

**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

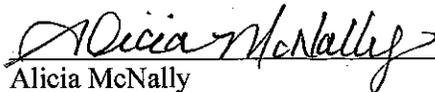
MOTION FOR EXTENSION OF TIME TO FILE POST-HEARING BRIEFS

The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits provide, in relevant part, that “[t]he ... 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” 40 C.F.R. § 22.7(b). Judge Biro's May 10, 2018 Order Scheduling Post-Hearing Submissions, among other things, sets deadlines for the parties' filing of post-hearing briefs. Those deadlines were extended several times by Judge Biro for good cause, most recently in her September 18, 2018 Order Granting Respondent's Motion for Extension of Time to File Post-Hearing Briefs. The next deadline is for Respondent's Initial Post-Hearing Brief, on September 28, 2018.

Due to an unexpected workload and scheduling issues, the current deadline of September 28, 2018 will not allow for the necessary review and approval of the Respondent's submission by that deadline. To permit the Respondent to obtain internal review and approval of its submission, upon timely motion, for good cause shown, and with the consent of Complainant's counsel, Respondent hereby respectfully moves for the following extensions of time to file post-hearing briefs.

<u>Document</u>	<u>Current Due Date</u>	<u>Proposed Due Date</u>
Respondent's Initial Post-Hearing Brief:	September 28, 2018	October 5, 2018
Complainant's Reply Brief:	October 19, 2018	October 26, 2018
Respondent's Reply Brief:	November 9, 2018	November 16, 2018

Respectfully submitted,



Alicia McNally
Assistant Counsel

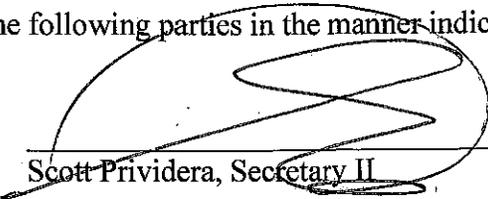
New York State Department of Transportation
50 Wolf Road
Albany, NY 12232

Dated: September 25, 2018
Albany, NY

In the Matter of *New York State Department of Transportation*, Respondent.
Docket No. CWA-02-2016-3403

CERTIFICATION OF SERVICE

I hereby certify that the foregoing Motion for Extension of Time to File Post-Hearing Briefs, dated September 25, 2018, was sent this day to the following parties in the manner indicated below.


Scott Prividera, Secretary II

Original and One Copy by OALJ E-Filing System to:

Headquarters Hearing Clerk
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code 1900R
Washington, DC 20460

Copy by UPS to:

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

Dated: September 25, 2018
Albany, NY