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****FILED****
29 SEP 2021
U.S. EPA - REGION IX

7 UNITED STATES
8 ENVIRONMENTAL PROTECTION AGENCY
REGION IX

9
10 In the Matter of:) Docket No. TSCA-09-2021-0068
11)
12 MCEC, Inc.,) MOTION FOR EXTENSION OF
13) TIME TO FILE ANSWER
14 Respondent.)
_____)

15
16 TO THE REGIONAL JUDICIAL OFFICER:

17
18 Pursuant to the authority set forth in the Consolidated Rules of Practice, 40 C.F.R. Part 22,
19 Complainant U.S. Environmental Protection Agency, Region IX (“Complainant”), moves the Regional
20 Judicial Officer to grant a 60-day extension of time to respond to the complaint in the above-entitled
21 action (the “Complaint”) to December 3, 2021. Complainant’s reasons for seeking an extension for
22 time are set forth below.

23 BACKGROUND

24 On September 2, 2021, Complainant filed a civil administrative action against Respondent
25 MCEC, Inc. in the above-entitled action. The Complaint alleges violations of Section 409 of the Toxic
26 Substances Control Act (“TSCA”), 15 U.S.C. § 2689, by failing to comply with Sections 402 and 406
27 of TSCA, 15 U.S.C. §§ 2682 and 2686, and their implementing federal regulations promulgated at 40
28 C.F.R. Part 745, Subpart E. Respondent was served with the Complaint on September 2, 2021, and

1 Respondent's response to the Complaint is due by October 4, 2021 (technically, the due date is
2 October 2, 2021, but since this falls on a Saturday then, pursuant to 40 C.F.R. § 22.7(a), the due date
3 shall be extended to include the next business day).

4 ARGUMENT

5 The Regional Judicial Officer may grant an extension of time to file an answer upon filing of a
6 timely motion, a showing of good cause and after consideration of prejudice to other parties to the
7 action. 40 C.F.R. §§ 22.7(b) and 22.16. This motion satisfies these criteria.

8 This motion is timely, having been filed prior to the due date for Respondent's answer to the
9 Complaint.

10 This motion also complies with the "good cause" requirement of 40 C.F.R. § 22.7(b). It is
11 Complainant's policy to encourage settlement and avoid litigation when consistent with the provisions
12 and objectives of the law at issue. 40 C.F.R. § 22.18(b). Representatives of Complainant and
13 Respondent are in the midst of discussing settlement of the above-captioned matter, and a 60-day
14 extension of time to answer will facilitate such negotiations, particularly since Respondent's counsel has
15 raised "ability to pay" considerations and EPA needs more time to collect and process Respondent's
16 financial data to properly assess such a determination.

17 Finally, granting of this motion will not result in prejudice. As noted above, the parties are
18 involved in settlement discussions and the requested extension will provide Complainant and
19 Respondent sufficient time to reach and finalize settlement and fully resolve the matter. Respondent
20 does not object to this Motion.

21 CONCLUSION

22 For the reasons set forth above, Complainant respectfully requests that the Regional Judicial
23 Officer grant Complainant's motion for a 60-day extension of time to file an answer to and including
24 December 3, 2021.

25 Dated at San Francisco, California, on this 29th day of September, 2021.

26 EDGAR CORAL Digitally signed by EDGAR
CORAL
Date: 2021.09.29 16:12:18 -07'00'

27 EDGAR P. CORAL
28 Assistant Regional Counsel
U.S. Environmental Protection Agency, Region IX

1 CERTIFICATE OF SERVICE

2 I hereby certify that I have served, by electronic mail, a true and correct copy of the foregoing
3 Motion for Extension of Time to File Answer (Docket No. TSCA-9-2021-0068) to the following
4 counsel for Respondent:

5 James L. Miller, Esq.
6 James L I Miller, P.C.
7 3419 Via Lido #194
8 Newport Beach, CA 92663
9 jlimesq@dslextrreme.com

10 and to the Regional Hearing Clerk:

11 Regional Hearing Clerk
12 Office of Regional Counsel (ORC-1)
13 U.S. Environmental Protection Agency, Region IX
14 75 Hawthorne Street
15 San Francisco, California 94105
16 R9HearingClerk@epa.gov

17 Dated: _____

18 By:

19 **EDGAR CORAL** Digitally signed by EDGAR CORAL
Date: 2021.09.29 16:14:10 -07'00'
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21 U.S. Environmental Protection Agency, Region IX
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