



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 SECOND 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 record 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. The Rules of Practice provide that an answer to a complaint is due within 30 days after service of the complaint. 40 C.F.R. § 22.15(a). By Order dated July 5, 2018, however, I granted the parties’ Joint Motion for Extension of Time for Respondents to Answer Complaint, which requested that the filing deadline for Respondents’ answer be extended to August 31, 2018, on the basis that the parties wished to focus their attention on resolving this matter through a negotiated settlement.

On August 28, 2018, the parties filed a Second 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 again, this time to September 28, 2018. As grounds for this request, the parties assert that they have executed a settlement agreement to resolve the matters alleged in the Complaint and that it is simply awaiting ratification by the Environmental Appeals Board pursuant to 40 C.F.R. § 22.18(b).

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. Accordingly, the Motion is hereby **GRANTED**. As requested, Respondents shall file an answer to the Complaint no later than **September 28, 2018**.

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: August 29, 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 Second Joint Motion for Extension of Time for Respondents to Answer Complaint**, dated August 29, 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
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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: August 29, 2018
Washington, D.C.