

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

In the Matter of:)
)
Professional Contract Sterilization, Inc.)
40 Myles Standish Boulevard)
Taunton, MA 02780)
)
Proceeding under Section 113)
of the Clean Air Act)
_____)

Docket No. CAA-01-2022-0059

**PROFESSIONAL CONTRACT STERILIZATION, INC. PCS'S REQUEST FOR
EXTENSION TO FILE PREHEARING SUBMITTALS**

1. Professional Contract Sterilization, Inc. ("PCS") requests an Extension to File Prehearing Submittals now due on November 18, 2022 until a later time as explained below.
2. As grounds for this Extension PCS states that it has provided EPA with a summary of its financials prepared by its CPA from 2017 to 2022 to provide a basis to support its Settlement Position and reduction in penalties sought by EPA. PCS must allocate its scarce resources efficiently and it is not economical to pursue its appeal and invest in testing and emission technology.
3. EPA has requested numerous other financial information, which PCS is in the process of providing to EPA, but will take additional weeks to secure.
4. EPA has also postponed stack emission testing that PCS had planned to complete in September prior to its principal consultant suddenly and immediately having to retire from the consulting business as a result of emergency medical conditions.
5. PCS and EPA have tentatively rescheduled the emission testing with a new lead consultant retained by PCS to conduct the agreed upon Testing Protocol in January 2023.
6. The results of the Testing protocol will provide significant and material information required to make decisions by both EPA and PCS with respect to the disputed emissions, existing technology and proposed penalties.
7. If the PCS testing fails testing metrics than PCS may be required to invest over hundreds of thousands of dollars in new technology which PCS proposed as part of the solution to the disputed penalties and stack emission allegations made by EPA.

8. PCS has been diligently soliciting estimates from experienced contractors to upgrade the disputed emissions technology and alleged violations. This information and proposals will be provided to EPA within the next few weeks as PCS is evaluating several options.
9. Under the Consolidated Rules of Practice governing this proceeding , set forth at C.F.R. Part 22, the Presiding Officer “may grant an extension of time for filing any documents: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.” 40 CFR. Sec. 22.7 (b).
10. PCS states that it has provided good cause for an Extension of the Prehearing Filing and that EPA will not be materially prejudiced by a modest extension of time until after the Testing of the PCS emissions is completed in February 2023 and reviewed by the Parties.

Respectfully submitted,



Robert A Fasanella
Counsel for Professional Contract
Sterilization, Inc.
Rubin and Rudman LLP
53 State Street, 15th Floor
Boston, MA 02109
(617) 330-7018

November 10, 2022

Date

CERTIFICATE OF SERVICE

I hereby certify that the forgoing Extension to File Prehearing Submittals was sent to the following persons on the date noted below:

Via Electronic Mail

The Office of Administrative Law Judges
OALJ E-Filing System
Headquarters Hearing Clerk
US Environmental Protection Agency
Office of Administrative Law Judges
Washington, DC

Via Electronic Mail

Jaegun Lee, Counsel for the Complainant
Lee.Jaegun@epa.gov

Dated: November 10, 2022



Robert Fasanella, Esq.
Rubin and Rudman LLP
53 State Street, 15th Floor
Boston, MA 02109
Tel (617) 330-7000
rfasanella@rudinrudman.com