

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION 4

IN THE MATTER OF

Great Lakes Dredge & Dock Co, LLC

Respondent

Proceeding Pursuant to § 105(a) of the
Marine Protection, Research and
Sanctuaries Act,
33 U.S.C. § 1415(a)

Proceedings to Assess Civil Penalty
under § 105(a) of the Marine
Protection, Research and Sanctuaries
Act

Docket No.
MPRSA-04-2019-7500

ENVIRONMENTAL PROTECTION AGENCY REGION 4'S MOTION FOR EXTENSION
OF TIME TO FILE PREHEARING EXCHANGE

The United States Environmental Protection Agency Region 4 ("EPA") files this Motion for Extension of Time to File Prehearing Exchange pursuant to 40 C.F.R. 22.7(b) and 22.16 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination of Permits, 40 C.F.R. Part 22 ("Rules of Practice").

The Rules of Practice provide that the Presiding Officer 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). The Prehearing Order issued by Chief Administrative Law Judge Biro, dated November 8, 2019, requires that the EPA's Initial Prehearing Exchange take place no later than December 20, 2019.

EPA believes there is good cause to grant the request for an extension of time to file the prehearing exchange. Great Lakes Dredge and Dock Co, LLC (Great Lakes) filed a Motion to

Dismiss on November 26th, 2019. EPA made considerable effort to respond timely within the 15 days allowed under the Rules of Practice and filed a “Response to Respondent’s Motion to Dismiss” on December 11, 2019 shortly before this extension request. EPA believes that a ruling on the issues raised by Great Lakes’ Motion to Dismiss, EPA’s Response, and any forthcoming reply may impact the matter before this Tribunal including issues to be addressed during Prehearing Exchange and a subsequent Hearing.

In accordance with the Prehearing Order, EPA contacted counsel for Respondent. Respondent does not oppose an extension of EPA’s Prehearing Exchange deadline to February 1, 2020 based on an assumption that subsequent Prehearing Deadlines, including those applicable to Great Lakes, would also be extended by comparable lengths of time. The EPA respectfully requests that the Presiding Officer issue an Order granting an extension of time to file its Initial Prehearing Exchange till February 1, 2020 to provide time for Tribunal to consider Great Lakes’ Motion to Dismiss, EPA’s Response, and any forthcoming reply. If this request is unreasonable, EPA asks for a 15-day extension in the alternative.

Respectfully submitted this 11th day of December 2019.



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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

In the Matter of:)
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Great Lakes Dredge and Dock Co, LLC) **Docket No. MPRSA-04-2019-7500**
)
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CERTIFICATE OF SERVICE

I certify that the foregoing "ENVIRONMENTAL PROTECTION AGENCY REGION 4'S MOTION FOR EXTENSION OF TIME TO FILE PREHEARING EXCHANGE" was sent to the following parties in the manner indicated below on December 11, 2019.

OALJ E-Filing System
Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington DC 20004

*Documents filed electronically are deemed to have been filed with the Headquarters Hearing Clerk and served electronically on the Honorable Susan Biro, the Presiding Administrative Law Judge

Consented to Service by Email
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12.11.2019
DATE


NAME

