



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

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In the Matter of: )  
)  
Columbia Gas Transmission, LLC, ) Docket Nos. CWA-03-2012-0130  
) CWA-03-2012-0078  
Respondent. )

**ORDER GRANTING UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
PREHEARING EXCHANGE**

The Director of the Environmental Assessment and Innovation Division of U.S. Environmental Protection Agency Region 3 (“Complainant”) initiated this proceeding on June 29, 2012, by filing Administrative Penalty Complaints and Notices of Opportunity to Request Hearing against Columbia Gas Transmission, LLC (“Respondent”), in Docket Nos. CWA-03-2012-0130 and CWA-03-2012-0078. The two dockets were consolidated on November 27, 2012. On February 5, 2013, the undersigned issued a Prehearing Order scheduling a series of prehearing filing deadlines. Pursuant to the Prehearing Order, Complainant’s Initial Prehearing Exchange is due to be filed no later than March 1, 2013. On February 25, 2013, Complainant filed an Unopposed Motion for Extension of Time to File Pre-hearing Exchange (“Motion”).

In its Motion, Complainant states that, as of January 25, 2013, the parties had reached a written agreement and were in the process of obtaining the signatures necessary to execute a Consent Agreement and Final Order (“CAFO”). Motion at 1. However, on or around February 7, 2013, it came “to the Complainant’s attention that the Region had not provided the public notice and opportunity to comment as required by Section 309(g)(4)(A) of the Clean Water Act, 33 U.S.C. § 1319(g)(4)(A).” Complainant states that the public comment period will close on March 9, 2013, and that it expects to “file the CAFO no later than March 20, 2013.” Motion at 2. Complainant therefore requests that the deadline to file its prehearing exchange be extended to March 20, 2013. Motion at 2. Complainant states “that Respondent does not oppose this [M]otion, subject to receiving a corresponding extension of time to file its prehearing exchange . . . .” Motion at 1.

The Rules applicable to this proceeding, 40 C.F.R. part 22, 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). Agency policy supports the resolution of enforcement proceedings through voluntary settlement. See 40 C.F.R. § 22.18(b)(1). Because the parties have reached an agreement and reduced that agreement to writing, it is interest of judicial economy to allow the parties additional time to secure the signatures needed to ratify the

agreement and settle this matter. The Motion is unopposed, and there is no indication that granting Complainant's request will cause either party undue prejudice. For the foregoing reasons there is good cause to grant Complainant's request, and Complainant's Unopposed Motion for Extension of Time to File Pre-hearing Exchange is **GRANTED**. Unless a Consent Agreement and Final Order is filed first, the parties shall adhere to the following schedule for filing their prehearing exchanges:

- March 20, 2013** Complainant's Initial Prehearing Exchange
- April 12, 2013** Respondent's Prehearing Exchange
- April 26, 2013** Complainant's Rebuttal Prehearing Exchange

**PLEASE TAKE NOTICE** that as of March 29, 2013, the Office of Administrative Law Judges will have relocated. The new mailing addresses will be as follows:

**If using the US Postal Service:**

U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Mail Code 1900R  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

**If using UPS/FedEx/DHL or other courier:**

U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Ronald Reagan Building, Room M1200  
1300 Pennsylvania Avenue, NW  
Washington, D.C. 20460

**SO ORDERED.**



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Susan L. Biro  
Chief Administrative Law Judge

Dated: February 27, 2013  
Washington, D.C.

In the Matter of Columbia Gas Transmission, LLC, Respondent  
Docket Nos. CWA-03-2012-0078 & CWA-03-2012-0130

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Unopposed Motion For Extension Of Time To File Prehearing Exchange**, dated February 27, 2013, was sent this day in the following manner to the addressees listed below:

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: February 27, 2013

Original And One Copy To:

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