



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

In the Matter of:	)	
	)	
State of Alaska Department of	)	Docket No. CWA-10-2024-0154
Transportation and Public Facilities,	)	
	)	
Respondent.	)	

**ORDER ON COMPLAINANT’S MOTION TO STAY DEADLINES PENDING
OUTCOME OF MOTION TO WITHDRAW COMPLAINT**

On March 3, 2025, the parties filed timely cross motions for accelerated decision. *See* Complainant’s Mot. for Accelerated Decision; Resp’t’s Mot. for Accelerated Decision. The normal deadlines for response and reply briefs were subsequently extended several times at the request of the parties,¹ most recently to October 2, 2025 for responses and October 23, 2025 for replies. *See* Order Extending Briefing Deadlines (Sep. 8, 2025).

On October 1, 2025, the Agency filed two motions: a Motion for Leave to Withdraw Complaint Without Prejudice (“Motion to Withdraw”) and a Motion to Stay Deadlines Pending Outcome of Complainant’s Motion for Leave to Withdraw Complaint Without Prejudice (“Motion to Stay”). The Agency’s Motion to Withdraw states that EPA and the U.S. Army Corps of Engineers are engaged in a rulemaking process to define the jurisdictional scope of Clean Water Act enforcement. The proposed rule is currently before the U.S. Office of Management and Budget for interagency review. Mot. to Withdraw at 1. Following this review, the proposed rule will be published in the Federal Register for public notice and comment and then, presumably, published as a final rule. Mot. to Withdraw at 1-2. EPA seeks to withdraw the complaint without prejudice until the rulemaking process is complete so that it may assess the impact of the final rule on this enforcement action. Mot. to Withdraw at 2. The Agency’s Motion to Stay asks to stay all deadlines associated with the cross motions for accelerated decision pending the outcome of the Motion to Withdraw. Mot. to Stay at 1. According to the Agency, Respondent opposes both motions.

Under the rules governing this proceeding, 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. Further, the rules authorize me to “[d]o all other acts and take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues arising in proceedings governed by these Consolidated Rules of Practice.” 40 C.F.R. §

¹ Respondent opposed the most recent extension, which was sought by EPA.

22.4(c)(10). A party normally has 15 days to respond to a motion, but under the circumstances, no response is necessary. See 40 C.F.R. 22.16(b).

In this instance, I find that the goals of judicial economy, efficiency, and maintenance of order would be well served by the requested stay of the briefing deadlines related to the cross motions for accelerated decision pending the outcome of my ruling on the Motion to Withdraw. Although Respondent opposes the motions, this stay will be limited in duration, and it will conserve the resources of this Tribunal and the parties, particularly if the Complaint is ultimately withdrawn. Therefore, good cause exists to extend these deadlines to a future date.

Accordingly, the Motion to Stay is **GRANTED**. New deadlines for the parties' response and reply briefs to the cross motions for accelerated decision will be set by future order once a ruling on the Motion to Withdraw has been issued.

SO ORDERED.



Michael B. Wright
Chief Administrative Law Judge

Dated: October 1, 2025
Washington, D.C.

In the Matter of *State of Alaska Department of Transportation and Public Facilities*,
Respondent.
Docket No. CWA-10-2024-0154

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Complainant's Motion to Stay Deadlines Pending Outcome of Motion to Withdraw Complaint**, dated October 1, 2025, and issued by Chief Administrative Law Judge Michael B. Wright, was sent this day to the following parties in the manner indicated below.



Matt Barnwell
Attorney Advisor

Copy by OALJ E-Filing System to:

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:

Patrick B. Johnson
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
222 West 7th Avenue, No. 19
Anchorage, Alaska 99513
Email: johnson.patrick@epa.gov
Counsel for Complainant

Treg Taylor, Attorney General
Sarah E. Angell, Assistant Attorney General
P.O. Box 110300
Juneau, Alaska 99811-0300
Telephone: (907) 465-3600
Email: sarah.angell@alaska.gov
Counsel for Respondent

Dated: October 1, 2025
Washington, D.C.