

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF:

**Oliver Exterminating**

**RESPONDENT**

Proceeding Under the Federal Insecticide,  
Fungicide and Rodenticide Act, as  
amended.

DOCKET NUMBER FIFRA-02-2010-5305

**MOTION**

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2011 FEB 17 P 3:35  
REGIONAL HEARING  
CLERK

**Informative Motion Regarding Progress Made in Filing an Executed  
Consent Agreement and Final Order and  
Third Request for Extension of Time to File**

COMES NOW Complainant, the U.S. Environmental Protection Agency ("EPA" or "Complainant") through the undersigned attorney, and respectfully alleges, prays and requests as follows:

Pursuant to the January 20, 2011 Order issued by the Honorable Susan L. Biro, Chief Administrative Law Judge, the Parties have until February 19, 2011, to file the fully executed CA/FO.

The CA/FO's concurrence process is about to finalize in Region 2's New York offices. Currently some minor modifications are being incorporated to the text of the CA/FO. The review and concurrence of Region 2's Director of the Division of Enforcement and Compliance Assistance and the signature of the Regional Administrator are pending. Once this process concludes, the fully executed CA/FO will immediately be filed.

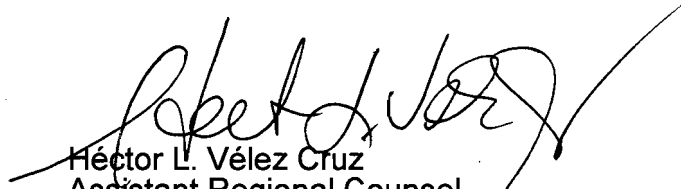
This Motion has been filed today in order to have the Chief Administrative Law Judge, Honorable Susan L. Biro, take notice of the progress made in the approval process to file a fully executed CA/FO.

In light of the above, Complainant requests the Honorable Chief Administrative Law Judge to grant the Parties twenty-six (26) additional days from the February 19, 2011 deadline, until March 18, 2011, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

This Motion was discussed today, February 14, 2011, with Benjamín Hernández Nieves, Esq., attorney for the Respondent, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 14<sup>th</sup> day of February,

2011.



Héctor L. Vélez Cruz  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region II  
Centro Europa Bldg., Suite 207  
1492 Ponce de León Ave.  
San Juan, PR 00907-4127  
(787) 977-5850 (office)  
(787) 729-7748 (fax)  
[velez.hector@epa.gov](mailto:velez.hector@epa.gov)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 2**

IN THE MATTER OF:

**DOCKET NUMBER FIFRA-02-2010-5305**

**Oliver Exterminating**

**RESPONDENT**

Proceeding Under the Federal Insecticide,  
Fungicide and Rodenticide Act, as  
amended.

**Certificate of Service**

I certify that I have this day caused to be sent the foregoing *Informative Motion and Third Request for Extension of Time to File Executed Consent Agreement and Final Order*, dated February 14, 2011, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Overnight Mail** to:

**Karen Maples**  
Regional Hearing Clerk  
Region II  
U.S. Environmental Protection Agency  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866  
Fax (212) 637-3202.

Copy by facsimile, **Regular Mail** to:

Attorney for Respondent:  
**Benjamín Hernández Nieves, Esq.**  
P.O. Box 8343  
Fernández Juncos Station  
San Juan, P.R. 00910-0343  
Tel: (787) 758-1338/758-4840  
Fax: (787) 758-2399  
[bhernandez@prtc.net](mailto:bhernandez@prtc.net).

Copy by facsimile, **Overnight Mail** to:

Chief Administrative Law Judge  
**Honorable Susan L. Biro**  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street, N.W., Suite 350  
Washington, D.C. 20005  
Fax (202) 565-0044

Date

2/14/2011

Name

