



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 SCHEDULING POST-HEARING SUBMISSIONS

The hearing in this matter was conducted April 3-5, 2018, in Albany, New York. The Headquarters Hearing Clerk subsequently received the official transcript of testimony taken at the hearing, and electronic copies of this transcript were provided by email to counsel for the parties on May 10, 2018.

Any motion to conform the transcript to the actual testimony shall be filed on or before Monday, June 11, 2018. See 40 C.F.R. § 22.25. The parties may file any such motion jointly or separately.

As provided for in the rules governing this proceeding, the parties "may file proposed findings of fact, conclusions of law, and a proposed order, together with briefs in support thereof." 40 C.F.R. § 22.26. At the hearing, it was agreed that the parties would submit post-hearing briefs in sequential order, beginning with Complainant's initial brief. Thus, the parties shall file post-hearing briefs in accordance with the following schedule:

- Complainant's Initial Post-Hearing Brief Friday, July 6, 2018
Respondent's Initial Post-Hearing Brief Friday, July 27, 2018
Complainant's Reply Post-Hearing Brief Friday, August 17, 2018
Respondent's Reply Post-Hearing Brief Friday, September 7, 2018

All briefs shall contain specific citations to the record and to any legal authority the party wishes for this Tribunal to consider. See 40 C.F.R. § 22.26 (requiring all post-hearing submissions to contain adequate references to the record and authorities upon which the filing party relied). If a party does not intend to file a post-hearing brief or reply brief as permitted above, it shall notify Jennifer Almase, a staff attorney for this Tribunal, at (202) 564-1170 or almase.jennifer@epa.gov.

**SO ORDERED.**

A handwritten signature in black ink, appearing to read 'S. Biro', written over a horizontal line.

Susan L. Biro  
Chief Administrative Law Judge

Dated: May 10, 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 Scheduling Post-Hearing Submissions**, 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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Jennifer Almase  
Attorney-Advisor

Original and One Copy by Hand Delivery to:

Mary Angeles  
Headquarters Hearing Clerk  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Ronald Reagan Building, Room M1200  
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Copy by Electronic Mail to:

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*For Respondent*

Dated: May 10, 2018  
Washington, D.C.