

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 2

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 In the Matter of :
 :
 Edwin Andújar Bermúdez dba :
 Truly Nolen Pest Control De Caguas :
 :
 Respondent, :
 :
 Proceeding Under Section 9006 of the :
 Solid Waste Disposal Act, as amended. :
 :
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Honorable Helen Ferrara,
Presiding Officer

Docket No. FIFRA-02-2017-5302

2017 SEP 29 11 03 AM
 U.S. Environmental Protection Agency

MOTION FOR EXTENSION OF TIME

By Order dated September 14, 2017, your Honor granted Complainant’s Motion for Default Judgment on Liability and ordered the Complainant to file and serve, on or before October 30, 2017, the Motion for Penalty, together with supporting documentation which will provide factual grounds for the proposed penalty against the above-captioned Respondent, in accordance with 40 C.F.R. §§ 22.5 and 22.16.

Complainant hereby moves, pursuant to 40 C.F.R. § 22.16(a), for a six month (one-hundred and eighty (180) days) extension of time, from October 30, 2017 until April 30, 2018, to file the Motion for Penalty, for the following reasons:

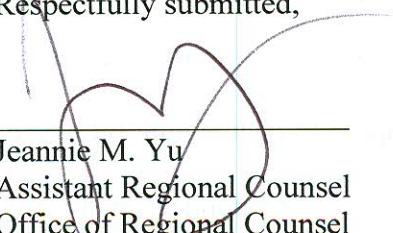
- (1) On or about September 7, 2017 and September 20, 2017, Hurricanes Irma and Maria, respectively, caused unprecedented island-wide damage to the Commonwealth of Puerto Rico. Such damage includes destroyed homes, flooded communities, impassable roads, and damaged infrastructure, leaving residents without electricity, water and communications. Normal business operations have been put on hold indefinitely. Accordingly, it would be insensitive as well as impractical for EPA to attempt to serve the Respondent with motion papers at this time. As such, a temporary moratorium on legal issues in this matter is warranted.

(2) Once communications with Puerto Rico have been re-established and normal business operations resume, EPA would like additional time to attempt to reach the Respondent and to see if renewed settlement negotiations might be possible prior to filing a default Motion for Penalty.

Based on the aforementioned, Complainant's counsel asserts that good cause exists for granting this motion for an extension of six months, or one-hundred and eighty (180) days, until April 30, 2018, to file the appropriate dispositive default Motion for Penalty. As the request is made to allow the Respondent a meaningful opportunity to respond to any such motion and to participate in this action, a grant of this extension request will not prejudice any of the parties.

Dated: September 28, 2017
New York, New York

Respectfully submitted,



Jeannie M. Yu
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Waste and Toxic Substances Branch
U.S. Environmental Protection Agency, Region 2
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212-637-3205
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Motion for Extension, dated September 28, 2017, in the matter of Edwin Andújar Bermúdez dba Truly Nolen Pest Control de Caguas, Docket No. FIFRA 02-2016-5302, was sent this day in the following manner to the addresses listed below:

Original and Copy by Hand-Delivery to Regional Hearing Clerk

Karen Maples
Regional Hearing Clerk
USEPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by Hand-Delivery and E-Mail to the Presiding Officer

Helen Ferrara
Regional Judicial Officer
USEPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by Certified Mail/Return Receipt Requested and Regular Mail to Edwin Andújar Bermúdez dba Truly Nolen Pest Control de Caguas:

Edwin Andújar Bermúdez
dba Truly Nolen Pest Control de Caguas
PO Box 7155
Caguas, Puerto Rico 00726

Edwin Andújar Bermúdez
dba Truly Nolen Pest Control de Caguas
Urb. Miraflores,
16-15 Calle 29,
Bayamón, Puerto Rico 00957-3707

Dated: September 28, 2017


Yolanda Majette, Secretary