

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION 4**

In the Matter of:)
)
Great Lakes Dredge and Dock Co., LLC,) **Docket No. MPRSA-04-2019-7500**
)
Respondent.)

**COMPLAINANT’S MOTION TO EXTEND DEADLINE
TO FILE DISPOSITIVE MOTIONS**

COMES NOW, Director, Enforcement and Compliance Assurance Division of the U.S. Environmental Protection Agency (“EPA”) Region 4 (“Complainant”), by and through its undersigned counsel of record and files this Motion to Extend Deadline to File Dispositive Motions and accompanying litigation deadlines by 30 days under 40 C.F.R. §§ 22.7(b) and 22.16 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination of Permits, 40 C.F.R. Part 22 (“Rules of Practice”).

The Rules of Practice 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, or upon its own initiative. 40 C.F.R. 22.7(b). The Order Lifting Stay issued by Chief Judge Biro on May 28, 2020, requires that dispositive motions be filed within 30 days after the deadline for Complainant’s Rebuttal Prehearing Exchange, which was August 14, 2020. The Hearing Order issued on September 4, 2020, established additional litigation deadlines in preparation for the Hearing in November.

Complainant acknowledges that the deadline to file dispositive motions is today and sincerely regrets not filing this request sooner. Complainant, however, believes that there is good cause to grant the request for a short, 30-day extension of time because: (1) in the past two weeks, EPA has hired a new undersigned attorney who was recently assigned to take over this

case and just filed his notice of substitution and became aware of the current case deadlines; (2) since the Parties filed their prehearing exchanges a few weeks ago, the Parties have focused their efforts on beginning good faith settlement negotiations (which are ongoing); and (3) extending the deadline to file dispositive motions will permit the Parties to continue these settlement negotiations and, if such negotiations are not successful, file dispositive motions to narrow the issues for the final hearing and conserve judicial resources.

As required by the Hearing Order, the Complainant will file a status report by October 2, 2020, and the Parties may ask for additional stays or extensions if settlement negotiations advance. Complainant contacted Respondent today via email and voicemail and requested that Respondent join in or consent to this motion, but Respondent has not had an opportunity to respond. Therefore, for the foregoing reasons, Complainant respectfully requests that the Presiding Officer issue an Order that extends the Parties' deadline to file dispositive motions until Monday, October 12, 2020, and, except for the status reports, extends the other litigation deadlines in the September 4th Hearing Order by 30 days. Undersigned counsel will make himself available at the Tribunal's convenience to discuss this matter as necessary.

Respectfully submitted this 14th day of September 2020.

/s/ Tyler J. Sniff

Tyler J. Sniff

Michael Creswell

Attorney-Advisers

Office of Regional Counsel, Region 4

U.S. ENVIRONMENTAL PROTECTION AGENCY

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Counsel for Complainant

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **COMPLAINANT’S TO EXTEND DEADLINE TO FILE DISPOSITIVE MOTIONS** was served on the following parties in the manner indicated below on September 14, 2020.

Via OALJ E-Filing System

Mary Angeles, Headquarters Hearing Clerk
Office of Administrative Law Judges
U.S. ENVIRONMENTAL PROTECTION AGENCY
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington DC 20004

Documents filed electronically are deemed to have been filed with the Headquarters Hearing Clerk and served electronically on the Honorable Susan Biro, the Presiding Administrative Law Judge

Via Consented to Service by Email

Neal McAliley
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David Chee
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Counsel for Respondent

SO CERTIFIED this 14th day of September, 2020.

/s/ Tyler J. Sniff
Tyler J. Sniff
Counsel for Complainant