



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

**In the Matter of:** )  
 )  
**Double M Properties,** ) **Docket No. CWA-06-2022-1772**  
 )  
**Respondent.** )

**ORDER ON COMPLAINANT’S MOTION FOR EXTENSION  
OF PREHEARING ORDER DEADLINES**

This proceeding was initiated on July 7, 2022, with the filing of an Administrative Complaint by the Complainant, the Director of the Enforcement and Compliance Assurance Division of Region 6 of the U.S. Environmental Protection Agency (“Agency”) against Respondent, Double M Properties, pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g). Respondent subsequently filed an Answer to Administrative Complaint, in which Respondent denied the violations alleged in the Administrative Complaint and requested a hearing. After I was designated to preside over the proceeding, I issued a Prehearing Order setting deadlines for a number of prehearing procedures, including the filing of a Status Report by Complainant, a Preliminary Statement by each party, a fully-executed Consent Agreement and Final Order (“CAFO”) if the parties achieved settlement of this matter, and a prehearing exchange of information by each party if settlement was not achieved in the meantime.

On September 9, 2022, Complainant timely filed a Preliminary Statement, as well as a combined Status Report and Motion for Extension of Prehearing Order Deadlines (“Motion”). Therein, Complainant represents that the parties have been engaged in discussions to resolve this matter, resulting in Respondent providing extensive information and documentation that Complainant is now endeavoring to review. To afford Complainant an opportunity to complete its evaluation, Complainant requests a 45-day extension of the prehearing exchange deadlines set forth in the Prehearing Order. Finally, Complainant represents that Respondent does not object to the requested extension.


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, Complainant’s Motion was timely and shows good cause. As reflected in the Rules of Practice, Agency policy supports settlement of a proceeding without the necessity of a formal

hearing. 40 C.F.R. § 22.18(b)(1). Undoubtedly, the interests of the parties and judicial economy are well served by the parties resolving this matter informally and expeditiously. Accordingly, the Motion is hereby **GRANTED**. As requested, a fully-executed CAFO shall now be filed with the Regional Hearing Clerk on or before **November 14, 2022**, with a courtesy copy filed with the Headquarters Hearing Clerk. If the parties are unable to achieve settlement by that date, they shall file their prehearing exchanges pursuant to the following schedule:

|                          |  |
|--------------------------|--|
| <b>November 14, 2022</b> | Complainant's Initial Prehearing Exchange  |
| <b>December 5, 2022</b>  | Respondent's Prehearing Exchange           |
| <b>December 19, 2022</b> | Complainant's Rebuttal Prehearing Exchange |

**SO ORDERED.**


  
Christine Donelian Coughlin  
Administrative Law Judge

Dated: September 16, 2022  
Washington, D.C.

In the Matter of *Double M Properties*, Respondent.  
Docket No. CWA-06-2022-1772

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order on Complainant's Motion for Extension of Prehearing Order Deadlines**, dated September 16, 2022, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



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Mary Angeles  
Paralegal Specialist

Original by OALJ E-Filing System to:

Mary Angeles, Headquarters Hearing Clerk  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
[https://yosemite.epa.gov/OA/EAB/EAB-ALJ\\_Upload.nsf](https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf)

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*Counsel for Respondent*

Dated: September 16, 2022  
Washington, D.C.