



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

<b>In the Matter of:</b>	)	
	)	
<b>State of Alaska Department of</b>	)	<b>Docket No. CWA-10-2024-0154</b>
<b>Transportation and Public Facilities,</b>	)	
	)	
<b>Respondent.</b>	)	

**ORDER ON COMPLAINANT’S SECOND UNOPPOSED MOTION  
FOR ADDITIONAL EXTENSION OF TIME**

On March 3, 2025, the parties filed timely cross motions for accelerated decision. *See* Complainant’s Mot. for Accelerated Decision; Resp’t’s Mot. for Accelerated Decision. Two days later, at the parties’ request, I extended their deadlines for filing response and reply briefs by roughly two weeks to April 2, 2025 and April 22, 2025, respectively, due to the parties’ need to engage “multiple levels of management regarding the substance and nature of the content of their briefs.” *See* Joint Mot. for Extensions to Deadlines to File Resps. and Replies to Mots. for Accelerated Decision (Mar. 4, 2025) at 2; Order on Joint Mot. for Add’l Extension of Time (Mar. 5, 2025).

Subsequently, the parties submitted a joint request for more time, stating that 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.” Joint Mot. for Add’l Extension to Deadlines to File Resps. and Replies to Mots. for Accelerated Decision (Mar. 27, 2025). I granted that request, setting deadlines for response and reply briefs for June 2 and June 23, 2025, respectively. Order on Joint Mot. for Add’l Extension of Time (Mar. 31, 2025). On May 22, 2025, EPA requested an additional 90-day extension of the response and reply brief deadlines for the cross motions for accelerated decision. *See* Complainant’s Mot. for Add’l Extensions to Deadlines to File Resps. and Replies to Mots. for Accelerated Decision. Because EPA’s stated justification was nearly identical to that of its prior requests, I denied the motion for not showing good cause but invited the Agency to resubmit its request if it could state with greater specificity why more time was needed. Order on EPA Mot. for Add’l Extension of Time (May 23, 2025).

Now before me is EPA’s resubmitted motion for extension of time. *See* Complainant’s Second Unopposed Motion for Add’l Extensions to Deadlines to File Responses and Replies to Mots. for Accelerated Decision (May 27, 2025) (“Motion”). The Motion states that the Agency and the U.S. Department of the Army jointly issued new guidance in March 2025 concerning implementation of the “continuous surface connection” requirement for adjacent wetlands

under the definition of “waters of the United States,” and they simultaneously announced a public comment period to gather recommendations for further clarifying the definition of “waters of the United States.” Mot. at 2. According to Complainant, seven public meetings on the topic have now been held, and the final one is scheduled for May 29, 2025. Mot. at 3. Because Respondent has raised jurisdictional arguments regarding the scope of the “continuous surface connection” requirement, Complainant intends to “hold additional briefings between the case team and administration officials following the completion of the listening sessions” and prior to responding to Respondent’s Motion for Accelerated Decision to ensure the public feedback is fully considered in the context of its response. Mot. at 3-4. The Agency restates its request for a 90-day extension from the June deadlines, and it further reasserts that it has conferred with Respondent and that Respondent does not oppose the extension. Mot. at 4.

Under the rules governing this proceeding, this Tribunal “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. Based on Complainant’s newly submitted Motion, I find that it now has shown good cause for granting the extension requested and that no prejudice to Respondent will result.

Accordingly, the Motion is **GRANTED**. Filing deadlines for responses and replies to the cross motions for accelerated decision are extended through the following dates:

Response Briefs:	<b>September 2, 2025</b>
Reply Briefs:	<b>September 23, 2025</b>

**SO ORDERED.**



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Michael B. Wright  
Administrative Law Judge


Dated: May 28, 2025  
Washington, D.C.

In the Matter of *State of Alaska Department of Transportation and Public Facilities*,  
Respondent.

Docket No. CWA-10-2024-0154

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order on Complainant's Second Unopposed Motion for Additional Extension of Time**, dated May 28, 2025, and issued by Administrative Law Judge Michael B. Wright, was sent this day to the following parties in the manner indicated below.

  
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Attorney Advisor

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Dated: May 28, 2025

Washington, D.C.