



HUNTON & WILLIAMS LLP
BANK OF AMERICA PLAZA
SUITE 4100
600 PEACHTREE STREET, N.E.
ATLANTA, GEORGIA 30308-2216

TEL 404 • 888 • 4000
FAX 404 • 888 • 4190

CATHERINE D. LITTLE
DIRECT DIAL: 404-888-4047
EMAIL: clittle@hunton.com

FILE NO: 78681.103002

April 8, 2014

VIA HAND DELIVERY

Patricia Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

Re: Zep, Inc.
Motion for Extension of Time to File Answer and Proposed Order
Docket No. FIFRA-04-2014-3000

Dear Ms. Bullock:

Please find enclosed for filing in the above-referenced matter an original and one copy of Zep, Inc.'s Motion for Extension of Time to File an Answer and Proposed Order, as required by 40 C.F.R. § 22.5(a)(1), and accompanying Certificate of Service.

Sincerely,

Catherine D. Little

CDL/mce
Enclosure

cc: Lynda Crum, Esq. (w/ encl.)
Tracy Heinzman, Esq. (w/ encl.)

CATHERINE D. LITTLE
HUNTON & WILLIAMS LLP
600 Peachtree Street NE
Suite 4100
Atlanta, GA 30308-2216
Telephone: (404) 888-4047
Facsimile: (404) 888-4190

RECEIVED
EPA REGION IV
2014 APR 10 PM 12:43
HEARING CLERK

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

| | | |
|--------------------------|---|--------------------------------------|
| In the Matter of: |) | Docket No. FIFRA-04-2014-3000 |
| |) | |
| Zep, Inc., |) | MOTION FOR EXTENSION OF |
| |) | TIME TO FILE ANSWER; |
| Respondent |) | PROPOSED ORDER |
| |) | |
| _____ |) | [40 C.F.R. § 22.7(b)] |

Respondent Zep, Inc. (Zep or the Company) respectfully requests that the deadline to file an answer to the complaint filed by the United State Environmental Protection Agency, Region 4 (EPA or the Agency) in this case be extended to May 14, 2014 on the following grounds:

1. Zep has been represented in this matter by both Hunton & Williams LLP, acting as general environmental counsel, and Keller Heckman LLP, acting as FIFRA counsel.

2. On April 2, 2014, Keller Heckman advised Zep that it could no longer represent the Company due to a conflict of interest and withdrew from the representation. Hunton & Williams attempted to contact EPA that same day by phone and subsequently by email in order to convey that fact, and to request that a settlement meeting scheduled with EPA for April 8, 2014 be re-scheduled.

3. It was not until April 7, 2014, that EPA was in a position to return Hunton & Williams' call, at which time Hunton & Williams advised EPA of Keller and Heckman's withdrawal. Hunton & Williams also asked Ms. Lynda Crum, counsel to EPA, whether EPA would agree to a 30-day extension of time (*i.e.*, from April 14 to May 14, 2014) for Zep to file an answer with the assistance of its new FIFRA counsel that it was in the process of selecting. In two separate phone calls on April 7, 2014, Hunton & Williams emphasized that Zep wants to pursue settlement discussions with EPA just as soon as it was able to retain and fully transition new FIFRA counsel.

4. Wiley Rein was retained by the Company late in the day on April 7, 2014, and the Company is working diligently to brief Wiley Rein on this matter. To that end, the request for an extension was reiterated by Wiley Rein in a follow-up call to Ms. Crum on April 8, 2014.

5. Ms. Crum responded in a subsequent call to Wiley Rein on April 8, 2014, indicating that EPA does not agree to an extension without a clear message from Zep that the Company was still interested in settlement.

6. Through its counsel in two separate calls with EPA on April 7, 2014, the Company indicated that it remains interested in settlement, and that the Company intends to present a meaningful proposal to EPA when the settlement meeting is rescheduled. Zep understandably requires the effective assistance of its new FIFRA counsel, however, to proceed with settlement discussions.

7. Granting this motion will not result in prejudice to any party. To the contrary, it will merely allow Zep the time necessary to transition the matter to its newly retained FIFRA counsel, as well as provide Zep the opportunity to work

with its new FIFRA counsel to initiate meaningful settlement discussions with EPA and in hopes of resolving this matter prior to the filing of an answer.

8. Zep has just retained Wiley Rein LLP as replacement FIFRA counsel, and the Company requires additional time to bring its new counsel up to speed in this case prior to proceeding with settlement negotiations and any adjudication. Therefore, good cause exists for granting an extension of time under the Consolidated Rules of Practice. *See* 40 C.F.R. § 22.7(b).

9. This motion is timely, having been filed prior to April 14, 2014, the date Respondent's answer to the complaint is due. *See* 40 C.F.R. § 22.7(a); § 22.15(a).

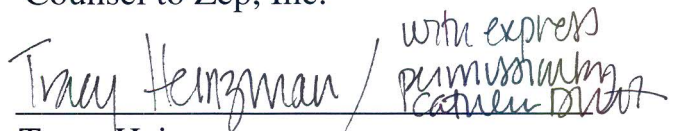
For the foregoing reasons, Zep respectfully requests that the deadline for filing an answer to the complaint in this case be extended to May 14, 2014.

Dated April 8, 2014.

Respectfully submitted,



Catherine D. Little
Hunton & Williams LLP
Counsel to Zep, Inc.



Tracy Heinzman
WILEY REIN LLP
1776 K Street NW
Washington, D.C. 20006
Counsel to Zep, Inc
Telephone: (202) 719-7106
Facsimile: (202) 719-7049

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

| | | |
|--------------------------|---|--------------------------------------|
| In the Matter of: |) | Docket No. FIFRA-04-2014-3000 |
| |) | |
| Zep, Inc., |) | |
| |) | PROPOSED ORDER |
| |) | |
| Respondent |) | |
| |) | [40 C.F.R. § 22.7(b)] |
| _____ |) | |

PROPOSED ORDER

Zep, Inc.'s motion for an extension of time until May 14, 2014 to file an answer to the complaint in this case is GRANTED. 40 C.F.R. § 22.7(b).

DATED: _____

REGIONAL JUDICIAL OFFICER

CERTIFICATE OF SERVICE

I certify that on April 8, 2014, the foregoing Motion for Extension of Time to File Answer and Proposed Order were delivered to the persons listed below in the manner indicated:

Patricia Bullock [Original and one copy by hand delivery]
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

Lynda Crum [One copy by hand delivery]
Associate Regional Counsel
U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

Dated: April 8, 2014



Signature

CATHERINE D. LITTLE

Print Name