

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)	
)	
England's Stove Works, Inc.,)	Docket No. CAA-HQ-2022-8422
)	
Respondent)	

COMPLAINANT'S MOTION FOR ACCELERATED DECISION

Pursuant to the hearing and appeal procedures set forth in 40 C.F.R. pt. 60 subpt. AAA ("Rules of Practice" or "Rules") and pursuant to Chief Administrative Law Judge Susan L. Biro's February 16, 2022 Hearing Order ("Hearing Order"), Complainant, the United States Environmental Protection Agency ("EPA"), respectfully moves that the Presiding Officer enter an Order on Accelerated Decision granting EPA's motion and affirming that:

- 1) the certification test of the Subject Products was not valid;
- 2) Respondent has not presented any material facts to establish an affirmative defense;
- 3) therefore no genuine issue of material fact exists as to revocation; and
- 4) therefore EPA is entitled to judgment as a matter of law that the certification of the Subject Products may be revoked.

The reasons for this Motion for Accelerated Decision, filed pursuant to 40 C.F.R. pt. 60 subpt. AAA, are detailed in the Attached Memorandum of Law.

For the foregoing reasons, EPA requests that the Presiding Officer issue an Order granting Complainant's Motion for Acceleration Decision. In the alternative, Complainant requests that the Presiding Officer narrow the issues for hearing by determining what material facts remain controverted, and by ruling on those claims and defenses for which no material facts are in dispute.

As directed by the Prehearing Order, Complainant contacted Respondent's counsel to determine Respondent's position as to the granting of the relief sought in this Motion, and hereby states that Respondent OBJECTS to the granting of such relief.

Respectfully submitted,

Caitlin Meisenbach

Caitlin Kelleher Meisenbach
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Monitoring, Assistance, and Media Programs
Division
Office of Compliance
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In the Matter of England's Stove Works, Inc., Respondent.
Docket No. CAA-HQ-2022-8422

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Complainant's Motion for Accelerated Decision, dated February 28, 2022, was sent this day to the following parties in the manner indicated below.

Caitlin Meisenbach

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For Respondent

Dated: February 28, 2022
Estero, Fla.