

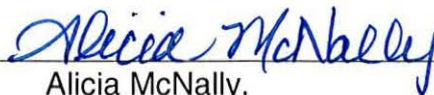
**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

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

MOTION FOR EXTENSION OF TIME

Judge Biro's September 14, 2017 Superseding Hearing Notice and Order sets deadlines for the following: (1) parties' filing of the dispositive motions regarding liability, as well as responses and replies thereto, (2) motions to supplement the prehearing exchange, (3) joint stipulations, and (4) prehearing briefs. The dispositive motions regarding liability were due on November 8, 2017 with a response due 15 days from service thereof and a reply due 10 days after service of the response. The motions to supplement the prehearing exchange are currently due on December 15, 2017; joint stipulations are due on December 22, 2017; and prehearing briefs are due on December 29, 2017. The September 14, 2017 Order also sets the hearings dates for January 16 through 23, 2018.

Pursuant to 40 C.F.R § 22.7, the Respondent moves this tribunal for an extension of these deadlines and the hearing dates. I have consulted with the Complainant's attorney, Chris Saporita, and he consents to this request and has agreed to the dates set forth herein. Specifically, for an extension as follows: (1) responses to the dispositive motions to be due November 27, 2017, with any replies due 10 days from service thereof; (2) motions to supplement the prehearing exchange extended to December 29, 2017; joint stipulations due January 12, 2107; and (3) prehearing briefs due January 26, 2017. Additionally, the Respondent requests that the current hearing date be adjourned and rescheduled for February 12 through 16, 2018. The causes for the requested extensions are the complexity of, and large record in, this matter, as well as the holidays and vacation schedules of staff needed to prepare the subject filings. Therefore, on the consent of all parties in this matter, Respondent respectfully moves for the above extensions.



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Dated: November 21, 2017
Albany, NY