



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
M & P Pest Control, Inc.,) Docket No. FIFRA-02-2020-5303
)
Respondent.)

**ORDER ON JOINT MOTION REQUESTING FINAL EXTENSION OF TIME TO FILE
EXECUTED CONSENT AGREEMENT AND FINAL ORDER**

On March 3, 2020, the Director of the Enforcement and Compliance Assistance Division of U.S. Environmental Protection Agency (“Agency”), Region 2 (“Complainant”), initiated this proceeding by filing a Complaint and Notice of Opportunity to Request a Hearing. Therein, Complainant charges M & P Pest Control, Inc. (“Respondent”), with violations of the Clean Air Act, 42 U.S.C. §§ 7401 *et seq.*, and the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 *et seq.* Through counsel, Respondent filed an Answer to the Complaint and Request of a Formal Hearing on February 16, 2021.

Upon being designated to preside over the adjudication of this matter, I issued a Prehearing Order establishing a number of deadlines, including deadlines for the parties to engage in a settlement conference, file a Status Report regarding this conference and the status of settlement, file a fully-executed Consent Agreement and Final Order (“CAFO”) if they achieved settlement, and engage in a prehearing exchange of information if settlement was not achieved in the meantime. On April 12, 2021, I granted the parties’ Joint Motion Requesting Extension of Time to File Executed Consent Agreement and Final Order, such that they were afforded 60 days, or until June 8, 2021, to complete the process of finalizing their CAFO and obtaining the necessary approvals and signatures. On June 9, 2021, I granted the parties’ Joint Motion Requesting Second Extension of Time to File Executed Consent Agreement and Final Order, such that they were afforded 45 days, or until July 23, 2021, to complete the process of finalizing their CAFO and obtain the necessary approvals and signatures.

On July 22, 2021, one day before the CAFO or Complainant’s Initial Prehearing Exchange was due, the parties filed a Joint Motion Requesting Final Extension of Time to File Executed Consent Agreement and Final Order (“Joint Motion Requesting Final Extension of Time”). Therein, the parties document their steady progress in settling this matter, including ongoing efforts by both parties to review the draft CAFO and obtain approval, concurrence, and signature within Respondent’s legal team and at the regional level. The parties note that they had taken additional time to address Respondent’s request for an extended penalty payment. The parties then request that they be afforded an additional 30 days to complete the process of

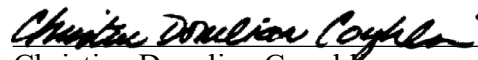
obtaining the necessary signatures for their CAFO and filing it with the Regional Hearing Clerk.

This matter is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Rules of Practice”) set forth at 40 C.F.R. Part 22. The Rules of Practice provide that I “may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative.” 40 C.F.R. § 22.7(b).

Here, the Joint Motion Requesting Final Extension of Time was timely and shows good cause. As reflected in the Rules of Practice, Agency policy supports settlement of a proceeding without the necessity of a formal hearing. 40 C.F.R. § 22.18(b)(1). Undoubtedly, the interests of the parties and judicial economy are well served by the parties resolving this matter informally and expeditiously. Accordingly, the Joint Motion Requesting Final Extension of Time is hereby **GRANTED**. As requested, a fully-executed CAFO shall now be filed with the Regional Hearing Clerk no later than **August 23, 2021**, with a courtesy copy filed with the Headquarters Hearing Clerk. If the parties are unable to finalize their settlement by that date, they shall file their prehearing exchanges pursuant to the following schedule:

| | |
|---------------------------|--|
| August 23, 2021 | Complainant’s Initial Prehearing Exchange |
| September 13, 2021 | Respondent’s Prehearing Exchange |
| September 27, 2021 | Complainant’s Rebuttal Prehearing Exchange |

SO ORDERED.


Christine Donelian Coughlin
Administrative Law Judge

Dated: July 27, 2021
Washington, D.C.

In the Matter of *M & P Pest Control, Inc.*, Respondent.
Docket No. FIFRA-02-2020-5303

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Joint Motion Requesting Final Extension of Time**, dated July 27, 2021, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



Mary Angeles
Paralegal Specialist

Original by OALJ E-Filing System to:
Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington, DC 20004

Copy by Electronic Mail to:
Carolina Jordán-García, Esq.
Assistant Regional Counsel
Office of Regional Counsel, Caribbean Team
U.S. Environmental Protection Agency, Region 2
Email: jordan-garcia.carolina@epa.gov
For Complainant

Copy by Regular and Electronic Mail to
Jhansel Núñez-Salce, Esq.
RUA 19671
313 Ave. Domenech Ste. 204
San Juan, Puerto Rico 00918
Email: nunez@lopezpabon.com
Email: jhansel.nunez@hotmail.com
For Respondent

Dated: July 27, 2021
Washington, D.C.