



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

In the Matter of:)	
)	
Jackson & Son Distributors, Inc.,)	Docket No. CWA-10-2025-0023
d/b/a Jackson and Son Oil,)	
)	
Seaside, Oregon,)	
)	
Respondent.)	

ORDER ON COMPLAINANT’S UNOPPOSED MOTION FOR ADDITIONAL EXTENSION OF TIME

On January 28, 2025, I issued a Prehearing Order setting dates for the parties to conduct prehearing exchanges. Prehr’g Order at 4. I subsequently granted two joint motions requesting that the prehearing exchange schedule be extended. The most recent of which extended the prehearing exchange schedule by 60 days to permit Complainant time to brief officials of the new administration on the case. Order on Joint Mot. for Additional Extension of Time (“Order”) at 1. The Order set a deadline of June 9, 2025, for Complainant to submit an initial prehearing exchange; June 30, 2025, for Respondent to submit its prehearing exchange; and July 14, 2025, for Complainant to submit a rebuttal prehearing exchange. Order at 1. On June 2, 2025, Complainant filed Complainant’s Unopposed Motion for Additional Extension of Time (“Motion”) requesting an additional 90-day extension of the current prehearing exchange schedule. Mot. at 1.

As explained by the Motion, the Environmental Protection Agency (“EPA”) and the U.S. Department of the Army jointly issued new guidance in March 2025 concerning the implementation of the “continuous surface connection” requirement for adjacent wetlands under the definition of “waters of the United States,” and they simultaneously announced a public comment period to gather recommendations for further clarifying the definition of “waters of the United States.” Mot. at 1-2. The Motion further states that the two agencies have held a series of nine listening sessions, which concluded on May 29, 2025. Mot. at 2. Because its draft prehearing exchange explains the factual and legal basis for the jurisdictional status of wetlands at issue in this case, Complainant argues that an additional 90-day extension is warranted to “provide the EPA with time to consider the information provided by public comments and [the] listening sessions in the context of the EPA’s prehearing exchange, allow for case-specific briefings of administration officials, and provide the EPA with necessary time to finalize and file its prehearing exchange.” Mot. at 3. Complainant asserts that “[b]arring unforeseen circumstances, the EPA anticipates that this will be the last request for an extension to the deadline to file the EPA’s prehearing exchange” and that it has conferred with Respondent who does not oppose the Motion. Mot. at 3-4.

The Rules of Practice governing this proceeding provide that “the Presiding Officer 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.” 40 C.F.R. § 22.7(b). As a timely motion showing good cause has been filed and no prejudice to Respondent will result, the requested extension is hereby **GRANTED**.

The new deadlines for the parties to file their prehearing exchanges shall be:

September 8, 2025	Complainant’s Initial Prehearing Exchange
September 29, 2025	Respondent’s Prehearing Exchange
October 14, 2025	Complainant’s Rebuttal Prehearing Exchange

The Complainant, without mentioning any specific terms of settlement, shall file a Status Report regarding the status of any settlement discussions on or before **August 25, 2025**. Should the matter settle, a fully executed Consent Agreement and Final Order shall be filed with the Regional Hearing Clerk no later than **September 8, 2025**, and a courtesy copy shall be filed with the Headquarters Hearing Clerk. In the event that a fully executed Consent Agreement and Final Order is not filed on or before September 8, 2025, the parties must prepare for hearing and shall strictly comply with all other requirements of the Prehearing Order.

SO ORDERED.



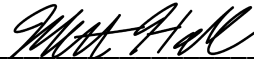
Michael B. Wright
Administrative Law Judge

Dated: June 3, 2025
Washington, D.C.

In the Matter of *Jackson & Son Distributors, Inc., d/b/a Jackson and Son Oil*, Respondent.
Docket No. CWA-10-2025-0023

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Complainant's Unopposed Motion for Additional Extension of Time**, dated June 3, 2025, and issued by Administrative Law Judge Michael B. Wright, was sent this day to the following parties in the manner indicated below.



Matthew Hall
Attorney-Advisor

Copy by OALJ E-Filing System to:

U.S. Environmental Protection Agency
Office of Administrative Law Judges
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Dated: June 3, 2025
Washington, D.C.