



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
Double M Properties,) **Docket No. CWA-06-2022-1772**
)
Respondent.)

**ORDER ON COMPLAINANT’S THIRD MOTION FOR EXTENSION
OF PREHEARING ORDER DEADLINES**

This proceeding was initiated on July 7, 2022, with the filing of an Administrative Complaint by the Complainant, the Director of the Enforcement and Compliance Assurance Division of Region 6 of the U.S. Environmental Protection Agency (“Agency”) against Respondent, Double M Properties, pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g). Respondent subsequently filed an Answer to Administrative Complaint, in which Respondent denied the violations alleged in the Administrative Complaint and requested a hearing. After I was designated to preside over the proceeding, I issued a Prehearing Order setting deadlines for a number of prehearing procedures, including the filing of a fully-executed Consent Agreement and Final Order (“CAFO”) if the parties achieved settlement of this matter and a prehearing exchange of information by each party if settlement was not achieved in the meantime.


Since the issuance of the Prehearing Order, I have twice extended the deadlines for the prehearing exchange at Complainant’s request based on its representations regarding the parties’ efforts to settle this matter. On December 15, 2022, Complainant filed a third Motion for Extension of Prehearing Order Deadlines (“Motion”), in which Complainant represents that the parties have strived to finalize a CAFO but that the negotiation process has been hindered by the holidays and that the parties will still need to undertake the lengthy concurrence process once the parties have agreed on the language of the CAFO. Accordingly, Complainant requests a 45-day extension of the prehearing exchange deadlines to afford the parties sufficient time to complete those processes. Complainant represents that Respondent does not object to the requested extension.

This matter is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Rules of Practice”) set forth at 40 C.F.R. Part 22. 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, Complainant's Motion was timely and shows good cause. As reflected in the Rules of Practice, Agency policy supports settlement of a proceeding without the necessity of a formal hearing. 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. Accordingly, the Motion is hereby **GRANTED**. As requested, a fully-executed CAFO shall now be filed with the Regional Hearing Clerk on or before **February 27, 2023**, with a courtesy copy filed with the Headquarters Hearing Clerk. If the parties are unable to achieve settlement by that date, they shall file their prehearing exchanges pursuant to the following schedule:

February 27, 2023	Complainant's Initial Prehearing Exchange
March 20, 2023	Respondent's Prehearing Exchange
April 3, 2023	Complainant's Rebuttal Prehearing Exchange

SO ORDERED.


Christine Donelian Coughlin
Administrative Law Judge

Dated: January 3, 2023
Washington, D.C.

In the Matter of *Double M Properties*, Respondent.
Docket No. CWA-06-2022-1772

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Complainant's Third Motion for Extension of Prehearing Order Deadlines**, dated January 3, 2023, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



Mary Angeles
Paralegal Specialist

Original by OALJ E-Filing System to:
Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf

Copy by Electronic Mail to:
Efren Ordóñez
U.S. Environmental Protection Agency, Region 6
Email: ordonez.efren@epa.gov
Counsel for Complainant

Copy by Electronic and Regular Mail to:
Pete Domenici
Domenici Law Firm
320 Gold Avenue SW, Suite 1000
Albuquerque, NM 87102
Email: pdomenici@domenicilaw.com
Counsel for Respondent

Dated: January 3, 2023
Washington, D.C.

