



**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 REPLY 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 post-hearing briefs, among other things. At the request of the parties, those deadlines have been extended multiple times for good cause shown, most recently by Order dated September 26, 2018. Pursuant to that Order, the deadline for Complainant’s reply brief is October 26, 2018, and the deadline for Respondent’s reply brief is November 16, 2018.

On October 23, however, Complainant filed on behalf of the parties a Joint Motion for Extension of Time to File Post-Hearing Reply Briefs (“Motion for Extension”), which requests an extension of those deadlines. As grounds for the requested one-week extension of the deadline for Complainant’s reply brief, the Motion for Extension states that the current deadline for that brief will not allow sufficient time for the required concurrence process to occur before filing due to unanticipated scheduling conflicts and commitments. As for the requested two-week extension of the deadline for Respondent’s reply brief, the Motion for Extension explains that a two-week extension is sought because of leave planned by Respondent’s counsel for the upcoming Thanksgiving holiday.

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 for Extension was timely and shows good cause. Accordingly, it is hereby **GRANTED**. As requested, the parties shall now file their reply briefs in accordance with

the following schedule:

Complainant's Reply Post-Hearing Brief

November 2, 2018

Respondent's Reply Post-Hearing Brief

November 30, 2018

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: October 24, 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 Reply 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: October 24, 2018
Washington, D.C.