

In the Matter of:

M & P Pest Control, Inc.

Respondent

Proceeding Under the Federal Insecticide,
Fungicide, and Rodenticide Act, as amended,
the Clean Air Act, as amended.

FIFRA-02-2020-5303

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

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, Complainant, United States Environmental Protection Agency, Region 2 (“Complainant” or “EPA”) and Respondent M & P Pest Control, Inc. (“Respondent”) (collectively referred to herein as “the Parties,”) and through the undersigned counsels, respectfully state, allege and pray as follows:

1. On March 3, 2020, EPA issued an Administrative Complaint against Respondent for violations of the Clean Air Act (“CAA”), 42 U.S.C. § 7401 *et seq.*, and the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136 *et seq.*
2. On February 16, 2021, Respondent filed the *Answer to Complaint*.¹
3. On March 19, 2021, Complainant filed a Status Report in compliance with the Prehearing Order dated February 23, 2021, informing that the Parties had reached an agreement in principle.
4. The Parties engaged in numerous settlement conference calls since January 19, 2021. As a result of these settlement negotiations between the Parties, a draft CA/FO was electronically transmitted to Respondent on February 10, 2021.

¹Respondent’s Answer to the Complaint is dated August 17th, 2020. However, effective submittal of the document with the Regional Hearing Clerk was not completed until February 16th, 2021.

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5. On February 17, 2021, Respondent notified EPA its consent to the proposed draft CA/FO and informed its intention to request an extended payment plan due to the financial impact by the COVID-19 emergency. Complainant agreed to consider the petition and discussed with Respondent the documentation required under EPA guidance documents to justify the request for an extended payment schedule.
6. Respondent has submitted some of the required financial documentation, however, further information is still necessary for Complainant to complete its assesment and determine whether the requested extended payment plan is appropriate.
7. Respondent expects to submit such documentation to EPA by Tuesday April 13, 2021.
8. Once the CA/FO is finalized and updated with the payment terms, it will be placed into formal concurrence for review, approval, and signature by the Parties. This entails having the CA/FO: signed by the Respondent and set into concurrence to officials in the EPA Region 2 Caribbean Environmental Protection Division, the Enforcement and Compliance Division and the Office of Regional Counsel. Once that process of concurrence and signature is finalized, the CA/FO will be submitted to the EPA Region 2 Regional Hearing Clerk in New York for her to execute the accompanying final order.
9. Based on the circumstances explained above, the Parties respectfully request this tribunal to grant an extension of time of sixty (60) days (until June 8, 2021) to file an executed CA/FO.
10. Pursuant to 40 C.F.R. § 22.7(b), the undersigned counsels submit that “good cause” exists for the granting of the relief herein being sought, and that there is no prejudice to any of the Parties.

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RESPECTFULLY SUBMITTED.

In Guaynabo, Puerto Rico,

On this 9th day of April 2021.



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CERTIFICATION OF SERVICE

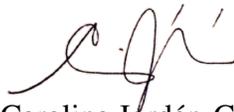
I hereby certify that on this 8th day of April 2021, I filed via the OAL E-Filing System, the original and copy of this joint motion to the Office of Administrative Law Judges Hearing Clerk; and served a true and correct copy of the filed document to the following persons in the manner indicated below:

Ms. Mary Angeles, Headquarters Hearing Clerk
OAL E-Filing System

Hon. Christine D. Coughlin, Judge
OAL E-Filing System²

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Dated: April 9, 2021
Guaynabo, Puerto Rico



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² According to the Order of Designation issued on November 23, 2020, documents filed electronically through the OALJ E-Filing System are deemed to have also been served electronically on the presiding judge.