



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 ON JOINT MOTION FOR EXTENSION OF TIME

On June 13, 2017, I issued the Prehearing Order in this proceeding, setting forth various prehearing filing deadlines and procedures. On August 14, 2017, the Director of the Division of Enforcement and Compliance Assistance of the United States Environmental Protection Agency, Region 2 ("Complainant") filed a Joint Motion for Extension of Time ("Joint Motion") on behalf of the parties. The Joint Motion requests a seven-day extension to the deadline for the filing of Complainant's Rebuttal Prehearing Exchange, and a 30-day extension to the deadline for the filing of dispositive motions regarding liability. The Joint Motion explains that the "causes for the requested extensions are the complexity of, and large record in, this matter, as well as the summer vacation schedules of key staff needed to prepare the subject filings." Joint Mot. at 1.

The rules governing this proceeding, set forth at 40 C.F.R. Part 22, allow the Presiding Officer to "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." 40 C.F.R. § 22.7(b). The Joint Motion was timely, demonstrates good cause, and is agreed upon by the parties, and therefore, granting it is appropriate. Accordingly, the Joint Motion for Extension of Time is hereby GRANTED. Complainant shall file and serve its Rebuttal Prehearing Exchange by September 8, 2017, and any dispositive motions regarding liability shall be filed and served by November 8, 2017.

SO ORDERED.

Christine Donelion Coughlin
Christine Donelion Coughlin
Administrative Law Judge

Dated: August 14, 2017
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 the foregoing **Order on Joint Motion for Extension of Time**, dated August 14, 2017, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



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Original and One Copy by Hand Delivery to:

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Dated: August 14, 2017
Washington, D.C.