

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

In the Matter of: )

New York State )  
Department of Transportation )

Respondent. )

Docket No. CWA-02-2016-3403

**MOTION FOR EXTENSION OF TIME**

Judge Biro's September 14, 2017 Superseding Hearing Notice and Order sets deadlines for the following: (1) parties' filing of the dispositive motions regarding liability, as well as responses and replies thereto.

Pursuant to 40 C.F.R § 22.7, the Respondent moves this tribunal for an extension of these deadlines. The Complainant's attorney, Chris Saporita, is unavailable until Monday, November 27, 2017, but upon my last discussion with him, he was agreeable to an extension of the Respondent's response time beyond November 27, 2017, which was previously requested, provided that the extension request also permitted the Complainant an extension of their reply to 10 days from the service of the response. Specifically, Respondent moves for an extension as follows: (1) responses to the dispositive motions to be due December 11, 2017, with any replies due 10 days from service thereof. The causes for the requested extensions are unforeseen workload issues occasioned by a reduction in staff, as well as the complexity of, and large record in, this matter, as well as the holidays and vacation schedules of staff needed to prepare the subject filings. Therefore, the Respondent respectfully moves for the above extensions.



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Dated: November 22, 2017  
Albany, NY

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF:

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New York State Department of Transportation  
50 Wolf Road  
Albany, NY 12232  
SPDES Permit No. NYRA20A288

PROCEEDING TO ASSESS CLASS II  
CIVIL PENALTY

Respondent

DOCKET NO. CWA-02-2016-3403

Proceeding pursuant to Section 309 (g)  
Of the Clean Water Act, 33 U.S.C. 1319(g)  
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I CERTIFY that on November 22, 2017, I served the foregoing Respondent's November 22, 2017 Motion for Extension of Time, bearing the above referenced docket number, on the person(s) listed below, in the following manner(s):

Via Electronic Filing:

One Copy via E-mail and Regular Mail to:

U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
1200 Pennsylvania Avenue, N.W.,  
Mail Code 1900R  
Washington, DC 20460

Chris Saporita  
Assistant Regional Counsel  
United States Environmental Protection  
Agency – Region 2  
290 Broadway  
New York, NY 10007

Dated: \_\_\_\_\_

11/22/17



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