



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 MOTION REQUESTING EXTENSION OF TIME TO FILE
RESPONDENT'S PREHEARING EXCHANGE**

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.

On January 5, 2012, Complainant moved for an extension of time to file its Initial Prehearing Exchange until January 11, 2012. The undersigned granted Complainant's motion on January 6, 2012.

On January 27, 2012, Respondent submitted a Motion Requesting Extension of Time to File Respondent's Prehearing Exchange ("Motion"). The Motion states that Respondent's counsel did not receive Complainant's Prehearing Exchange until January 19, 2012. Mot. ¶ 3. The Motion states that, on January 12, 2012, Respondent's counsel was in a serious accident which required urgent medical care, immobilization and home confinement for a period of two weeks. Mot. ¶ 4. Thus, Respondent requests twenty-one additional days to file its Prehearing Exchange. Mot. ¶ 5. The Motion states that Complainant's counsel does not object to the Motion. Mot. ¶ 6.

Section 22.7(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (40

C.F.R. § 22.7(b)) provides that the Presiding Officer 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.

The Motion is hereby **GRANTED** for good cause. Because Respondent's requested extension falls after the deadline for Complainant's Rebuttal Prehearing Exchange, that deadline must also be changed. Accordingly, the parties are ordered to comply with the deadlines for the submission of their respective Prehearing Exchange materials as follows:

February 17, 2012 Respondent's Prehearing Exchange

March 2, 2012 Complainant's Rebuttal Prehearing Exchange.

SO ORDERED.



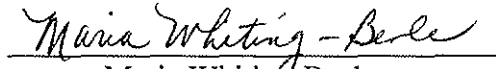
Susan L. Biro
Chief Administrative Law Judge

Dated: January 31, 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 Motion Requesting Extension Of Time To File Respondent's Prehearing Exchange**, dated January 31, 2012, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: January 31, 2012

Original And One Copy By Regular Mail To:

Karen Maples
Regional Hearing Clerk
U.S. EPA
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy By Regular Mail To:

Carolina Jordan-Garcia, Esquire
Office of Regional Counsel
U.S. EPA
Centro Europa Building, Suite 207
1492 Ponce de Leon Avenue
San Juan, PR 00907-4127

Gretchen Mendez-Vilella, Esquire
Goldman Antonetti & Cordova, P.S.C.
P.O. Box 7034
San Juan, PR 00936-8364