



**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 UNOPPOSED 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. Upon motion by Respondent, I extended the filing deadline for the answer to February 9, 2018, by Order dated January 10, 2018. On February 1, 2018, Respondent filed an Unopposed Motion for Extension of Time to File Response to Complaint (“Motion”), wherein Respondent requests another extension of time to file an answer, this time until March 2, 2018. As grounds for its request, Respondent asserts that the parties “have resumed settlement discussions, and an extension would provide the parties with time to determine whether they can reach a settlement agreement in lieu of litigating this matter,” which would “conserve judicial resources and . . . permit a more efficient and productive use of time for the parties.” Respondent represents that Complainant supports the Motion.

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. Moreover, Complainant does not object to Respondent's request. Accordingly, the Motion is hereby **GRANTED**. Respondent shall file an answer to the Complaint no later than **March 2, 2018**.



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Susan L. Biro  
Chief Administrative Law Judge

Dated: February 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 Unopposed Motion for Extension of Time to File Response to Complaint**, dated February 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.

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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 and Regular Mail to:

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*For Respondent*

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