



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
)  
Justin Holder, ) Docket No. CAA-HQ-2018-8374  
Battlefield Automotive, LLC, and )  
Enhanced Alternatives, LLC, )  
d/b/a Battlefield Automotive and )  
Confederate Diesel, )  
)  
Respondents. )

**ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME  
FOR RESPONDENTS TO ANSWER COMPLAINT**

This proceeding was initiated on June 14, 2018, when the Director of the Air Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, United States Environmental Protection Agency (“Complainant”), filed a Complaint against Justin Holder, Battlefield Automotive, LLC, and Enhanced Alternatives, LLC, d/b/a Battlefield Automotive and Confederate Diesel (“Respondents”), pursuant to Section 205(c)(1) of the Clean Air Act, 42 U.S.C. § 7524(c)(1), 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”).

The Rules of Practice provide, in pertinent part, that a complainant shall serve on a respondent, or a representative authorized to receive service on the respondent’s behalf, a copy of the signed original of the complaint by personal delivery, certified mail with return receipt requested, or any reliable commercial delivery service that provides written verification of delivery. 40 C.F.R. § 22.5(b)(1). Service of the complaint is deemed complete when the return receipt is signed. 40 C.F.R. § 22.7(c). Within 30 days after service of the complaint, an answer to the complaint is due. 40 C.F.R. § 22.15(a). In computing any period of time prescribed or allowed by the Rules of Practice, Saturdays, Sundays, and Federal holidays are included, but when a stated time expires on a Saturday, Sunday, or Federal holiday, the stated time period is extended to include the next business day. 40 C.F.R. § 22.7(a). Additionally, where a document is served by U.S. mail or commercial delivery service, the time allowed for the serving of a responsive document is extended by three days. 40 C.F.R. § 22.7(c).

The record of the present proceeding reflects that the Complaint was served on Respondent Justin Holder, who is also the duly authorized representative of Respondents Battlefield Automotive, LLC, and Enhanced Alternatives, LLC, by certified mail with return receipt requested and that the return receipt was signed on June 22, 2018. Thus, in accordance with the foregoing Rules of Practice, an answer to the Complaint is due on July 26, 2018. On

July 3, 2018, however, the parties filed a Joint Motion for Extension of Time for Respondents to Answer Complaint (“Motion”), in which the parties request that the deadline for Respondents to file an answer be extended to August 31, 2018. As grounds for this request, the parties assert that they have engaged in efforts since the filing of the Complaint to resolve the matters alleged, and that the extension sought would allow the parties to focus their attention on achieving full resolution of this matter through negotiation of a settlement.

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). With respect to the timeliness of a motion for an extension of time, the Rules direct that it “shall be filed sufficiently in advance of the due date so as to allow other parties reasonable opportunity to respond and to allow the Presiding Officer . . . reasonable opportunity to issue an order.” *Id.*

Here, the Motion was timely, and it shows good cause for an extension of the deadline to file an answer to the Complaint. 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**. As requested, Respondents shall file an answer to the Complaint no later than **August 31, 2018**.



---

Susan L. Biro  
Chief Administrative Law Judge

Dated: July 5, 2018  
Washington, D.C.

In the Matter of *Justin Holder, Battlefield Automotive, LLC, and Enhanced Alternatives, LLC, d/b/a Battlefield Automotive and Confederate Diesel*, Respondents.  
Docket No. CAA-HQ-2018-8374

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order Granting Joint Motion for Extension of Time for Respondents to Answer Complaint**, dated July 5, 2018, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.

---

Jennifer Almase  
Attorney-Advisor

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  
1300 Pennsylvania Ave., NW  
Washington, DC 20004

Copy by Electronic Mail to:

Mark J. Palermo  
Attorney-Advisor  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
Email: palermo.mark@epa.gov  
*Appearing for Complainant*

Justin Holder  
Respondent and Managing Member  
Battlefield Automotive, LLC, and Enhanced Alternatives, LLC  
Email: jholder2004@gmail.com  
*Appearing pro-se on behalf of Respondents*

Dated: July 5, 2018  
Washington, D.C.