



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

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ENVIR. APPEALS BOARD

IN THE MATTER OF: )  
)  
Gilberto Roman Gonzalez )  
Finca Roman )  
Carr. 526, Km 1.2 )  
Adjuntas, Puerto Rico, )  
Respondent )

Docket No. FIFRA-02-2008-5303

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 ONE THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$1,875.00) 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 ONE**

**THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$1,875.00)  
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 ONE  
THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$1,875.00)  
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 Gilberto Roman Gonzalez, Docket No. FIFRA-02-2008-5303.**

**Alternatively, Respondent shall make each of these payments of ONE  
THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$1,875.00)  
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-02-2008-5303 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: )  
)  
Gilberto Roman Gonzalez )  
Finca Roman )  
Carr. 526, Km 1.2 )  
Adjuntas, Puerto Rico, )  
Respondent )

Docket No. FIFRA-02-2008-5303

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  
ONE THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$1,875.00)  
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 ONE THOUSAND EIGHT  
HUNDRED SEVENTY-FIVE DOLLARS (\$1,875.00) 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 ONE

THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$1,875.00) 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 Gilberto Roman Gonzalez, Docket No. FIFRA-02-2008-5303.

Alternatively, Respondent shall make each of these payments of ONE THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$1,875.00) via the Department of Treasury's internet-based payment system, using the following instructions:

Website: [www.pay.gov](http://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-02-2008-5303 in the "Court# or Bill#" subfield and leave the other subfields blank. Under "Installments?" choose "Yes." Under "Region," type 02.

So ORDERED, this 14<sup>th</sup> day of October, 2008.

  
\_\_\_\_\_  
Judge, Environmental Appeals Board

*In the Matter of Gilberto Roman Gonzalez, Docket No. FIFRA-02-2008-5303*

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**

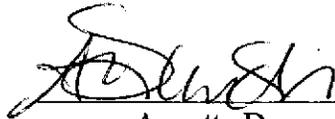
Return Receipt Requested:

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: 007 16

  
\_\_\_\_\_  
Annette Duncan  
Secretary

*In the Matter of Gilberto Roman Gonzalez, Docket No. FIFRA-02-2008-5303*

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