



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

In the Matter of:)
)
Emrich Aerial Spraying LLC,) **Docket No. FIFRA-07-2022-0133**
)
Respondent.)

ORDER GRANTING COMPLAINANT’S MOTION FOR EXTENSION

This proceeding was initiated on May 2, 2023, with the filing of a Complaint by the Complainant, the Director of the Enforcement and Compliance Assurance Division of Region 7 of the U.S. Environmental Protection Agency (“Agency”), against Respondent Emrich Aerial Spraying LLC, pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136*l*. Respondent subsequently filed an Answer to the Complaint, in which it denied the alleged violations and requested a hearing. After I was designated to preside over the proceeding, I issued a Prehearing Order setting deadlines for a number of prehearing procedures, including the filing of a fully-executed Consent Agreement and Final Order (“CAFO”) if the parties achieved settlement of this matter, and a prehearing exchange of information by each party if settlement was not achieved in the meantime. I subsequently extended the prehearing exchange deadlines, such that Complainant’s Rebuttal Prehearing Exchange was due November 13, 2023. Order Granting Respondent’s Mot. for Extension (Oct. 26, 2023).


On November 13, 2023, Complainant filed a Motion for Extension of Time to File Prehearing Exchange and/or a Consent Agreement and Final Order (“Motion”). Complainant’s Motion represents that the parties are engaged in ongoing settlement negotiations and requests a four-week extension of its Rebuttal Prehearing Exchange deadline, ostensibly to pursue those settlement discussions. Mot. ¶¶ 3, 4(a). Complainant further requests an extension of the parties’ deadline to file a fully-executed CAFO with this Tribunal. Mot. ¶ 4(b). Complainant represents that Respondent does not object to the requested extensions. Mot. ¶ 5.

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, Complainant’s Motion 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). The interests of the parties and judicial economy are well served by the parties resolving this matter informally and expeditiously. Accordingly, the

Motion is hereby **GRANTED**. A fully-executed CAFO shall be filed with the Regional Hearing Clerk on or before **December 11, 2023**, with a courtesy copy filed with the Headquarters Hearing Clerk. If the parties are unable to achieve settlement, Complainant shall instead file its Rebuttal Prehearing Exchange on that date.

SO ORDERED.



Christine Donelian Coughlin
Administrative Law Judge

Dated: November 13, 2023
Washington, D.C.

In the Matter of *Emrich Aerial Spraying LLC*, Respondent.
Docket No. FIFRA-07-2022-0133

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting Complainant's Motion for Extension**, dated November 13, 2023, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.

Stephanie Neale

Stephanie Neale
Attorney Advisor

Original by OALJ E-Filing System to:
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Office of Administrative Law Judges
U.S. Environmental Protection Agency
https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf

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Dated: November 13, 2023
Washington, D.C.