

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 2

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 In the Matter of: Tower Exterminating :
 Corp. aka Tower & Son Exterminating :
 Corp. and Wilson J. Torres Rivera, :
 :
 Respondents :
 :
 Proceeding Under the Federal Insecticide, :
 Fungicide, and Rodenticide Act, as :
 Amended, and the Clean Air Act, as :
 Amended :
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Honorable Helen Ferrara
Regional Judicial Officer

Docket Number:
FIFRA-02-2016-5306

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 REGIONAL JUDICIAL OFFICE
 WASHINGTON, DC

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.

Complainant hereby moves, pursuant to 40 C.F.R. § 22.16(a) for a six month (one-hundred and eighty (180) days) extension of time, from October 11, 2017 until April 11, 2018, to file the Motion for Penalty, for the following reasons:

- (1) On or about September 7, 2017 and September 20, 2017, Hurricanes Irma and Maria, respectively, caused unprecedented island-wide damage to the Commonwealth of Puerto Rico. Such damage includes destroyed homes, flooded communities, impassable roads, and damaged infrastructure, leaving residents without electricity, water and communications. Normal business operations have been put on hold indefinitely. Accordingly, it would be insensitive as well as impractical for EPA to attempt to serve the Respondents with motion papers at this time. As such, a temporary moratorium on legal issues in this matter is warranted; and

(2) Once communications with Puerto Rico have been re-established and normal business operations resume, the Region 2 litigation team expects to attempt to reach the Respondent to see if renewed settlement negotiations might be possible prior to filing a default Motion for Penalty.

Based on the aforementioned, 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 April 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: September 28, 2017
New York, New York

Respectfully submitted,



Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
Waste and Toxic Substances Branch
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866
212-637-3224
aber.bruce@epa.gov

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Motion for Extension, dated September 28, 2017, 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 Hand-Delivery to Regional Hearing Clerk

Karen Maples
Regional Hearing Clerk
USEPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by Hand-Delivery and E-Mail to the Presiding Officer

Helen Ferrara
Regional Judicial Officer
USEPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

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: September 28, 2017



Yolanda Majette, Secretary