



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

**In the Matter of:** )  
 )  
**New York State** ) **Docket No. CWA-02-2016-3403**  
**Department of Transportation,** )  
 )  
**Respondent.** )

**ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME  
TO FILE POST-HEARING BRIEFS**

The hearing in this matter was conducted April 3-5, 2018, in Albany, New York. After the Headquarters Hearing Clerk received the official transcript of testimony taken at the hearing, electronic copies of this transcript were provided by email to counsel for the parties, and I issued an Order Scheduling Post-Hearing Submissions, which established deadlines for the parties to file post-hearing briefs, among other things. At the request of the parties, those deadlines have been extended multiple times for good cause shown. The most recent order extending the deadlines, issued on July 24, 2018, directed Complainant to file its Initial Post-Hearing Brief by August 3, 2018.

On July 31, however, Complainant filed on behalf of the parties a Joint Motion for Extension of Time to File Post-Hearing Briefs (“Motion for Extension”), which requests a two-week extension of the current deadlines for the parties to file post-hearing briefs. As grounds for this request, the Motion for Extension states that at the time the parties last requested an extension of the filing deadlines, Complainant’s counsel was unaware that, due to conflicting work and vacation schedules, the requested deadline for its Initial Post-Hearing Brief would not allow sufficient time for the required concurrence process to occur before filing.

This matter is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Rules of Practice”) set forth at 40 C.F.R. Part 22. The Rules of Practice provide that I “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).

Here, the Motion for Extension shows good cause. Accordingly, it is hereby **GRANTED**. As requested, the parties shall now file post-hearing briefs in accordance with the following schedule:

Complainant's Initial Post-Hearing Brief	<b>August 17, 2018</b>
Respondent's Initial Post-Hearing Brief	<b>September 21, 2018</b>
Complainant's Reply Post-Hearing Brief	<b>October 12, 2018</b>
Respondent's Reply Post-Hearing Brief	<b>November 2, 2018</b>

**SO ORDERED.**

  
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Susan L. Biro  
Chief Administrative Law Judge

Dated: August 1, 2018  
Washington, D.C.

In the Matter of *New York State Department of Transportation*, Respondent.  
Docket No. CWA-02-2016-3403

**CERTIFICATE OF SERVICE**

I hereby certify that true copies of the foregoing **Order Granting Joint Motion for Extension of Time to File Post-Hearing Briefs**, issued by Chief Administrative Law Judge Susan L. Biro, were sent this day to the following parties in the manner indicated below.

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Jennifer Almase  
Attorney-Advisor

Original and One Copy by Hand Delivery to:

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

Copy by Electronic Mail to:

Christopher Saporita, Esq.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16th Floor  
New York, NY 10007  
Email: saporita.chris@epa.gov  
*For Complainant*

Jason P. Garelick, Esq.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16th Floor  
New York, NY 10007  
Email: garelick.jason@epa.gov  
*For Complainant*

Alicia McNally, Esq.  
Assistant Counsel  
Division of Legal Affairs  
New York State Department of Transportation  
50 Wolf Road, 6th Floor  
Albany, NY 12232  
Email: Alicia.McNally@dot.ny.gov  
*For Respondent*

Dated: August 1, 2018  
Washington, D.C.