



**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”).

Pursuant to the relevant Rules of Practice, an answer to the Complaint was originally due on January 16, 2018. At the request of Respondent, that filing deadline was twice extended, most recently to March 2, 2018. On that date, the parties filed a Joint Motion for Extension of Time to File Response to Complaint (“Joint Motion”), wherein the parties request a 30-day extension of time for Respondent to file an answer or for the parties to file “other documents necessary to resolve this proceeding.” As grounds for this request, the parties state that they have reached an agreement in principle to settle this matter and that the extension sought would provide the parties sufficient time to finalize and document their agreement and obtain the necessary approvals.

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 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 2, 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: March 7, 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 March 7, 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 Respondent

Dated: March 7, 2018
Washington, D.C.