

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

In the Matter of:)
)
East Texas Salt Water Disposal Company)
) Docket No. CWA-06-2014-1751
Respondent)
)

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE CONSENT
AGREEMENT AND FINAL ORDER**

The Environmental Protection Agency Region 6 (Complainant) requests that the Tribunal grant an extension of time for Complainant to file the Consent Agreement and Final Order (CAFO). The parties received a Prehearing Order which stated that a fully-executed CAFO had to be filed with the Regional Hearing Clerk no later than March 20, 2015. "Only the filing with the Regional Hearing Clerk of a fully-executed Consent Agreement and Final Order, or an order of the judge, excuses noncompliance with filing deadlines." Complainant respectfully requests that the deadline be extended to April 6, 2015, for the following reasons:

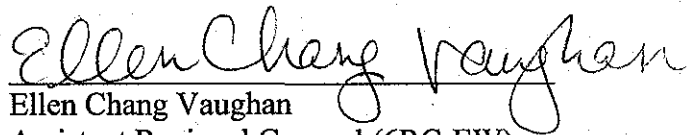
1. Complainant and Respondent had reached final agreement on both a penalty amount and the specific language of the CAFO, which resolves the violations alleged in the Complaint.
2. Respondent signed the CAFO on February 16, 2015, and returned it to Complainant shortly afterwards.
3. In the concurrence process for the final execution of the CAFO, a confirmation of the public notice is included in the CAFO concurrence

package. During this concurrence process, Complainant discovered that it may not have provided the opportunity for the public to comment on the Complaint which was filed on April 23, 2014. It is normal practice for Complainant to post the public notice on the EPA Region 6 website once the Complaint has been filed. However, when Complainant attempted to confirm that the public notice was posted on the EPA Region 6 website, it could not verify that it was indeed done. Section 309(g)(4)(A) of the Clean Water Act, 33 U.S.C. Section 1319(g)(4)(A), requires Complainant to give public notice prior to the issuance of an order assessing a civil penalty.

4. To comply with the statutory requirement for public notice, Complainant must allow thirty (30) days from the date the notice was posted. Since Complainant is unable to confirm if the public notice was done on April 23, 2014, a public notice was posted on March 4, 2015. Thirty (30) days from March 4, 2015, is April 3, 2015, a Friday. As Complainant can only issue the CAFO after the day the comment period has expired, Complainant cannot issue the CAFO until April 6, 2015, Monday.
5. The previous extensions given in this matter have proved extremely beneficial, resulting in settlement and preventing costly and resource intensive litigation.
6. Complainant anticipates that the CAFO will be filed within the extension period requested herein.
7. Complainant has consulted with Respondent in the preparation of this motion and Respondent is not opposed to it.

THEREFORE, Complainant respectfully requests that the Court grant
Complainant's Unopposed Motion for Extension of Time to File Consent
Agreement and Final Order.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ellen Chang Vaughan". The signature is written in black ink and is positioned above a horizontal line.

Ellen Chang Vaughan
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CERTIFICATE OF SERVICE

I certify that the original of the foregoing UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE CONSENT AGREEMENT AND FINAL ORDER was hand-delivered to and filed with the Regional Hearing Clerk, U.S. EPA, Region 6, 1445 Ross Ave., Dallas TX 75202, and a true and correct copy was sent to the following on this 6th day of March 2015, in the following manner:

Original and One Copy via Hand Delivery:

Lorena Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Ave.
Dallas, TX 75202

Copy via Pouch Mail and Email:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA, Office of Administrative Law Judges
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Ellen Chang Vaughn