



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)

Cashman Dredging and)
Marine Contracting Co., LLC,)

Respondent.)

) Docket No. MPRSA-01-2015-0035
)
)

**ORDER GRANTING COMPLAINANT'S MOTION TO AMEND COMPLAINT AND
EXTEND TIME TO FILE CONSENT AGREEMENT AND FINAL ORDER**

By Order dated July 7, 2015, the undersigned set August 21, 2015, as the deadline by which the parties in this proceeding were to file a fully-executed Consent Agreement and Final Order ("CAFO") with the Regional Hearing Clerk in the event that the parties had settled this matter. Upon motion from Complainant, on August 3, 2015, the deadline for filing the CAFO was extended to September 25, 2015. On September 25, 2015, Complainant submitted a Motion to Amend Complaint and Extend Time to File Consent Agreement and Final Order ("Motion") requesting leave to amend the Complaint to revise allegations and add Cashman-Weeks, NB, JV as a respondent, and an extension of time for filing the CAFO. In so moving, Complainant states that Respondent concurs with both requests in the Motion.

The rules that govern this proceeding, set forth at 40 C.F.R. Part 22 ("Rules of Practice"), permit amendment of the Complaint following filing of the Answer upon motion granted by the Presiding Officer. 40 C.F.R. § 22.14(c). As the parties concur on the amendment of the Complaint, and leave for amendment otherwise appears appropriate, Complainant's request for leave to amend the Complaint is hereby **GRANTED**. Complainant shall file and serve the Amended Complaint in accordance with the Rules of Practice on or before **October 16, 2015**.

The Rules of Practice authorize the Presiding Officer to grant an extension of time for filing of any document for good cause shown upon motion, after consideration of prejudice to the other parties. 40 C.F.R. § 22.7(b). Given Complainant's pending amendment of the Complaint, the request for an extension for filing the CAFO shows good cause. Further, as Respondent concurs with the extension, and the extension does not otherwise prejudice the parties, extension of the deadline to file a CAFO is appropriate. Accordingly, the Motion is hereby **GRANTED**. As Complainant did not request a specific amount of time for the extension, the undersigned has assigned a five-week extension, representing a reasonable amount of time to submit the CAFO under the circumstances. The parties shall file a fully-executed Consent Agreement and Final Order on or before **October 30, 2015**.

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: October 2, 2015
Washington, D.C.

In the Matter of Cashman Dredging & Marine Contracting Co., LLC, Respondent
Docket No.MPRSA-01-2015-0035

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Complainant's Motion To Amend Complaint And Extend Time To File Consent Agreement And Final Order**, dated October 2, 2015, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Original And One Copy To:

Sybil Anderson
Headquarters Hearing Clerk
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Copy By Regular Mail and E-Mail To:

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Dated: October 2, 2015
Washington, DC