



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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ENVIR. APPEALS BOARD

October 9, 2008

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1341 G Street, NW, Suite 600
Washington, DC 20005

Re: *In the Matter of Gilberto Roman Gonzalez*, Docket No. FIFRA-02-2008-5303
In the Matter of Anibal Torres Sepulveda, Docket No. FIFRA-02-2008-5304

Dear Ms. Durr:

Enclosed please find the originals plus one copy of Complainant's Unopposed Motion to Amend Final Order in the above-mentioned matters.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Fidler", with a long horizontal line extending to the right.

Danielle Fidler
Attorney-Advisor
Special Litigation and Projects Division
U.S. Environmental Protection Agency, MC 2248-A

Enclosures

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BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

2008 OCT 13 AM 11:21

IN THE MATTER OF:)
)
Anibal Torres Sepulveda)
Anthuriums de Puerto Rico)
Road 526, Km. 2.4)
Bo. Yayaes)
Adjuntas, Puerto Rico,)
Respondent)

CIVIL APPEALS BOARD

Docket No. FIFRA-02-2008-5304

UNOPPOSED MOTION TO AMEND FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.4 and 22.16(c) of EPA's Consolidated Rules of Practice, Complainant respectfully submits this Unopposed Motion to Amend Final Order (hereinafter "this Motion") in the above-captioned matter. The U.S. Environmental Protection Agency ("the Agency") has changed its contractual arrangements for the payment of civil penalties, and the accounts referenced in Paragraph 22 of the Parties' Consent Agreement will close before Respondent's civil penalty obligations under the July 1, 2008 Final Order in this matter expire. The new bank accounts and payment options were unknown to Complainant at the time the Consent Agreement and proposed Final Order were filed with the Environmental Appeals Board ("Board") on June 16, 2008.

Complainant proposes that the July 1, 2008 Final Order in this matter be amended to require the civil penalty assessed in this matter to be paid according to the Agency's new payment procedures. Using the new account and payment information, Paragraph 22 of the Consent Agreement would read as follows:

For payment of the civil penalties, Respondent shall make three (3) payments of TWO THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$2,875.00) each within four (4) months, eight (8) months, and twelve (12) months of the issuance of a Final Order. Each of the three payments shall be made by sending a cashier's check or a certified check in the amount of TWO

THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$2,875.00)
made payable to the "Treasurer of the United States of America," to the
following address:

**United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000**

Overnight Mail should be directed to:

**U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
ATTN Box 979077
St. Louis, MO 63101
Contact: Natalie Pearson
314-418-4087**

**Alternatively, Respondent shall make each of these payments of TWO
THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$2,875.00)
via wire transfer to the Federal Reserve Bank of New York using the
following instructions:**

**Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York NY 10045
Field Tag 4200 of the Fedwire message should read "D68010727
Environmental Protection Agency"**

**Each of the three checks or wire transfers should indicate that is for In the
Matter of Anibal Torres Sepulveda, Docket No. FIFRA-02-2008-5304.**

**Alternatively, Respondent shall make each of these payments of TWO
THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$2,875.00)
via the Department of Treasury's internet-based payment system, using the
following instructions:**

Website: www.pay.gov


Enter "SFO 1.1" in the search field.

Open form and complete required fields (marked with an asterisk). Under "Type of Payment," choose "Civil Penalty." Under "Invoice#" type FIFRA-02-2008-5304 in the "Court# or Bill#" subfield and leave the other subfields blank. Under "Installments?" choose "Yes." Under "Region," type 02.

On September 18, 2008, Complainant notified Respondent's counsel in writing and via e-mail of the account changes and of this impending Motion; Respondent's counsel replied that he does not oppose Complainant's Motion. Therefore, for good cause shown, Complainant respectfully requests that this Court GRANT this Motion.

Respectfully Submitted,

9 OCT 08
Date


Danielle C. Fidler, Attorney-Advisor
Special Litigation and Projects Division
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, MC 2248A
Washington, DC 20460

Of Counsel: Gary Jones

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)
)
Anibal Torres Sepulveda)
Anthuriums de Puerto Rico)
Road 526, Km. 2.4)
Bo. Yayales)
Adjuntas, Puerto Rico,)
Respondent)

Docket No. FIFRA-02-2008-5304

AMENDED FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.4 and 22.16(c) of EPA's Consolidated Rules of Practice,
Complainant's Motion to Amend Final Order is GRANTED. Respondent is hereby ORDERED
to make all civil payments due under the Board's July 1, 2008 Final Order as follows:

For payment of the civil penalties, Respondent shall make three (3) payments of
TWO THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS
(\$2,875.00) each within four (4) months, eight (8) months, and twelve (12) months
of the issuance of a Final Order. Each of the three payments shall be made by
sending a cashier's check or a certified check in the amount of TWO THOUSAND
EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$2,875.00) made payable to
the "Treasurer of the United States of America," to the following address:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

Overnight Mail should be directed to:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
ATTN Box 979077
St. Louis, MO 63101
Contact: Natalie Pearson
314-418-4087

Alternatively, Respondent shall make each of these payments of TWO THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$2,875.00) via wire transfer to the Federal Reserve Bank of New York using the following instructions:

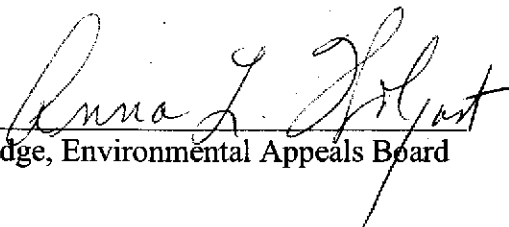
Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York NY 10045
Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency"

Each of the three checks or wire transfers should indicate that is for In the Matter of Anibal Torres Sepulveda, Docket No. FIFRA-02-2008-5304.

Alternatively, Respondent shall make each of these payments of TWO THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$2,875.00) via the Department of Treasury's internet-based payment system, using the following instructions:

Website: www.pay.gov
Enter "SFO 1.1" in the search field.
Open form and complete required fields (marked with an asterisk).
Under "Type of Payment," choose "Civil Penalty." Under "Invoice#" type FIFRA-02-2008-5304 in the "Court# or Bill#" subfield and leave the other subfields blank. Under "Installments?" choose "Yes." Under "Region," type 02.

So ORDERED, this 12th day of October, 2008.



Judge, Environmental Appeals Board

In the Matter of Anibal Torres Sepulveda, Docket No. FIFRA-02-2008-5304

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Amended Final Order, in the above matter has been filed with the Headquarters Hearing Clerk, and that a true and correct copy was sent to the following persons in the manner indicated:

Certified Mail

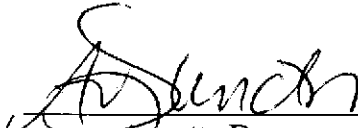
Return Receipt Requested:

Alberto L. Ramos Law Offices
P.O. Box 750
Mercedita, Puerto Rico 00715-0750

Inter-Office Mail:

Danielle C. Fidler
Special Litigation and Projects Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW (MC-2248A)
Washington, DC 20460

Date: OCT 16 2008



Annette Duncan
Secretary

In the Matter of Anibal Torres Sepulveda, Docket No. FIFRA-02-2008-5304

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing Unopposed Motion to Amend Final Order, bearing the above-referenced docket number, in the following manner to the respective addressees listed below:

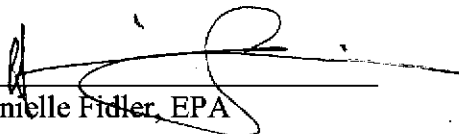
Original and Copy
By Interoffice Mail:

Clerk of the Board
Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

Copy by Certified Mail/
Return Receipt Requested:

Alberto L. Ramos Law Offices
P.O. Box 750
Mercedita, Puerto Rico 00715-0750

Dated: 9 OCT, 2008


Danielle Fidler, EPA