



**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 RESPONSIVE PLEADING TO COMPLAINT**

This proceeding was initiated on November 29, 2017, when the Director of the Waste and Chemical Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, United States Environmental Protection Agency (“Complainant”), filed a Civil Complaint and Notice of Opportunity for Hearing (“Complaint”) against Magnolia Waco Properties, LLC d/b/a Magnolia Homes (“Respondent”), 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”).

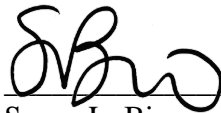
The Rules of Practice provide, in pertinent part, that a complainant shall serve on a respondent, or a representative authorized to receive service on the respondent’s behalf, a copy of the signed original of the complaint by personal delivery, certified mail with return receipt requested, or any reliable 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). However, under the Rules of Practice, 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). 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).

The record of the present proceeding reflects that the Complaint was served on the registered agent for Respondent by commercial delivery service and that it provided Complainant with written verification of delivery, with a signature showing acceptance of service on December 11, 2017. Thus, in accordance with the foregoing Rules of Practice, Respondent’s answer is due on January 16, 2018. Well in advance of that deadline, however, Respondent filed an Unopposed Motion for Extension of Time to File Responsive Pleading to Complaint (“Motion”), in which Respondent seeks “an extension of thirty (30) days up to and

including February 9, 2018,”<sup>1</sup> to file its responsive pleading. As grounds for its request, Respondent asserts that it “requires additional time to respond appropriately to the lengthy, 839-paragraph Complaint, particularly in light of the intervening holidays.” Finally, Respondent represents that Complainant does not oppose its request.

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. Moreover, Complainant does not object to it. Accordingly, the Motion is hereby **GRANTED**. As requested by Respondent, it shall file its responsive pleading to the Complaint no later than **February 9, 2018**.



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Susan L. Biro  
Chief Administrative Law Judge

Dated: January 10, 2018  
Washington, D.C.

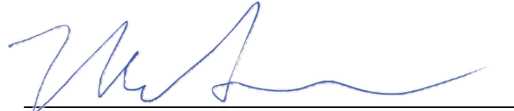
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<sup>1</sup> Respondent appears to mistakenly believe that its answer was due today, on January 10, 2018.

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 Responsive Pleading to Complaint**, dated January 10, 2018, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Mary Angeles  
Paralegal Specialist

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:

Amos Presler, Attorney Advisor  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
1200 Pennsylvania Ave., NW  
Mail Code 2249A  
Washington, DC 20460  
Email: presler.amos@epa.gov  
*For Complainant*

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*For Respondent*

Dated: January 10, 2018  
Washington, D.C.