



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of:)
Magnolia Waco Properties, LLC d/b/a) Docket No. TSCA-HQ-2018-5004
Magnolia Homes,)
Respondent.)

ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO COMPLAINT

This proceeding was initiated on November 29, 2017, when Complainant, Director of the Waste and Chemical Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, United States Environmental Protection Agency ("EPA"), filed a Civil Complaint and Notice of Opportunity for Hearing ("Complaint") against Respondent, Magnolia Waco Properties, LLC d/b/a Magnolia Homes, pursuant to Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. § 2615(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 ("Rules of Practice" or "Rules").

An answer to the Complaint was originally due on January 16, 2018; however, that filing deadline has been extended multiple times. Most recently, it was extended at the request of the parties to April 2, 2018, on the basis that the parties had reached an agreement in principle to settle this matter and the extension would provide the parties sufficient time to finalize and document their agreement and obtain the necessary approvals. On March 30, 2018, the parties filed another Joint Motion for Extension of Time to File Response to Complaint ("Joint Motion"), which seeks a 16-day extension of the filing deadline in order to complete that process.

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). The Joint Motion was timely and shows good cause for the requested extension. As reflected in the Rules of Practice, EPA policy supports settlement of a proceeding without the necessity of a formal hearing. See 40 C.F.R. § 22.18(b)(1). Undoubtedly, the interests of the parties and judicial economy are well served by the parties resolving this matter informally and expeditiously. Accordingly, the Joint Motion is hereby GRANTED. No later than April 18, 2018, Respondent shall file an answer to the Complaint or the parties shall file a fully-executed Consent Agreement and Final Order to resolve this matter.



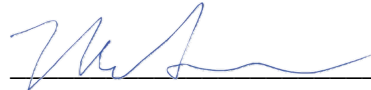
Susan L. Biro
Chief Administrative Law Judge

Dated: April 2, 2018
Washington, D.C.

In the Matter of *Magnolia Waco Properties, LLC d/b/a Magnolia Homes*, Respondent.
Docket No. TSCA-HQ-2018-5004

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting Joint Motion for Extension of Time to File Response to Complaint**, dated April 2, 2018, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Mary Angeles
Paralegal Specialist

Original and One Copy by Personal Delivery to:

Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
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Copy by Electronic and Regular Mail to:

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For Complainant

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For Respondent

Dated: April 2, 2018
Washington, D.C.