



November 8, 2016

Helen Ferrara, R.J.O.
US Environmental Protection Agency—Region 2
290 Broadway, 16th floor
New York, New York 10007-1866


REGIONAL HEARING
OFFICE
2016 NOV 15 PM 9:56
U.S. Environmental
Protection Agency
Region 2

**Re: New York State Department of Transportation
Docket No. CWA-02-2016-3403**

Your Honor:

Please find enclosed an original and one copy of the Respondent's Motion to Extend Time to File its Answer and an executed Certification of Service for the above-referenced matter. Also enclosed are a Proposed Order and Certificate of Service for your convenience.

Very truly yours,


ALICIA McNALLY
Assistant Counsel
New York State Department of Transportation
50 Wolf Road, 6th Floor
Albany, New York 12232

Encls.

cc:
Karen Maples
Regional Hearing Clerk
US Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866



**Department of
Transportation**

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

Cathy Calhoun
Chief of Staff

cc: (Motion Only)

Timothy Murphy, Asst. Region Counsel
Water and General Law Branch, Office General Counsel
US Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Joseph Di Mura, P.E., Director
Bureau of Water Compliance Programs
Division of Water
NYSDEC
625 Broadway
Albany, New York 12233-3506

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. Environmental
Protection Agency
2016 NOV 15 PM 9:57
REGIONAL HEARING
OFFICE

IN THE MATTER OF:

New York State Department of Transportation
50 Wolf Road
Albany, New York 12232
SPDES Permit No. NYRA20A288

PROCEEDING TO ASSESS CLASS II
CIVIL PENALTY

Respondent

DOCKET NO. CWA-02-2016-3403


Proceeding pursuant to Section 309(g)
of the Clean Water Act, 33 U.S.C. 1319(g)

RESPONDENT'S MOTION TO EXTEND TIME TO FILE ITS ANSWER

**PURSUANT TO THE CONSOLIDATED RULES OF PRACTICE, FOUND AT 40 CODE
OF FEDERAL REGULATIONS PART 22, RESPONDENT IN THIS MATTER MAKES
THIS MOTION.**

RESPONDENT, NYS DEPARTMENT OF TRANSPORTATION, hereby moves for an order granting the RESPONDENT a 90 day extension to re-file its Answer. RESPONDENT hereby asserts that this motion is premised upon Timothy Murphy, Esq.'s representations that EPA will not oppose said motion and that the 90 day extension will run from the issuing date, November 8, 2016.

ISSUED THIS: 8th DAY OF NOVEMBER, 2016


ALICIA McNALLY, of Counsel
JANICE A. McLAUHLAN, Acting Chief Counsel
New York State Department of Transportation
50 Wolf Road, 6th Floor
Albany, New York 12232

Original and One via 1st class US Mail to:
Helen Ferrara, R.J.O.
US Environmental Protection Agency—Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Copy via 1st class US Mail to:
Karen Maples
Regional Hearing Clerk
US Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Copy via 1st class US Mail to:
Timothy Murphy, Asst. Region Counsel
Water and General Law Branch, Office General Counsel
US Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Copy via 1st Class US Mail to:
Joseph Di Mura, P.E., Director
Bureau of Water Compliance Programs
Division of Water
NYSDEC
625 Broadway
Albany, New York 12233-3506

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

**New York State Department of Transportation
50 Wolf Road
Albany, New York 12232
SPDES Permit No. NYRA20A288**

**PROCEEDING TO ASSESS CLASS II
CIVIL PENALTY**

Respondent

DOCKET NO. CWA-02-2016-3403

**Proceeding pursuant to Section 309(g)
of the Clean Water Act, 33 U.S.C. 1319(g)**

I CERTIFY that on November 8th, 2016, I served the within RESPONDENT'S MOTION TO EXTEND TIME TO FILE ITS ANSWER, bearing the above referenced docket number, on the person(s) listed below, in the following manner(s):


Original and One via 1st class US Mail to:
Helen Ferrara, R.J.O.
US Environmental Protection Agency—Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Copy via 1st class US Mail to:
Karen Maples
Regional Hearing Clerk
US Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Copy via 1st class US Mail to:
Timothy Murphy, Asst. Region Counsel
Water and General Law Branch, Office General Counsel
US Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Copy via 1st Class US Mail to:
Joseph Di Mura, P.E., Director
Bureau of Water Compliance Programs
Division of Water
NYSDEC
625 Broadway
Albany, New York 12233-3506

November 8, 2016


ALICIA McNALLY, of Counsel
JANICE A. McLAUHLAN, Acting Chief Counsel
New York State Department of Transportation
50 Wolf Road, 6th Floor
Albany, New York 12232

UNITED STATE ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:	:	
	:	
New York State Department of Transportation,	:	
	:	DOCKET NUMBER CWA-02-2016-3403
	:	
	:	
	:	
Respondent	:	

**ORDER GRANTING RESPONDENT’S MOTION TO
EXTEND TIME TO FILE ITS ANSWER**

On November 8th, 2016, Respondent filed a *Motion to Extend Time to File its Answer* which moved for an order granting an extension of time in which the respondent may file an answer to EPA’s Complaint through February 16th, 2017. In light of the information set forth in that Motion, made for good cause shown and with the concurrence of Complainant, Respondent’s Motion is hereby GRANTED.

Effective Date

The effective date of this Order shall be _____, 2016.

Dated: _____, 2016

Helen S. Ferrara
Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that the **Order Granting Respondent's Motion To Extend Time To File Its Answer** by Helen Ferrara in the matter of **New York State Department of Transportation, Docket No. CWA-02-2016-3403**, was served upon the parties as indicated below:

First Class Mail -- Alicia McNally
Assistant Counsel
Division of Legal Affairs
New York State
Department of Transportation
50 Wolf Road, 6th floor
Albany, New York 12232

Inter Office Mail-- Tim Murphy, Esq.
Assistant Regional Counsel
USEPA - Region II
290 Broadway, 16th Floor
New York, New York 10007-1866

Karen Maples
Regional Hearing Clerk
USEPA - Region II

Dated: _____, 2016