

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 SECOND 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 March 3, 2020, EPA issued an Administrative Complaint against Respondent for violations of the Clean Air Act (“CAA”), 42 U.S.C. § 7401 et seq., and the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136 et seq. On February 16, 2021, Respondent filed its Answer to Complaint.
2. On March 19, 2021, Complainant filed a Status Report in compliance with the Prehearing Order dated February 23, 2021, informing that the Parties had reached an agreement in principle.
3. On February 10, 2021, a draft CA/FO was electronically transmitted to Respondent.

4. On February 17, 2021, Respondent notified EPA its consent to the proposed draft CA/FO and informed its intention to request an extended payment plan due to the financial impact by the COVID-19 emergency. Complainant agreed to consider the petition and discussed with Respondent the documentation required under EPA guidance documents to justify the request for an extended payment schedule.
5. Respondent had submitted some of the required financial documentation, however, further information was still necessary for Complainant to complete its assesment and determine whether the requested extended payment plan is appropriate.
6. On April 9, 2021, Complainant and Respondent filed a Joint Motion Requesting Extension of Time to File Executed Consent Agreement and Final Order.
7. On April 12, 2021, this Honorable Court granted the Parties' request for an extension of time to submit the fully-executed Consent Agreement and Final Order ("CA/FO"). The Order established that the fully-executed CA/FO shall be filed no later than June 8, 2021.
8. As informed in the Joint Motion Requesting Extension of Time to File Executed Consent Agreement and Final Order, Respondent expected to submit documentation to justify the request for an extended payment plan to EPA by April 13, 2021.
9. The documentation was provided on April 13, 2021, as agreed between the Parties and informed to this Honorable Court.
10. Complainant conducted a review and analysis of the newly submitted documentation and continued to engage Respondent in additional conversations regarding its submittal.
11. On June 2, 2021, further clarifications and correction to the documents were submitted by Respondent.

12. The CA/FO will be finalized and placed into formal concurrence for review, approval, and signature by the Parties. This entails 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 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.
13. Despite all the efforts the Parties will not be able to file a fully executed CA/FO by June 8, 2021, as directed in the Order. Therefore, based on the above, Complainant and Respondent respectfully request this Honorable Court to grant an extension of time of fortyfive (45) days (until July 23, 2021) to file the executed CA/FO.
14. 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 4<sup>th</sup> day of June 2021.

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**CERTIFICATION OF SERVICE**

I hereby certify that on this 4<sup>th</sup> day of June 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: June 4, 2021  
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