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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:)
)
Albuquerque Bernalillo County Water)
Utility Authority)
)
Respondent)
)

Docket No. CWA-06-2023-1727

MOTION FOR EXTENSION OF TIME

COMES NOW COMPLAINANT, the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, Region 6, by and through its attorney, respectfully requests that the Regional Judicial Officer grant an extension of time until Monday, August 28, 2023, for Complainant to file its *Response* to the Pueblo of Isleta's *Motion for Leave to Intervene*. Complainant respectfully requests this extension for the following reasons:

1. Complainant filed a Class II Administrative Complaint ("Complaint") against Albuquerque Bernalillo County Water Utility Authority ("Respondent") on May 30, 2023.
2. Pueblo of Isleta filed a *Motion for Leave to Intervene* on June 27, 2023.
3. Respondent filed its *Answer* to the Complaint on June 29, 2023.
4. Under the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("the Consolidated Rules") applicable to this matter, Complainant's *Response* to the Pueblo of Isleta's *Motion for Leave to Intervene* must be filed by Wednesday, July 12, 2023. See 40 C.F.R. § 22.16(b).

5. Because Respondent filed its *Answer* to the Complaint after the Pueblo of Isleta filed its *Motion for Leave to Intervene* in the above-captioned matter, the Regional Judicial Officer has authority to issue a decision on the Pueblo of Isleta's *Motion for Leave to Intervene* including this associated *Motion for Extension of Time* for Complainant's *Response* to the Pueblo of Isleta's *Motion for Leave to Intervene*. See 40 C.F.R. § 22.16(c).

6. Counsel for Complainant, Ellen Chang, will be on vacation from June 30, 2023, through July 9, 2023. Counsel for Complainant, Ellen Chang, and counsel for the Pueblo of Isleta had a conference call on June 29, 2023, and the parties agreed to have a joint conference call with Respondent within the next few weeks.

7. Complainant kindly requests that Complainant's *Response* to the Pueblo of Isleta's *Motion for Leave to Intervene* deadline be extended by forty-five (45) days, and that the Regional Judicial Officer issue an order extending Complainant's *Response* deadline to Monday, August 28, 2023. This extension of time will not disrupt any schedule.

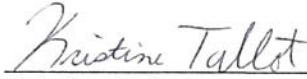
8. In accordance with the requirements of 40 C.F.R. § 22.7(b), Complainant is filing this *Motion for Extension of Time* sufficiently in advance of the due date for Complainant's *Response* to the Pueblo of Isleta's *Motion for Leave to Intervene* to allow the Regional Judicial Officer a reasonable opportunity to issue an order.

9. Granting the relief requested by this *Motion for Extension of Time* will not prejudice any party to this matter.

WHEREFORE, for good cause shown herein, the Complainant requests that the Regional Judicial Officer issue an order extending the time for Complainant to file its *Response* to the

Pueblo of Isleta's *Motion for Leave to Intervene* from Wednesday, July 12, 2023, to Monday, August 28, 2023.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that the original and a true and correct copy of the foregoing MOTION FOR EXTENSION OF TIME was delivered to and filed with the Regional Hearing Clerk, U.S., EPA, Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the following:

Copy by email and certified mail, return receipt requested:

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Dated: 7/5/23