

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, :
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Respondents : **Docket Number:**
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Proceeding Under the Federal Insecticide, : **FIFRA-02-2016-5306**
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 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 caused by Hurricanes Irma and Maria.

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

Complainant moves, pursuant to 40 C.F.R. § 22.16(a) for another six month (one-hundred and eighty (180) days) extension of time, from April 11, 2018 until October 11, 2018, to

file the Motion for Penalty, for the following reasons: The unprecedented island-wide damage to the Commonwealth of Puerto Rico caused by Hurricanes Irma and Maria in September 2017 continue to be felt some seven months afterwards. Electricity and telecommunications services have not been reestablished to the entire Island of Puerto Rico. A substantial number of customers of the Puerto Rico Electric Power Authority remain without power and those with power are not receiving a reliable and steady supply of electricity. A lack of functional and steady telecommunications still affect the operations of various businesses in Puerto Rico. EPA's inquiries appear to show that, as a result, regular business operations of Respondent Tower Exterminating Corp. aka Tower & Son Exterminating Corp and Wilson J. Torres Rivera may have not have been fully re-established. As such, a continuation of the temporary moratorium on further filings in this matter is warranted.

Based on the foregoing, 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 October 11, 2018, to file the appropriate dispositive default Motion for Penalty. As the request is made to allow Respondents 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: April 4, 2018
New York, New York

Respectfully submitted,



Bruce Aber
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Motion for Extension, dated April 4, 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: April 4, 2018


Yolanda Majette, Secretary