

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

STATE OF ALASKA DEPARTMENT OF
TRANSPORTATION AND PUBLIC
FACILITIES,

Juneau, Alaska

Respondent.

DOCKET NO. CWA-10-2024-0154

**JOINT MOTION FOR ADDITIONAL
EXTENSIONS TO DEADLINES TO FILE
RESPONSES AND REPLIES TO MOTIONS
FOR ACCELERATED DECISION**

1.1. On March 3, 2025, the U.S. Environmental Protection Agency, Region 10 (“EPA” or “Complainant” and the State of Alaska Department of Transportation and Public Facilities (“Respondent”) (collectively “the Parties”) filed cross Motions for Accelerated Decision.

1.2. The Parties conferred and jointly moved on March 4, 2025, for the deadline for the Parties to respond to the cross motions for accelerated decision be extended to April 2, 2025, and for the deadline for the Parties to file replies to the responses to the cross motions for accelerated decision be extended to April 22, 2025. On March 5, 2025, this Tribunal granted that joint motion.

1.3. As this Tribunal is aware, a new presidential administration took office on January 20, 2025. The EPA needs an additional sixty (60) days to coordinate and brief new administration officials about the issues raised in this case prior to filing a response to Respondent’s Motion for Accelerated Decision and a reply to Respondent’s response to the EPA’s Motion for Accelerated Decision. Additionally, extending the deadlines for the EPA’s response and reply without also extending the deadlines for Respondent’s response and reply would be inequitable and would unduly prejudice Respondent. The Parties agree that neither will be prejudiced by the requested deadline extensions.

**In the Matter of: State of Alaska Department of Transportation
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**U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 155, 11-C07
Seattle, Washington 98101**

1.4. This Tribunal recently found that the EPA adequately established that “good cause” existed for a sixty (60) day deadline extension to allow the EPA to “brief new Agency officials about this case and the underlying statute” following the change in presidential administration. *See In the Matter of GEO Grp., Inc.*, 2025 EPA ALJ LEXIS 13. Additionally, Courts routinely grant stays or abeyances where, as here, there is a change in administration. *See, e.g.*, Order (Docket Entry No. 20), *American Free Enterprise Chamber of Commerce v. EPA*, Case No. 25-89 (9th Cir. Feb. 19, 2025) (staying challenge to agency action following change in administration); Order (Docket Entry No. 13), *Alaska Community Action on Toxics v. EPA*, Case No. 21-70168 (9th Cir. Apr. 6, 2021) (same). The Parties have therefore established there is “good cause” for an extension of the deadlines pursuant to 40 C.F.R. § 22.7(b).

1.5. The Parties therefore respectfully jointly request that this Tribunal establish a new deadline of June 2, 2025, for each of the Parties’ respective responses to the cross motions for accelerated decision. The Parties also respectfully jointly request that this Tribunal establish a new deadline of June 23, 2025, for each of the Parties’ respective replies to the responses to the motions for accelerated decision.

Respectfully submitted,

U.S. ENVIRONMENTAL PROTECTION
AGENCY, REGION 10:

DATE

Patrick B. Johnson
Senior Water Law Attorney
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
222 West 7th Avenue, No. 19
Anchorage, Alaska 99513
Johnson.patrick@epa.gov

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STATE OF ALASKA DEPARTMENT OF
TRANSPORTATION AND PUBLIC
FACILITIES:

DATE

Brian E. Gregg
Assistant Attorney General
State of Alaska Department of Law
1031 West Fourth Avenue, Ste. 200
Anchorage, Alaska 99501
brian.gregg@alaska.gov

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CERTIFICATE OF SERVICE

The undersigned certifies that the original JOINT MOTION FOR ADDITIONAL EXTENSIONS TO DEADLINES TO FILE RESPONSES AND REPLIES TO MOTIONS FOR ACCELERATED DECISION in the above-captioned action was filed within the OALJ E-Filing System to:

Mary Angeles, Headquarters Hearing Clerk
Office of Administrative Law Judges
U.S. Environmental Protection Agency
https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf

Further the undersigned certifies that a true and correct copy of the original JOINT MOTION FOR ADDITIONAL EXTENSIONS TO DEADLINES TO FILE RESPONSES AND REPLIES TO MOTIONS FOR ACCELERATED DECISION was served on Respondent State of Alaska Department of Transportation and Public Facilities via email to:

Brian E. Gregg, Assistant Attorney General
State of Alaska Department of Law
brian.gregg@alaska.gov
ayla.lisenbee@alaska.gov

DATE

Patrick B. Johnson
Senior Water Law Attorney
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
222 West 7th Avenue, No. 19
Anchorage, Alaska 99513
Johnson.patrick@epa.gov