

**ENVIRONMENTAL APPEALS BOARD
 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 WASHINGTON, D.C.**

)	
In re:)	
)	
New York State Department of Transportation)	CWA Appeal No. 20-(01)
)	
Docket No. CWA-02-2016-3403)	
)	

ORDER DECLINING TO EXERCISE *SUA SPONTE* REVIEW

On June 29, 2020, Chief Administrative Law Judge Susan L. Biro issued and served on the parties an Initial Decision and Order in the above-captioned case. Judge Biro subsequently issued and served a Corrected Initial Decision and Order on July 14, 2020. Neither party appealed. The Environmental Appeals Board declines to review the case on its own initiative. *See* 40 C.F.R. §§ 22.27(c)(4), 22.30(b). Accordingly, the Corrected Initial Decision and Order will become a final order on August 28, 2020, pursuant to 40 C.F.R. § 22.27(c).

So ordered.¹

ENVIRONMENTAL APPEALS BOARD

Date: **Aug 14 2020**

By: 
 Aaron P. Avila
 Environmental Appeals Judge

¹ The three-member panel deciding this matter consists of Environmental Appeals Judges Aaron P. Avila, Mary Kay Lynch, and Kathie A. Stein.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Declining to Exercise *Sua Sponte* Review** in the matter of *New York State Department of Transportation*, CWA Appeal No. 20-(01), were sent to the following persons in the manner indicated:

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Date: **Aug 14 2020**



Erika Durr
Clerk of the Board