



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Dave Erlanson, Sr.) Docket No. CWA-10-2016-0109
)
Respondent.)

**ORDER GRANTING RESPONDENT’S UNOPPOSED MOTION FOR
EXTENSION OF TIME**

On June 5, 2017, Complainant filed and served a Motion for Accelerated Decision in this matter. The rules that govern this proceeding, set forth at 40 C.F.R. Part 22 (“Rules of Practice”), provide that a party’s response to any written motion must be filed within 15 days after service of the motion. 40 C.F.R. § 22.16(b). Accordingly, under the Rules of Practice, a response to Complainant’s Motion for Accelerated Decision was due no later than June 20, 2017, and no response was filed by Respondent by this date. However, this Tribunal was subsequently advised that counsel for Respondent was receiving hospital treatment for health concerns.

On July 19, 2017, Respondent filed an Unopposed Motion for Extension of Time to File Response to Motion for Expedited Decision (“Unopposed Motion for Extension”), requesting that the deadline for filing a response to Complainant’s Motion for Accelerated Decision be extended to August 2, 2017. The Unopposed Motion for Extension represents that the requested extension is necessitated by the medical needs of counsel for Respondent, who has experienced a number of significant health issues, and has recently required hospital treatment for such issues. The Unopposed Motion for Extension further represents that that Complainant does not object to the requested extension.

The Rules of Practice authorize the Presiding Officer to grant an extension of time for filing of any document for good cause shown upon motion, after consideration of prejudice to the other parties. 40 C.F.R. § 22.7(b). As the request for extension shows good cause, and is otherwise unopposed, granting it is appropriate. Accordingly, the Respondent’s Unopposed Motion for Extension is hereby **GRANTED**. Respondent shall file any response to Complainant’s Motion for Accelerated Decision by **August 2, 2017**.

SO ORDERED.

Christine Donelian Coughlin
Administrative Law Judge

Date: July 21, 2017
Washington, D.C.

In the Matter of *Dave Erlanson, Sr.*, Respondent
Docket No. CWA-10-2016-0109

CERTIFICATE OF SERVICE

I certify that the foregoing Order Granting Respondent's Unopposed Motion for Extension of Time, dated and issued by Administrative Law Judge Christine Donelian Coughlin on July 21, 2017, was sent this day to the following parties in the manner indicated below.



Andrea Priest
Attorney-Advisor

Original and One Copy by Hand Delivery to:

Mary Angeles
Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Room M1200
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Copies by Regular and Electronic Mail to:

Endre Szalay, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900, MS ORC-113
Seattle, WA 98101
Email: szalay.endre@epa.gov
Counsel for Complainant

William M. McLaren
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900, MS ORC-113
Seattle, WA 98101
Email: mclaren.william@epa.gov
Counsel for Complainant

Mark L. Pollot, Esq.
772 E. Lava Falls Street
Meridian, ID 83646
Email: conresctr@cableone.net
Counsel for Respondent

Dated: July 21, 2017
Washington, D.C.