

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

In the Matter of:

Total Petroleum Puerto Rico, Corp.

Respondent

Proceeding under Section 3008 of the Solid Waste
Disposal Act, as amended, 42 U.S.C. § 6928

**COMPLAINT, COMPLIANCE ORDER,
AND NOTICE OF OPPORTUNITY
FOR HEARING**

Docket No. RCRA-02-2018-7101

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

COMES NOW the Complainant, the United States Environmental Protection Agency ("EPA"), and Respondent, through the respective undersigned attorneys, and respectfully allege and pray as follows:

1. Pursuant to the Prehearing Order issued by the Administrative Law Judge, Honorable Susan L. Biro, dated November 2, 2018, Counsel for Complainant submitted a *Status Report and Preliminary Statement* in the above captioned matter on November 23, 2018. On December 3, 2018, Respondent also submitted a Preliminary Statement on the matter.
2. In compliance with the Prehearing Order, Complainant informed that the Parties held several conference calls in order to continue to work on the settlement agreement that was drafted during the Administrative Dispute Resolution process.
3. Complainant and Total Petroleum Puerto Rico, Corp. ("the Parties") have continued to work to reach a final settlement. Specifically, the weeks following the Status Report, Complainant has worked on the drafting of the documents required to seek approval with the terms of the agreement from different EPA offices. On the other hand, Respondent continues its ongoing efforts to submit

a final draft of what would be a Supplemental Environmental Project to be included as a Special Condition of the Consent Agreement and Final Order (“CA/FO”).

5. In order to allow for the drafting and concurrence of documents, Complainant and Respondent respectfully requests an extension of forty five (45) days in order to submit the CA/FO.

6. In light of the above, and that there is no undue delay, bad faith or dilatory motive that can affect Respondent’s rights under law, and that there is no prejudice or additional burden, the Parties request this Honorable Court to grant forty-five (45) additional days to submit the CA/FO.


8. The Parties respectfully request this Honorable Court to provide an extension of time of forty five (45) days to file the duly executed CA/FO.

Certificate of Service

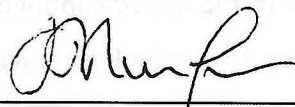
We hereby certify that a true copy of this Joint Motion was e-mailed between the Parties:

Rafael Rivera-Yankovich, Toro Colon Mullet, PSC rry@tcm.law, and Carolina Jordán-García, U.S. EPA Jordan-Garcia.Carolina@epa.gov.

Respectfully submitted, in Guaynabo, Puerto Rico, this 12th day of December, 2018.

By: 

Carolina Jordán-García, Esq.
Office of Regional Counsel - Caribbean Team
U.S. Environmental Protection Agency
Region 2
City View Plaza II-Suite 7000
#48 Road 165 Km. 1.2
Guaynabo, PR 00968-8069
(787) 977-5834

By: 

Rafael Rivera-Yankovich (RUA 10558)
TORO COLON MULLET, PSC
PO Box 195383, San Juan, PR 00919-5383
Counsel for Respondent
Total Petroleum Puerto Rico Corp.
Tel. (787) 751-8999 / Fax. (787) 763-7760
Mobile (787) 647-1913