

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF:

New York State Department of Transportation  
50 Wolf Road  
Albany, NY 12232  
SPDES Permit No. NYRA20A288

PROCEEDING TO ASSESS CLASS II  
CIVIL PENALTY

Respondent

DOCKET NO. CWA-02-2016-3403

Proceeding pursuant to Section 309 (g)  
Of the Clean Water Act, 33 U.S.C. 1319(g)

I CERTIFY that on July 21<sup>st</sup>, 2016, I served the within MOTION TO WITHDRAW ANSWER, bearing the above referenced docket number, on the person(s) listed below, in the following manner(s):

Original and One via 1<sup>st</sup> class US Mail to:  
Helen Ferrara, R.J.O.  
US Environmental Protection Agency – Region 2  
290 Broadway, 16<sup>th</sup> floor  
New York, NY 10007-1866

Copy via 1<sup>st</sup> class US Mail to:

Karen Maples  
Regional Hearing Clerk  
US Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy via 1<sup>st</sup> Class US Mail to:

Timothy Murphy, Asst. Regional Counsel  
Water and General Law Branch, Office of General Counsel  
US Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> floor  
New York, NY 10007-1866

U.S. Environmental  
Protection Agency-Region 2  
2016 JUL 27 AM 8:17  
REGIONAL HEARING  
CLERK

Copy via 1<sup>st</sup> Class US Mail to:  
Joseph DiMura, P.E., Director  
Bureau of Water compliance Programs  
Division of Water  
NYSDEC  
625 Broadway  
Albany, NY 12233-3506

Dated: 7/21/16



\_\_\_\_\_  
KEITH D. MARTIN, Associate Attorney  
New York State Department of Transportation

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RESPONDENT'S MOTION TO WITHDRAW ANSWER

PURSUANT TO THE CONSOLIDATED RULES OF PRACTICE, FOUND AT 40 CODE OF FEDERAL REGULATIONS PART 22, RESPONDENT IN THIS MATTER MAKES THIS MOTION.

RESPONDENT, NYS DEPARTMENT OF TRANSPORTATION, hereby moves for an order directing that the RESPONDENT'S answer be deemed withdrawn, without prejudice to re-file. RESPONDENT further moves for an order granting a 90 day extension to re-file its Answer. RESPONDENT hereby asserts that this motion is premised upon Tim Murphy Esq.'s representations that EPA will not oppose said motion.

ISSUED THIS 21<sup>st</sup> DAY OF July, 2016

  
\_\_\_\_\_  
KEITH D. MARTIN, Associate Attorney  
Office Address:  
New York State Department of Transportation  
50 Wolf Road, 6<sup>th</sup> Floor  
Albany, NY 12232  
518-457-2411

Original and One via 1<sup>st</sup> class US Mail to:  
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