



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
 )  
C & S Enterprise, L.L.C., ) Docket No. CWA-07-2018-0095  
 )  
Respondent. )

**ORDER ON RESPONDENT’S MOTION FOR EXTENSION OF TIME**

A Post-Hearing Scheduling Order issued in this case on October 26, 2018 set forth deadlines for filing post-hearing briefs. Complainant timely filed its Initial Post-Hearing Brief on December 14, 2018.

On December 28, 2018, the U.S. Environmental Protection Agency along with many other federal government agencies shut down due to an appropriations lapse, and the Office of Administrative Law Judges was closed. The office did not reopen until January 28, 2019. That same day, counsel for Respondent filed a Motion for Extension of Time (“Motion”) to file Respondent’s Initial Post-Hearing Brief. The request was due to counsel’s trial schedule in December and January and the unexpected departure of an associate attorney.

This Tribunal “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). In light of the government shutdown and the various reasons cited by Respondent, Respondent’s Motion is **GRANTED**. The parties shall submit post-hearing briefs in sequential order in accordance with the following revised schedule:

Respondent’s Initial Post-Hearing Brief:	<b>March 1, 2019</b>
Complainant’s Reply Post-Hearing Brief:	<b>March 15, 2019</b>
Respondent’s Reply Post-Hearing Brief:	<b>March 29, 2019</b>

As previously ordered, all briefs shall contain specific citations to the record and to any legal authority the party wishes this Tribunal to consider. *See* 40 C.F.R. § 22.26 (requiring all post-hearing submissions to contain adequate references to the record and authorities upon which the filing party relied). If a party does not intend to file a post-hearing brief or reply brief as permitted above, it shall notify Matt Barnwell, a staff attorney for this Tribunal, at (202) 564-3245 or [barnwell.matt@epa.gov](mailto:barnwell.matt@epa.gov).

**SO ORDERED.**

A handwritten signature in black ink, appearing to read 'S. Biro', written above a horizontal line.


Susan L. Biro  
Chief Administrative Law Judge

Dated: January 30, 2019  
Washington, D.C.

In the Matter of *C & S Enterprise, L.L.C.*, Respondent.  
Docket No. CWA-07-2018-0095

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order on Respondent's Motion for Extension of Time**, dated January 30, 2019, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.

  
\_\_\_\_\_  
Matt Barnwell  
Attorney Advisor

Original and One Copy by Hand 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

Copies by Electronic Mail to:

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*Attorney for Respondent*

Dated: January 30, 2019  
Washington, D.C.