

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

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In the Matter of: Tower Exterminating : Honorable Helen Ferrara
Corp. aka Tower & Son Exterminating : Regional Judicial Officer
Corp. and Wilson J. Torres Rivera, :
 : **Docket Number:**
Respondents : **FIFRA-02-2016-5306**
 :
Proceeding Under the Federal Insecticide, :
Fungicide, and Rodenticide Act, as :
Amended, and the Clean Air Act, as :
Amended :
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MOTION FOR EXTENSION OF TIME

By Order dated August 10, 2017, your Honor granted Complainant's Motion for Default Judgment on Liability and ordered Complainant to file and serve against the above-captioned Respondents, on or before October 11, 2017, the Motion for Penalty, together with supporting documentation which will provide factual grounds for the proposed penalty, in accordance with 40 C.F.R. §§ 22.5 and 22.16.

On September 28, 2017, Complainant's counsel filed a Motion for Extension of Time, from October 11, 2017 until April 11, 2018, to file a Motion for Penalty due to unprecedented island-wide damage to the Commonwealth of Puerto Rico.

On October 5, 2017 the EPA Region 2 Regional Judicial Officer, Helen Ferrara, issued an Order granting EPA Region 2's motion, for good cause shown, for extension of time for an additional six months, until April 11, 2018, to file and serve a Motion for Penalty.

On April 4, 2018, Complainant's counsel filed a Motion for Extension of time, from April 11, 2018 until October 11, 2018, to file a Motion for Penalty due to the continued unprecedented Island-wide damage to the Commonwealth of Puerto Rico and the belief that the Respondents' normal business operations continued to be put on hold indefinitely at that time.

By Order dated April 11, 2018, your Honor granted Complainant counsel's April 4, 2018 motion, for good cause shown, for an extension of time until October 11, 2018 to file and serve a Motion for Penalty.

Complainant moves, pursuant to 40 C.F.R. § 22.16(a), for a short one week extension of time, from October 11, 2018 until October 18, 2018, to file the Motion for Penalty, for the following reasons: The heavy work load associated with the federal government's end of fiscal year and the need to coordinate with EPA staff in different offices given the multiple federal statutes and regulations (Federal Insecticide Fungicide & Rodenticide Act and the Clean Air Act) alleged to have been violated in this case, has resulted in a delay in completing declarations which will provide factual grounds for the proposed penalty and be provided to support the Complainant's Motion for Penalty and Memorandum in Support of the Motion for Penalty. Based on the aforementioned, Complainant's counsel asserts that good cause exists for granting this motion for a short extension of time of one additional week, until October 18, 2018, to file the appropriate dispositive default Motion for Penalty along with the supporting documentation. Granting of this Motion will not prejudice the Respondents, who will both have a full opportunity to respond to the Motion when it is filed.

Dated: October 9, 2018
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'BAE' with a stylized flourish extending from the end.

Bruce Aber

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Waste and Toxic Substances Branch
U.S. Environmental Protection Agency, Region 2
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Motion for Extension, dated October 9, 2018, in the matter of Tower Exterminating Corp., aka Tower & Son Exterminating Corp., and Wilson J. Rivera Torres, Docket No. FIFRA 02-2016-5306, was sent this day in the following manner to the addresses listed below:

Original and Copy by Regular Mail to Hearing Clerk

Karen Maples
Regional Hearing Clerk
USEPA, Region 2
290 Broadway, 16th Floor
New York, N.Y. 11803

Copy by Electronic Mail to Regional Judicial Officer

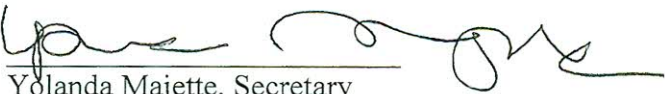
Helen Ferrara,
Regional Judicial Officer
USEPA, Region 2
290 Broadway, 16th Floor
New York, N.Y. 11803
Ferrara.helen@epa.gov

Copy by Certified Mail/Return Receipt Requested and Regular Mail to Tower & Son Exterminating Corp.:

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

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

Dated: October 9, 2018


Yolanda Majette, Secretary