



**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 GRANTING JOINT MOTION FOR EXTENSION OF TIME
TO FILE POST-HEARING BRIEFS**

The hearing in this matter was conducted April 3-5, 2018, in Albany, New York. After the Headquarters Hearing Clerk received the official transcript of testimony taken at the hearing, electronic copies of this transcript were provided by email to counsel for the parties, and I issued an Order Scheduling Post-Hearing Submissions, which established deadlines for the parties to file any motion to conform the transcript to the actual testimony and post-hearing briefs.

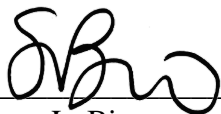
At the request of the parties, those deadlines have twice been extended for good cause shown, namely, that review and correction of the transcript has proven to be especially difficult given the number of errors contained therein. On July 13, 2018, Complainant filed a Joint Motion for Extension of Time to File Post-Hearing Briefs (“Motion”) on behalf of the parties, which requests another extension of the deadlines for the parties to file post-hearing briefs. As grounds for this request, the Motion first notes that this Tribunal provided audio recordings of the hearing to the parties on July 10 in an effort to assist them in resolving their outstanding disputes over proposed corrections to the transcript. The Motion then states that “those recordings are missing a large and necessary portion of the hearing, thus further delaying settlement of the transcription and the drafting of post-hearing briefs.”

This matter is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Rules of Practice”) set forth at 40 C.F.R. Part 22. The Rules of Practice provide that I “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).

Here, the Motion shows good cause for the requested extension. Accordingly, it is hereby **GRANTED**. As requested, the parties shall now file post-hearing briefs in accordance with the following schedule:

Complainant's Initial Post-Hearing Brief	July 27, 2018
Respondent's Initial Post-Hearing Brief	August 31, 2018
Complainant's Reply Post-Hearing Brief	September 21, 2018
Respondent's Reply Post-Hearing Brief	October 12, 2018

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: July 13, 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 Granting Joint Motion for Extension of Time to File Post-Hearing Briefs**, 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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Dated: July 13, 2018
Washington, D.C.