



**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 EXTENSION OF TIME

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 9, 2021, the date on which the CAFO or Complainant’s Initial Prehearing Exchange was due, the parties filed a Joint Motion Requesting Extension of Time to File Executed Consent Agreement and Final Order (“Joint Motion Requesting Extension of Time”). Therein, the parties describe their steady progress in settling this matter, including ongoing efforts for Respondent to obtain approval for an extended payment plan. The parties then request that they be afforded 60 days, or until June 8, 2021, to complete the process of finalizing their CAFO and obtaining the necessary approvals and signatures.

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 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 Extension of Time is hereby **GRANTED**. As requested, a fully-executed CAFO shall now be filed with the Regional Hearing Clerk no later than **June 8, 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:

June 8, 2021	Complainant's Initial Prehearing Exchange
June 29, 2021	Respondent's Prehearing Exchange
July 13, 2021	Complainant's Rebuttal Prehearing Exchange

SO ORDERED.



Christine Donelian Coughlin
Administrative Law Judge

Dated: April 12, 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 Extension of Time**, dated April 12, 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:
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For Respondent

Dated: April 12, 2021
Washington, D.C.