

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

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG.II
2010 NOV 31 P 2: 27
2010 DEC -1 P 2: 28
REGIONAL HEARING CLERK

Informative Motion and Request for Extension of Time to File Executed Consent Agreement and Final Order

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

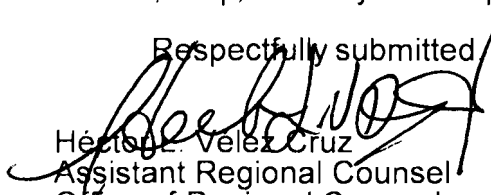
On November 23, 2010, Oliver Exterminating (Respondent) and Complainant (together, "the Parties") reached an agreement in principle dispositive of all matters asserted in the Administrative Complaint, including a penalty.

The Parties are engaged in settlement discussions in order to reach an agreement as to the final language and terms of the Consent Agreement and Final Order (CA/FO). Once the CA/FO is finalized it will be placed into concurrence within several EPA officers located in Region 2's San Juan and New York offices for their review and concurrence. Also, in order to file a duly executed CA/FO, the signature of the Respondent and the signature of the Regional Administrator are required. 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 agreement reached by the Parties and of the progress made in formalizing this agreement in a fully executed CA/FO. Due to the complexity of the review and concurrence process within the Agency and between the Parties in order to finalize a fully executed CA/FO, the Parties request the Honorable Presiding Officer until January 30, 2011, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

This Motion was discussed today, November 30, 2010, with Benjamín Hernández Nieves, Esq., attorney for Respondent, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 30th day of November, 2010.


Héctor L. Velez Cruz
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
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Certificate of Service

I certify that I have this day caused to be sent the foregoing *Informative Motion and Request for Extension of Time to File Executed Consent Agreement and Final Order*, dated November 30, 2010, 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, 16th 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.

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 14th Street, N.W., Suite 350
Washington, D.C. 20005
Fax (202) 565-0044.

Date

11/29/2010

Name

