



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 CONSENT AGREEMENT**

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”).

An answer to the Complaint was originally due on January 16, 2018; however, that filing deadline has been extended multiple times. Most recently, it was extended at the request of the parties to April 18, 2018, on the basis that the parties required additional time to finalize and document their agreement to settle this matter and to obtain the necessary approvals. On April 17, 2018, Complainant filed an Unopposed Motion for Extension of Time to File Consent Agreement (“Motion”), in which Complainant requests that the current filing deadline be extended by nine days to April 27, 2018. As grounds for this request, Complainant represents that the parties have finalized their agreement and that Complainant “now requires additional time to complete its preparation of papers necessary to file and seek the ratification of the Consent Agreement by the Environmental Appeals Board, as required by Rule 22.18(b)(3).”¹ Motion at 1. Complainant further represents that Respondent does not oppose 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). Here, the Motion was timely and shows good cause for the requested extension. As reflected in

¹ Section 22.18(b)(2) of the Rules of Practice provides that when parties settle a proceeding commenced at EPA Headquarters, the parties shall forward an executed consent agreement and a proposed final order to the Environmental Appeals Board (“Board”). 40 C.F.R. § 22.18(b)(2). Section 22.18(b)(3) then states that a final order from the Board ratifying the parties’ consent agreement is required to dispose of any such proceeding. 40 C.F.R. § 22.18(b)(3).

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. Furthermore, Respondent does not oppose it. Accordingly, the Motion is hereby **GRANTED**. No later than **April 27, 2018**, Respondent shall file an answer to the Complaint with this Tribunal or the parties shall file a fully-executed Consent Agreement and Final Order resolving this matter with the Clerk of the Board, with a courtesy copy sent to the undersigned.



Susan L. Biro
Chief Administrative Law Judge

Dated: April 19, 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 Consent Agreement**, dated April 19, 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
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Copy by Electronic and Regular Mail to:

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For Complainant

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For Respondent

Dated: April 19, 2018
Washington, D.C.