

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219
BEFORE THE ADMINISTRATOR**

IN THE MATTER OF

Emrich Aerial Spraying LLC,

Respondent.

)
) **Docket No. FIFRA-07-2022-0133**
)
)
) **MOTION FOR EXTENSION OF**
) **TIME TO FILE PREHEARING**
) **EXCHANGE AND/OR A CONSENT**
) **AGREEMENT AND FINAL ORDER**

Complainant U.S. Environmental Protection Agency ("EPA") hereby respectfully submits the following Motion for Extension of Time to File Complainant's Rebuttal Prehearing Exchange.

1. On or around October 24, 2023, Respondent filed a Motion for Extension.
2. On October 26, 2023, this Court granted Respondents' Motion for Extension. This Court's Order required (1) Respondent to submit its Initial Prehearing Exchange on October 27, 2023, and (2) Complainant to submit its Rebuttal Prehearing Exchange on November 13, 2023.
3. The parties continue to engage in settlement negotiations.
4. Complainant files this motion to extend the following deadlines:
 - a. Complainant's Rebuttal Prehearing Exchange is currently due November 13, 2023. Complainant requests that this deadline be extended four weeks, to December 11, 2023.
 - b. This Court's October 26, 2023 Order did not provide a deadline for a Consent Agreement and/or Final Order to be filed. Complainant requests that they be

continually allowed to file a Consent Agreement and/or Final Order on or before November 13, 2023.

5. Complainant communicated its intention to file this motion with Respondent has no objection.

RESPECTFULLY SUBMITTED this 10th day of November, 2023.

For the Complainant
Katherine Kacsur
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CERTIFICATE OF SERVICE

I certify that the foregoing Motion for Extension of Time to File Rebuttal Exchange, Docket No. Docket No. FIFRA-07-2022-0133, has been submitted electronically using the OALJ E-Filing System.

A copy was sent by email to Tiernan Siems, counsel for Respondent, at *tsiem@eslaw.com*.

Date: November 10, 2023

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