



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

2014 DEC 30 PM 4:06

In the Matter of: )
East Baton Rouge Parish/City of Baton Rouge, ) Docket No. CWA-06-2014-1769
Respondent. )

ORDER ON UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE OPENING PREHEARING EXCHANGES

On June 18, 2014, the U.S. Environmental Protection Agency ("Agency"), Region 6 ("Complainant"), initiated this proceeding by filing an Administrative Complaint against East Baton Rouge Parish/City of Baton Rouge ("Respondent") pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g). Respondent filed an Answer and Request for Hearing on July 22, 2014. Thereafter, the parties participated in the Alternative Dispute Resolution process offered by the office of the undersigned, which was terminated on December 4, 2014. I was subsequently designated to preside over this proceeding, and by Prehearing Order dated December 9, 2014, I established deadlines for a number of prehearing procedures, including the parties' participation in a settlement conference on or before December 26, 2014, and a prehearing exchange of information by the parties in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1 to 22.45 ("Rules").

On December 22, 2014, Complainant filed an Unopposed Motion for Extension of Time to File Opening Prehearing Exchanges ("Motion"), in which Complainant states that the parties "sought to reach settlement" on December 18, 2014, and that Complainant "reached an agreement to settle the case with Respondent." Complainant then states that "[b]oth parties need additional time to prepare and review the settlement."


Section 22.7(b) of the Rules authorizes the undersigned to grant extensions 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." 40 C.F.R. § 22.7(b). Upon consideration, I find that Complainant has shown good cause for an extension of the filing deadlines set forth in the Prehearing Order. As noted in the Prehearing Order, Agency policy strongly supports settlement of a proceeding without the necessity of a formal hearing. 40 C.F.R. § 22.18(b)(1). Undoubtedly, the interests of the parties and judicial economy are best served by the parties

resolving this matter informally and expeditiously, and I recognize that time and resources must be expended to prepare a prehearing exchange. Moreover, Respondent seemingly does not oppose the Motion.

Thus, for good cause shown, Complainant's Motion is hereby **GRANTED**. While Complainant did not specify in the Motion the amount of time that the parties require to finalize their settlement, I find an extension of one month to be reasonable for the parties to accomplish this task. Accordingly, the filing deadlines for the parties' prehearing exchange are extended, as follows:

<b>March 2, 2015</b>	Complainant's Initial Prehearing Exchange
<b>March 20, 2015</b>	Respondent's Prehearing Exchange
<b>April 13, 2015</b>	Complainant's Rebuttal Prehearing Exchange

**SO ORDERED.**

  
Christine Donelian Coughlin  
Administrative Law Judge

Dated: December 30, 2014  
Washington, D.C.

**In the Matter of East Baton Rouge Parish / City of Baton Rouge, Respondent.  
Docket No. CWA-06-2014-1769**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Order on Unopposed Motion for Extension of Time to File Opening Prehearing Exchanges, dated December 30, 2014, was sent this day in the following manner to the addressees listed below.



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Lead Legal Assistant

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**Dated: December 30, 2014  
Washington, D.C.**