



**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 JOINT MOTION FOR EXTENSIONS OF TIME

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 the 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 any motion to conform the transcript to the actual testimony and post-hearing briefs.

On June 11, 2018, the date on which motions to conform the transcript to the actual testimony were due, Complainant filed a Joint Motion for Extensions of Time (“Motion”) on behalf of the parties. Therein, the parties request an extension of the deadline for the filing of motions to conform the transcript from June 11 to June 15, 2018, “[d]ue to the length and extensive number of errors in the transcript, and in order to facilitate the filing of a joint motion to conform for those corrections that the parties agree on.” The parties also seek an extension of the deadlines for the filing of post-hearing briefs on account of the requested extension of the deadline to file motions to conform the transcript and “a previously scheduled summer vacation for Complainant’s counsel during the initial briefing period.”

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, the Motion shows good cause for the extensions sought by the parties. Accordingly, the Motion is hereby **GRANTED**. As requested by the parties, any motions to conform the transcript to the actual testimony shall be filed no later than **June 15, 2018**. Further, the parties shall file post-hearing briefs in accordance with the following schedule:

Complainant's Initial Post-Hearing Brief	July 20, 2018
Respondent's Initial Post-Hearing Brief	August 17, 2018
Complainant's Reply Post-Hearing Brief	September 7, 2018
Respondent's Reply Post-Hearing Brief	September 28, 2018

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: June 12, 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 Joint Motion for Extensions of Time**, 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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Attorney-Advisor

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Dated: June 12, 2018
Washington, D.C.