

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

M & P Pest Control Inc.

Respondent

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

Docket No. FIFRA-02-2020-5303

**JOINT MOTION REQUESTING FINAL 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 M & P Pest Control Inc., (“Respondent”), (herein collectively referred to as “the Parties”) and through the undersigned counsels, respectfully state, allege and pray as follows:

1. On June 4, 2021, the Parties filed a *Joint Motion Requesting Extension of Time to File Executed Consent Agreement and Final Order (“CA/FO”)* requesting thirty additional days to submit the CA/FO.
2. On June 9, 2021, this Honorable Court granted the Parties’ request for an additional term.
3. The Parties have continued their work on the process of document review, approval, concurrence and signature of the Consent Agreement, which requires time to fully develop, both within the Respondent’s legal team and at the regional level.

Respondent's request for an extended penalty payment brought an additional layer of discussion and examination.

4. Please be informed that the Parties continue to make significant progress toward the finalization of the Consent Agreement and Final Order. Therefore, the Parties have agreed to respectfully request the grant of an additional thirty (30) days to resolve this matter.
5. The Parties believe a final grant of thirty (30) days should suffice as Complainant has sent to Respondent a reviewed Consent Agreement and Final Order, attorney for Respondent has reviewed it and accepted Complainant's proposed changes and the revised draft is being reviewed by EPA senior management. Once EPA's senior management has approved the revised CAFO, Respondent will sign it and the executed Agreement will be filed.
6. The process for approval and signature involves 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, the Caribbean Environmental Protection 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.
7. Based on the above, and the Parties' wishes to avoid unnecessary costs preparing and reviewing pre-hearing exchanges, the Parties respectfully requests the aforementioned grant of additional time for the Parties to submit the executed CA/FO. The Parties are

confident that the grant of an additional thirty (30) days will allow us to finalize this matter.

8. 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.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico,

On this 22nd day of July 2021.

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CERTIFICATION OF SERVICE

I hereby certify that on this 22nd day of July 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: July 22, 2021
San Juan, Puerto Rico

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