



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 SECOND MOTION FOR EXTENSION

I am in receipt of Complainant’s December 11, 2023, Second 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 have reached a settlement in principle. Mot. ¶ 2. Complainant therefore requests a two-week extension of the parties’ deadline to file a fully-executed Consent Agreement and Final Order (“CAFO”) with this Tribunal and of Complainant’s alternative deadline to file its Rebuttal Prehearing Exchange. Mot. 1. Complainant represents that Respondent does not object to the requested extensions. Mot. ¶ 4.

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 29, 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

Christine Donelian Coughlin
Administrative Law Judge

Dated: December 11, 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 Second Motion for Extension**, dated December 11, 2023, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



Stefanie Neale
Attorney Advisor

Original by OALJ E-Filing System to:
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Dated: December 11, 2023
Washington, D.C.