

FILED

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

23 AUG 23 AM 10:00

REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of:	§	Docket No. CWA-06-2023-1727
	§	
Albuquerque Bernalillo County Water Utility Authority <i>Respondent</i>	§	Proceeding to Assess a Class II Civil Penalty Under Section 309(g) of the Clean Water Act
	§	
U.S. Environmental Protection Agency <i>Complainant</i>	§	NPDES Permit No. NM 0022250
	§	
Pueblo of Isleta <i>Proposed Intervenor</i>	§	
	§	

MOTION FOR EXTENSION OF TIME

COME NOW, Complainant moves this Tribunal to issue an order extending the time for Complainant to file a *Response* to the Pueblo of Isleta's *Motion for Leave to Intervene*.

1. Complainant filed a *Class II Administrative 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. Complainant filed a *Motion for Extension of Time* on July 5, 2023, which the Regional Judicial Officer granted on July 6, 2023.
4. Complainant and Respondent have had several settlement discussions, the most recent on August 22, 2023, and have included the Pueblo of Isleta. At this point, a settlement has not been reached, but the discussions have been productive and the parties are continuing to have an open dialogue.
5. Complainant kindly requests that Complainant's *Response* deadline be extended by one hundred twenty-one (121) days, and that this Tribunal issue an order re-setting

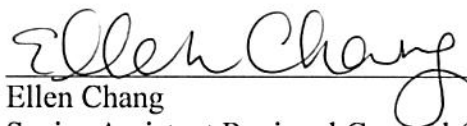
Complainant's *Response* deadline for Tuesday, December 26, 2023. This extension of time will not disrupt any schedule.

6. 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 Motion's *Response* to allow the Tribunal a reasonable opportunity to issue an order.

7. Granting the relief requested by this *Motion* will not prejudice any party to this matter.

WHEREFORE, for good cause shown herein, the Complainant requests that this Tribunal issue an order extending the time to file its *Response* to the Pueblo of Isleta's *Motion for Leave to Intervene* from Monday, August 28, 2023, to Tuesday, December 26, 2023.

Respectfully submitted,



Ellen Chang
Senior Assistant Regional Counsel (6-ORCEW)
U.S. EPA, Region 6
1201 Elm St.
Dallas, Texas 75270-2102
Tel.: (214) 665-7328
Email: chang.ellen@epa.gov
Attorney for Complainant


CERTIFICATE OF SERVICE

I certify that the original of the foregoing Motion for Extension of Time was delivered to and filed with the Regional Hearing Clerk, EPA Region 6, 1201 Elm St., Suite 500, Dallas, Texas 75270-2101, and that a true and correct copy was sent to the following on the **23rd day of August 2023**, in the following manner:

Via Email and First-Class U.S. Mail:

Lindsay Cutler
General Counsel
Pueblo of Isleta
P.O. Box 1290
Isleta, NM 87022
505-869-9715
lindsay.cutler@isletapueblo.com

Chris Melendrez
General Counsel
Albuquerque Bernalillo County Water Utility Authority
P.O. Box 568
Albuquerque, NM 87103
505-842-9287
cmelendrez@abcwua.org


Ellen Chang