

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, NY 10007

IN THE MATTER OF:

Tower Exterminating, Corp. aka Tower
& Son Exterminating Corp. and
Wilson J. Torres Rivera,

P.O. Box 1045
Bayamon, Puerto Rico 00960

Respondents.

Docket No. **FIFRA-02-2016-5306**

Proceeding under 7 U.S.C. § 136j(a)(2)(G),
Section 12(a)(2)(G) of the Federal Insecticide,
Rodenticide & Fungicide Act and 40 C.F.R.
Sections 82.13(z)(1), (2) of the Clean Air Act

ORDER EXTENDING COMPLAINANT'S TIME TO FILE MOTION FOR PENALTY

By Order dated August 10, 2017, the Undersigned granted Complainant's Motion for Default Judgment on Liability, and ordered Complainant to file and serve, on or before October 11, 2017, the Motion for Penalty providing factual grounds for the proposed penalty against Respondents in this matter.

On September 28, 2017, Complainant's Attorney filed, for good cause shown, a *Motion for Extension of Time*, requesting an additional six months (one-hundred and eighty days) to file and serve the Motion for Penalty. Based on the information provided by Complainant, an extension of time through April 11, 2018 for Complainant to file and serve a Motion for Penalty was granted.

On April 4, 2018, Complainant's Attorney filed, for good cause shown, a

second *Motion for Extension of Time*, requesting an additional six months (one-hundred and eighty days) to file and serve the Motion for Penalty. Based on the information provided by Complainant, an extension of time through October 11, 2018 for Complainant to file and serve a Motion for Penalty was granted.

On October 9, 2018, Complainant's Attorney filed, for good cause shown, a third *Motion for Extension of Time*, requesting an additional week (seven days) to file and serve the Motion for Penalty. In the *Motion for Extension of Time*, Complainant's Attorney explained that, due to the increased workload during the federal government's end of fiscal year and the need to coordinate with EPA staff in various offices, there has been a delay in completing declarations to support the factual allegations set forth in the Motion for Penalty.

ORDER

Based on the information provided by Complainant, an extension of time through October 18, 2018 for Complainant to file and serve a Motion for Penalty is hereby granted.

The Respondents shall file any response to the Motion for Penalty within fifteen (15) days of service of the Complainant's motion.

Effective Date

The effective date of this Order shall be the date it is signed by the Regional Judicial Officer, below.

Date: October 9, 2018



Helen Ferrara
Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that the **Order Extending Complainant's Time To File Motion For Penalty** by Regional Judicial Officer Helen Ferrara in the matter of **Tower Exterminating Corp. a/k/a Tower & Son Exterminating Corp. And Wilson J. Torres Rivera, Docket No. FIFRA-02-2016-5306**, was served on the parties as indicated below:

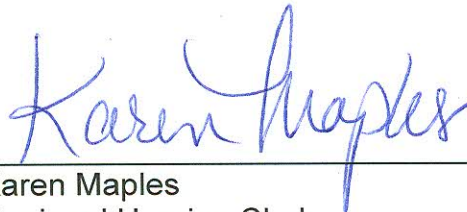
First Class Mail -

Wilson J. Torres Rivera
c/o Tower & Son Exterminating Corp.
P.O. Box 1045
Bayamon, Puerto Rico 00960

Wilson J. Torres Rivera, President
Tower & Son Exterminating Corp.
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New York, New York 10007-1866



Karen Maples
Regional Hearing Clerk
USEPA - Region II

Dated: October 9, 2018