

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS

In the Matter of: )  
)  
Gillespie Realty, ) Docket No. TSCA-06-2008-6094  
)  
)  
Respondent. )

**ORDER EXTENDING ANSWER DATE AND TO FILE STATUS REPORT**

This action, initiated by the Complainant, Director of the Compliance Assurance and Enforcement Division, United States Environmental Protection Agency Region 6, seeks to assess an administrative penalty under Section 16 of the Toxic Substances Control Act, 15 U.S.C. § 2615. This action is governed by procedures set forth in the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits codified at 40 C.F.R. Part 22. Pursuant to 40 C.F.R. § 22.4(b), I have been assigned to act as Presiding Officer in this matter until the Respondent files an answer to the complaint. As of the date of this Order, Respondent has not filed an answer.

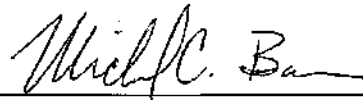
Complainant filed the Complaint and Notice of Opportunity for Hearing ("Complaint") in this action on September 30, 2008. A Certificate of Service attached to the Complaint indicates that the Complaint was mailed to Respondent, Gillespie Realty, by Certified Mail, Return Receipt Requested on September 30, 2008. A United States mail return receipt, commonly referred to as a "green card," filed with the Regional Hearing Clerk fails to indicate when or whether the Complaint was served on the Respondent. On November 5, 2008, the parties filed a Joint Motion for Extension of Time to File Answer in which the parties indicate that they have agreed to enter into settlement negotiations and jointly request a 60-day extension of the due date for Respondent's answer during which time the parties anticipate that settlement may be reached. The Regional Hearing Clerk's file in this case contains no other filings. After giving consideration to the entire record in this matter and to the Presiding Officer's responsibility to avoid delay in these proceedings, it is ordered that the parties shall comply with following measures for the orderly and efficient conduct of these proceedings:

1. The motion to extend the answer date is granted. In addition, since the end of the 60-day period requested has passed, the Presiding Officer, on his own initiative pursuant to 40 C.F.R. § 22.7(b), is further extending the deadline for Respondent to file its answer until **March 5, 2009**. On or before March 5, 2009, the Respondent shall file its answer and request for a hearing in response to the Complaint as required by 40 C.F.R. § 22.15. If a consent agreement and final

order resolving this case has not been filed by March 5, 2009, Respondent may seek a further extension of this deadline only by filing a timely motion showing good cause for why such extension should be granted. Failure to file an answer or to obtain a further extension of time on or before March 5, 2009, may result in Respondent being found in default pursuant to 40 C.F.R. § 22.17.

2. On or before **February 12, 2009**, Complainant shall file a report on the status of this matter, including, at a minimum: (1) a statement concerning that status of the settlement negotiations referred to in the Joint Motion for Extension of Time filed on November 5, 2008, including a summary of recent contacts between the parties (without disclosing the substance of settlement negotiations); (2) an assessment of whether settlement of this matter appears likely; (3) a statement concerning whether a settlement in principle has been reached; and (4) if applicable, a projected date for the filing of a Consent Agreement and Final Order.

SO ORDERED, this 21<sup>st</sup> day of January 2009.



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MICHAEL C. BARRA  
REGIONAL JUDICIAL OFFICER

**CERTIFICATE OF SERVICE**

I, Lorena S. Vaughn, the Regional Hearing Clerk for Region 6 of the Environmental Protection Agency, hereby certify that a true and correct copy of the Order Extending Answer Date and to File Status Report in Docket No. TSCA 06-2008-6094, was served upon the parties or their counsel of record on the date and in the manner set forth below:

Mr. Greg Oehler  
President  
Gillespie Realty  
502 East Main Street  
Fredericksburg, Texas 78624-4640

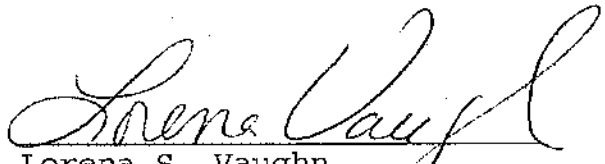
U.S. FIRST CLASS MAIL  
RETURN RECEIPT REQUESTED

Pat Weatherly  
U.S. Environmental Protection Agency  
1445 Ross Avenue  
Dallas, Texas 75202

HAND DELIVERED

DATE:

1-21-09

  
Lorena S. Vaughn  
Regional Hearing Clerk