



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:

**Jackson & Son Distributors, Inc.,
d/b/a Jackson and Son Oil,**

Respondent.

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Docket No. CWA-10-2025-0023

**ORDER ON COMPLAINANT’S MOTION TO AMEND
AND MOTION FOR STAY**

This proceeding was initiated on December 18, 2024, when Complainant, the Director of the Enforcement and Compliance Assurance Division in Region 10 of the U.S. Environmental Protection Agency (“EPA” or “Agency”), filed a Complaint against Respondent Jackson & Son Distributors, Inc., doing business as Jackson and Son Oil, pursuant to Section 311(b)(6) of the Clean Water Act (“CWA”), 33 U.S.C. § 1321(b)(6). By Order dated October 7, 2025, I granted leave to Complainant to amend the Complaint, deeming the signed copy of the proposed Amended Complaint that Complainant had attached to its motion as the governing complaint in this matter; ordering Respondent to file its answer to the Amended Complaint by October 27; and advising the parties that I would issue an order setting deadlines for the parties to engage in the prehearing exchange of information following receipt of Respondent’s answer. Respondent timely filed its Answer to Amended Complaint on October 27, and I then established a schedule for the parties’ prehearing exchange by Order dated November 17, with the first deadline set for December 19.

On December 15, however, Complainant filed two unopposed motions, a Motion for Leave to Amend the Amended Complaint (“Motion to Amend”) and a Motion for Stay of Prehearing Exchange Schedule (“Motion for Stay”). First, in the Motion to Amend, Complainant seeks to withdraw Counts 2 through 28 from the Amended Complaint, such that only Count 1 would remain. Mot. to Amend at 1. Noting that Respondent continues to deny the allegations against it and that removal of Counts 2 through 28 would “greatly reduce the number of facts that need to be established with respect to liability,” Complainant urges that its request promotes “judicial efficiency and conserves the resources of all parties and this Tribunal.” Mot. to Amend at 3-4. In a similar vein, Complainant also argues that removal of the subject counts, before a hearing has been scheduled and before the prehearing exchange has taken place, will not prejudice Respondent. Mot. to Amend at 4. Next, Complainant requests in its Motion for Stay to postpone the parties’ prehearing exchange on account of its Motion to Amend, proposing that I set a new schedule for the prehearing exchange either after Respondent files

its answer, if I grant the Motion to Amend, or at the time I deny its Motion to Amend, if that is how I decide to rule. Mot. for Stay at 2.

As previously explained in my Order of October 7, 2025, I am guided by a liberal standard in adjudicating motions to amend pleadings, as described in Federal Rule of Civil Procedure 15; *Foman v. Davis*, 371 U.S. 178 (1962); and precedent from the Environmental Appeals Board. Order on Complainant's Mot. for Leave to Am. the Compl. (Oct. 7, 2025), at 1-2. Specifically, the United States Supreme Court held in *Foman* that leave to amend a pleading should be freely given unless there are circumstances counseling against it, such as "undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, [and] futility of amendment." *Foman*, 371 U.S. at 182. In turn, the Environmental Appeals Board has held that that the most significant factor to consider in determining whether denial of leave to amend a complaint is appropriate is the amount of prejudice that would result to the respondent from the amendment. See, e.g., *Carroll Oil Co.*, 10 E.A.D. 635, 650 (EAB 2002); *Asbestos Specialists, Inc.*, 4 E.A.D. 819, 828 (EAB 1993).

In the present matter, Complainant notes that removal of Counts 2 through 28 from the Amended Complaint would conserve the resources of the parties and this Tribunal inasmuch as Respondent has continued to deny the related claims and their removal would vastly reduce the number of contested issues. Undoubtedly, such an amendment would benefit Respondent rather than cause undue prejudice, notwithstanding any amount of resources that Respondent has already expended to defend against the subject counts. Aside from that factor, I do not clearly see any other circumstances, such as bad faith or undue delay, that would call for denial of Complainant's Motion to Amend. Accordingly, the Motion to Amend is hereby **GRANTED**. Because Respondent and this Tribunal received a signed copy of the proposed Second Amended Complaint as an attachment to the Motion to Amend, the Second Amended Complaint is hereby deemed to have been filed and served as the date of this Order, and it is now the governing complaint in this matter. Consistent with the applicable procedural rules on the subject, Respondent shall file its answer to the Second Amended Complaint within 20 days from the date of this Order, or no later than **January 6, 2026**. See 40 C.F.R. § 22.14(c).

I turn now to Complainant's Motion for Stay. By Order dated November 17, 2025, I established a schedule for the parties' prehearing exchange, ordering Complainant to file its Initial Prehearing Exchange on or before December 19, 2025. Thus, Complainant had already been afforded nearly 30 days to prepare its Initial Prehearing Exchange by the time it filed the present motions. Additionally, the leave granted to Complainant has resulted in the withdrawal of nearly all of the violations alleged against Respondent, save for Count 1, and Complainant has not sought to amend that single remaining count. Therefore, it seems unlikely that Respondent will be required to meaningfully amend its answer to that count or that Complainant will be required to meaningfully alter its prehearing exchange beyond what it has already prepared. Given those considerations, the Motion for Stay is hereby **GRANTED, in part**, insofar as I will extend the deadlines for the parties' prehearing exchange as currently

scheduled, but I will not delay setting a new schedule. Rather, the prehearing exchange shall now occur as follows:

January 16, 2026	Complainant's Initial Prehearing Exchange
February 6, 2026	Respondent's Prehearing Exchange
February 20, 2026	Complainant's Rebuttal Prehearing Exchange

SO ORDERED.



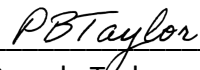
Michael B. Wright
Chief Administrative Law Judge

Dated: December 17, 2025
Washington, D.C.

In the Matter of *Jackson & Son Distributors, Inc., d/b/a Jackson and Son Oil*, Respondent
Docket No. CWA-10-2025-0023

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Order on Complainant's Motion to Amend and Motion for Stay, dated December 17, 2025, and issued by Chief Administrative Law Judge Michael B. Wright, was sent this day to the following parties in the manner indicated below.



Pamela Taylor
Paralegal Specialist

Original by ALJ E-Filing System to:

U.S. Environmental Protection Agency
Administrative Law Judges Division
https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf

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Dated: December 17, 2025
Washington, D.C.