

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II

MAR -4 AM 10:35  
REGIONAL HEARING  
CLERK

----- x  
In the Matter of :  
 :  
Flexabar Corporation and :  
Flexdel Corporation, :  
 :  
Respondents. :  
 :  
Proceeding Under the Federal :  
Insecticide, Fungicide and :  
Rodenticide Act, as amended. :  
----- x

STATUS REPORT and  
MOTION FOR EXTENSION OF TIME

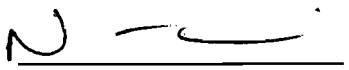
Docket No. FIFRA-02-2008-5120

STATUS REPORT and MOTION FOR EXTENSION OF TIME  
TO FILE CONSENT AGREEMENT AND FINAL ORDER

Counsel for Complainant submits this status report to advise that the draft Consent Agreement/Final Order ("CA/FO") in the above-captioned matter is still in the early stage of concurrence at EPA-Region 2. The CA/FO cannot be fully executed by March 10, 2009 as required by the Court's Order of February 10, 2009. The parties have been working cooperatively and diligently to finalize all documents. The settlement, however, involves a novel and creative Supplemental Environmental Project ("SEP") to be carried out by a third-party. Review and comment on the Scope of Work for the SEP involves staff from multiple branches and requires additional time.

Accordingly, with consent of Counsel for Respondent, I respectfully move for an extension of the deadline to file the fully-executed CA/FO to March 31, 2009.

Respectfully,

  
\_\_\_\_\_  
Naomi P. Shapiro  
Counsel for Complainant

Date: March 3, 2009  
New York, NY

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing STATUS REPORT, bearing the below-referenced docket number, in the following manner to the respective addressees below:

Original and One Copy  
by Hand:

Office of Regional Hearing Clerk  
U.S. Environmental Protection Agency - Region 2  
290 Broadway, 16th floor  
New York, New York 10007-1866

Copy by Pouch Mail and FAX:

202-565-0044

Susan L. Biro  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Mail Code 1900 L  
Washington, D.C. 20460

Copy by FAX :

215-557-9450

David F. Michelman, Esq.  
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Philadelphia, PA 19103

Dated: MAR - 3 2009  
New York, New York

