



**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 RESPONDENT’S 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, most recently by Order dated September 18, 2018. Pursuant to that Order, the deadline for Respondent’s initial post-hearing brief is September 28, 2018.

On September 25, however, Respondent filed a Motion for Extension of Time to File Post-Hearing Briefs (“Motion”), in which Respondent requests a one-week extension of that deadline, and the remaining deadlines for the parties’ post-hearing briefs. As grounds for this request, Respondent asserts that because of unexpected workload and scheduling issues, Respondent will be unable to obtain the necessary review and approval of its initial post-hearing brief by the current deadline. Respondent represents that Complainant consents to the proposed extension.

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, Respondent’s Motion was timely and shows good cause. Moreover, Complainant does not object to it. Accordingly, the Motion is hereby **GRANTED**. As requested, the parties shall now file post-hearing briefs in accordance with the following schedule:

Respondent's Initial Post-Hearing Brief

October 5, 2018

Complainant's Reply Post-Hearing Brief

October 26, 2018

Respondent's Reply Post-Hearing Brief

November 16, 2018

SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Biro', is written over a horizontal line.

Susan L. Biro

Chief Administrative Law Judge

Dated: September 26, 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 Respondent's 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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Dated: September 26, 2018
Washington, D.C.