



**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 ON AGENCY’S MOTION REQUESTING 15-DAY EXTENSION OF TIME**

On December 13, 2018, this Tribunal set a deadline of January 28, 2019 for the parties to file a fully executed Consent Agreement and Final Order (“CAFO”) or begin the prehearing exchange process. *See* Order Granting Joint Motion Requesting an Extension of Time.

On December 28, 2018, the U.S. Environmental Protection Agency along with many other federal government agencies shut down due to an appropriations lapse, and the Office of Administrative Law Judges was closed. The office did not reopen until January 28, 2019.

On January 29, 2019, in light of time lost due to the government shutdown, the Agency filed a Motion Requesting an Extension of Time asking for an additional 45 days to submit an executed CAFO. The motion was granted. *See* Order on Agency’s Motion Requesting Extension of Time (Jan. 31, 2019). On March 18, 2019, the Agency asked for 10 more days to finalize the CAFO. *See* Motion Requesting a 10-Day Extension of Time to File Consent Agreement and Final Order (March 18, 2019). That motion was granted. *See* Order on Agency’s Motion Requesting 10-Day Extension of Time (March 19, 2019). Now, the Agency asks for more time to complete the CAFO process and asserts that Respondent agrees to the extension. *See* Motion Requesting a Final 15-Day Extension of Time to File Consent Agreement and Final Order (April 1, 2019) (“Motion”).

This Tribunal “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). I find the request for extension satisfies these requirements. Accordingly, the Agency’s Motion is **GRANTED** as follows:

The parties shall file a fully executed CAFO with the Regional Hearing Clerk and a courtesy copy with the Headquarters Hearing Clerk no later than **April 19, 2019**. In the event that a fully executed CAFO 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:

**April 19, 2019**

Complainant's Initial Prehearing Exchange

**May 10, 2019**

Respondent's Prehearing Exchange

**May 24, 2019**

Complainant's Rebuttal Prehearing Exchange

**SO ORDERED.**



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Susan L. Biro  
Chief Administrative Law Judge

Dated: April 2, 2019  
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 on Agency's Motion Requesting 15-Day Extension of Time**, dated April 2, 2019, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



\_\_\_\_\_  
Matt Barnwell  
Attorney Advisor

Original and One Copy by Hand Delivery to:

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Headquarters Hearing Clerk  
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Dated: April 2, 2019  
Washington, D.C.