

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

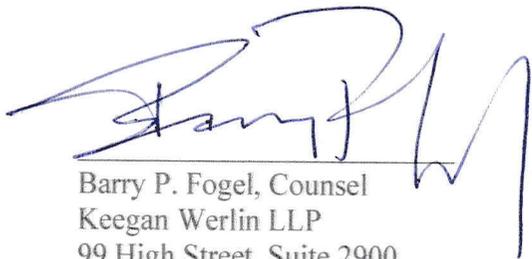
IN THE MATTER OF:)	
)	
FINICKY PET FOOD, INC.,)	Docket Nos.:
)	CAA-01-2018-0019
68 Blackmer Street)	EPCRA-01-2018-0020
New Bedford, MA 02744)	
)	
Respondent.)	
)	
Proceeding under Section 113(d) of the Clean)	
Air Act, 42 U.S.C. § 7413(d) and Section 325(c))	
of the Emergency Planning and Community)	
Right-to-Know Act, 42 U.S.C. § 11045(c))	
)	
)	

Joint Statement re. Extension of SEP Deadline

In a CAFO signed September 20, 2018, Respondent agreed to pay a \$89,140 penalty and perform a Supplemental Environmental Project (SEP) to purchase emergency response gear for local emergency responders. Respondent was required to provide the emergency response equipment in three installments within twelve months of issuance of the CAFO at a total cost of approximately \$99,000. Respondent was able to pay the civil penalty in full and provide the first two installments of equipment on schedule but was unable to complete the final installment within twelve months due to demonstrated financial difficulty. In September 2019, Counsel for both parties proposed a one-year extension to the SEP deadline to allow Respondent to complete the third and final installment, and the RJO issued an order approving the extension on October 2, 2019. Respondent has demonstrated that the financial difficulties have worsened due to industry conditions and COVID, and Counsel for both parties propose a final one-year extension to allow Respondent until September 20, 2021 to fulfill the terms of the SEP. The parties are hopeful that in this additional time the effects of COVID will be lessened and Respondent's financial condition will improve. The alternative, which is to consider assessing stipulated penalties for non-performance, is not a good option as stipulated penalties would further destabilize Respondent's finances.

This is the last extension that the parties will seek. If Respondent's financial difficulties do not improve, the above-referenced CAFO allows EPA to determine an unfulfilled SEP to be completed. Although EPA can assess stipulated penalties for any remainder, EPA has full discretion to reduce or waive any stipulated penalties. EPA Region 1's Director of the Enforcement and Compliance Assurance Division has concurred with this request.

On Behalf of Respondent, Finicky Pet Food, Inc.



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10/27/20

Date

On Behalf of Complainant, EPA Region 1

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Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
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Date