

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

IN THE MATTER OF:

FINICKY PET FOOD, INC.,

68 Blackmer Street
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)

Docket Nos.:
CAA-01-2018-0019
EPCRA-01-2018-0020

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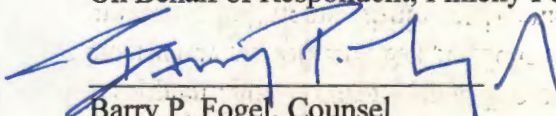
SEP 27 2019

EPA ORC
Office of Regional Hearing Clerk

Joint Motion to Extend Deadline for Completing Supplemental Environmental Project

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 SEP installments on schedule but is unable to complete the final SEP installment due to financial difficulty at this time. Respondent provided information to EPA documenting the nature of its financial difficulty. Counsel for both parties propose a one-year extension to the SEP deadline to allow Respondent to complete the third and final installment. 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. EPA Region 1's Director of the Enforcement and Compliance Assurance Division has concurred with this request.

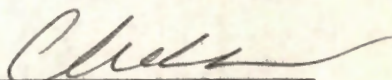
On Behalf of Respondent, Finicky Pet Food, Inc.


Barry P. Fogel, Counsel
Keegan Werlin LLP
99 High Street, Suite 2900
Boston, MA 02110

Date

09/10/19

On Behalf of Complainant, EPA Region 1



Chelsea Dixon
Attorney-Advisor
Federal Facilities Enforcement Office
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
WJC South 2213C
1200 Pennsylvania Ave., NW (MC 2261A)
Washington, DC 20460

9/23/19

Date

In re: Finicky Pet Food, Inc./EPA Docket Nos. CAA-01-2018-0019 and EPCRA-01-2018-0020

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Motion has been sent to the following persons on the date and in the manner noted below:

Original and one copy,
delivered by hand and by
electronic mail:

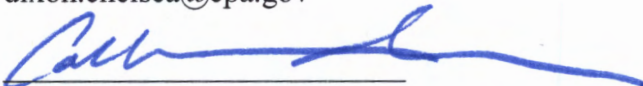
Ms. Wanda Santiago, Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3812

Copy, by First Class Mail
and by e-mail:

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Date: Sept 27, 2019


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