ORDER**

By Prehearing Order dated November 2, 2018, I established a number of filing deadlines in this matter. Of particular relevance here, I directed the parties to file a fully-executed Consent Agreement and Final Order with the Regional Hearing Clerk, and a courtesy copy with the Headquarters Hearing Clerk, no later than December 14, 2018, if the parties achieve a settlement. On December 12, 2018, the parties filed a Joint Motion Requesting an Extension of Time to File Consent Agreement and Final Order (“Joint Motion”), wherein the parties request a 45-day extension of that deadline. As grounds for their request, the parties describe the progress they have made towards settling this matter, namely, that Complainant has been drafting the documents required to seek approval of the terms of the parties’ settlement agreement and that Respondent has been preparing a final draft of a Supplemental Environmental Project to be included in the settlement.

This matter is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Rules of Practice”) set forth at 40 C.F.R. Part 22. The Rules of Practice provide that I “may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative.” 40 C.F.R. § 22.7(b).

Here, the Joint Motion was timely and shows good cause for the requested extension. As reflected in the Rules of Practice, Agency policy supports settlement of a proceeding without the necessity of a formal hearing. *See* 40 C.F.R. § 22.18(b)(1). Undoubtedly, the interests of the parties and judicial economy are well served by the parties resolving this matter informally and expeditiously. Accordingly, the Joint Motion is hereby **GRANTED**. As requested, the parties shall file a fully-executed Consent Agreement and Final Order with the Regional Hearing Clerk, and a courtesy copy with the Headquarters Hearing Clerk, no later than **January 28, 2019**. In the event that a fully-executed Consent Agreement and Final Order is not filed on or before that date, the parties shall engage in the prehearing exchange of information described in the Prehearing Order pursuant to the following schedule:

January 28, 2019

Complainant's Initial Prehearing Exchange

February 19, 2019

Respondent's Prehearing Exchange

March 4, 2019

Complainant's Rebuttal Prehearing Exchange

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: December 13, 2018
Washington, D.C.

In the Matter of *Total Petroleum Puerto Rico Corp.*, Respondent.
Docket No. RCRA-02-2018-7101

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting Joint Motion Requesting Extension of Time to File Consent Agreement and Final Order**, dated December 13, 2018, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.

Jennifer Almase
Attorney-Advisor

Original and One Copy by Personal Delivery to:

Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington, DC 20004

Copy by Electronic Mail to:

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Dated: December 13, 2018
Washington, D.C.