

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:) DOCKET NO.: FIFRA-04-2009-3015
Guaranteed Pool and Spa, Inc.)
Respondent.)
PROCEEDING UNDER SECTION
14(a) OF THE FEDERAL
INSECTICIDE, FUNGICIDE, AND
RODENTICIDE ACT, 7 U.S.C.
136l(a)

2009 JUN 30 AM 9:30
EPA REGION 4
HEARING CLERK

Motion for Extension of Alternative Dispute Resolution

Pursuant to agreement of the parties and the Order of Judge Biro, dated May 12, 2009, the parties participated in Alternative Dispute Resolution (ADR) via a conference call with Judge Nissen on June 5, 2009. On June 24, 2009, the parties reached a settlement in principle. Pursuant to Judge Biro's Order, ADR is set to expire on June 30, 2009. EPA is in the process of drafting a proposed Consent Agreement and Final Order (CAFO) that will be sent to Respondent's owner, Mr. Wesley Haigh, sometime this week. Once Mr. Haigh signs the CAFO, it will be signed by the Acting Director of Region 4's Air, Pesticides, and Toxics Management Division and presented to the Regional Hearing Clerk for approval.

The undersigned counsel for EPA has conferred with Mr. Haigh and he has indicated that he concurs in this Motion seeking a 30-day extension of ADR in order to provide the parties the necessary time to finalize the CAFO.

WHEREFORE, the parties hereby request that Judge Nissen grant a 30-day extension to the ADR period.

Respectfully submitted,



Robert W. Caplan
Counsel for Complainant
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303
404-562-9520

have served a true and correct copy of the same on the parties noted below in the manner

indicated.

Judge Spencer Nissen
c/o Mary Angeles
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Ave., NW
Mail Code 1900L
Washington, DC 20460
angeles.mary@epa.gov

(Via email and Overnight Mail)

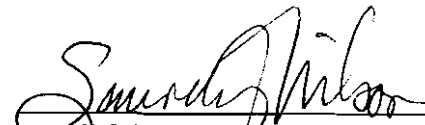
Molly Freeman Miller
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(Via email)

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(Via email and Overnight Mail)

Date: 4/30/09


Saund J. Wilson, Paralegal Specialist
Office of Air Toxics & General Law, OEA