

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

Costello Exterminating, Inc., Island Wide
Pest Management Group Inc., and
Ramón L. Castillo Ortiz,

Respondents.

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

**COMPLAINT and
NOTICE OF OPPORTUNITY
TO REQUEST A HEARING**


Docket No. FIFRA-02-2018-5302

U.S. Environmental
Protection Agency-Region 2
2018 JUL 26 PM 4:01
REGIONAL HEARING
CLERK

**REQUEST FOR AN EXTENSION OF TIME
TO FILE ANSWER TO COMPLAINT AND REQUEST FOR A HEARING**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COME NOW Costello Exterminating, Inc., Island Wide Pest Management Group Inc., and Ramón L. Castillo Ortiz (the “Respondents”), and through the undersigned counsel respectfully state, allege and pray as follows:

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1. By letter dated April 25, 2018, the U.S. Environmental Protection Agency, Region 2 (“USEPA”) issued a Complaint and Notice of Opportunity to Request a Hearing to Respondents (the “Complaint”).
 2. Respondents received copy of the letter and Complaint on April 27, 2018. Accordingly, their answer to the Complaint and request for a hearing is due on May 27, 2018.
 3. As provided in the letter and documents accompanying the Complaint, the undersigned contacted the legal counsel of USEPA, Mr. Bruce Aber, Esq., on May 21, 2018 to start informal conferences by discussing the preliminary determination of USEPA that

Respondents incurred in the violation alleged in the Complaint, facts upon which the allegations are based, proposed amount of penalties and to coordinate the exchange of certain information and documents; this, in a way to explore the possibility of reaching an amicable and reasonable resolution of the matter via settlement – to avoid the need for any further litigation.

4. The informal conferences are still ongoing and as per the evidence submitted the parties needs time to evaluate respondents financial information submitted.
5. Now, because the informal conferences are developing positively – and under the authority of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22 - Respondents hereby request an extension of time of sixty (60) days to file their Answer to the Complaint and Request for a Hearing.
6. We have consulted with USEPA legal counsel about Respondents’ present request for an extension and USEPA counsel has no objection to the same – as the parties are hopeful and will continue with their good faith efforts and negotiations.
7. In light of the foregoing, Respondents respectfully request the Honorable Administrative Law Judge to grant the extension of time of sixty (60) days hereby being requested to file their Answer to the Complaint and Request for a Hearing; this is, until September 27, 2018.

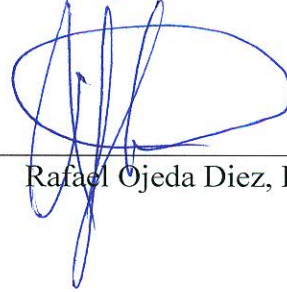
RESPECTFULLY SUBMITTED.

On this 20th day of July 2018, in San Juan, Puerto Rico.

I HEREBY CERTIFY that on this same date, I have caused the original and a copy of the foregoing Motion to be sent to the **Regional Hearing Clerk, ATTN: Karen Maples**, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 16th Floor, New York, NY 10007-1866; and, a true and exact copy of the foregoing to be sent via certified mail - return receipt requested to **Bruce Aber, Esq., Assistant Regional Counsel**, Office of the Regional Counsel,

U.S. Environmental Protection Agency, Region 2, 290 Broadway, 16th Floor, New York, NY
10007-1866 – with an advanced copy via email at Aber.Bruce@epamail.epa.gov.

Dated: July 20th, 2018

A handwritten signature in blue ink, consisting of several overlapping loops and a vertical stroke, positioned above a horizontal line.

Rafael Ojeda Diez, Esq.