

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

In the Matter of	§	DOCKET NO. CWA-06-2022-1772
	§	
Double M Properties	§	Proceeding to Assess a Class II
	§	Civil Penalty under Section 309(g)
	§	of the Clean Water Act
Respondent	§	
	§	
NPDES ID. No. NMR1002AG	§	

**COMPLAINANT’S MOTION FOR EXTENSION OF PREHEARING ORDER  
DEADLINES**

COMES NOW COMPLAINANT, the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA), by and through her attorney, who provides the following motion regarding the above-captioned proceeding.

1. The administrative complaint was filed with the Regional Hearing Clerk on July 7, 2022, with Respondent filing an answer on August 9, 2022. A Prehearing Order was issued on September 16, 2022, specifying deadlines for the parties.
2. As a result of the communication between the parties, especially technical staffs, extensive information and documentation has been provided by Respondent.
3. The parties are very close to reaching a settlement in principle and are in the process of drafting language for a Consent Agreement and Final Order (CAFO). However, given the deadlines set by the Prehearing Order, the parties will not be able to file the CAFO by November 14, 2022. Complainant needs to get approval through the concurrence process to be able to send a finalized CAFO to Respondent for signature. Once the Respondent signs the CAFO, Complainant will then need to go through the concurrence process to obtain the required EPA signature. Furthermore, because of the upcoming holidays, the concurrence process may be impacted. As a result, additional time is needed.

4. Therefore, Complainant hereby requests an extension of 60 days regarding each of the Prehearing Exchange deadlines specified in the Prehearing Order, dated September 16, 2022. It is anticipated by Complainant that the CAFO will be filed prior to the requested extension date.
5. The extension request is not sought for delay but rather to facilitate negotiations in an effort to resolve the pending issues.
6. Complainant's attorney has discussed the Motion for Extension of Prehearing Order deadlines, and Respondent's attorney has expressed approval of the extension and has no objection.

FOR THESE REASONS, Complainant respectfully request that this Motion be granted and that each of the PREHEARING ORDER deadlines regarding the Prehearing Exchange be extended by 60 days.

Respectfully Submitted,

---

Efren Ordóñez  
Office of Regional Counsel  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102  
Telephone (214) 665-2181  
[Ordonez.efren@epa.gov](mailto:Ordonez.efren@epa.gov)

CERTIFICATE OF SERVICE

I certify that the foregoing COMPLAINANT'S MOTION FOR EXTENSION OF PREHEARING ORDER DEADLINES was sent to the following persons, in the manner specified, on the date below:

Via Electronic Transmission      Honorable Judge Christine Donelian Coughlin  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
1200 Pennsylvania Ave., NW  
Washington, D.C.  
Facsimile: 916/550-9639

Via Electronic Transmission:      Pete Domenici  
Respondent's Attorney  
320 Gold Ave. SW Suite 1000  
Albuquerque, New Mexico 87102  
[pdomenici@domenicilaw.com](mailto:pdomenici@domenicilaw.com)

Date: November 3, 2022

\_\_\_\_\_  
Efren Ordóñez