



**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 SECOND JOINT MOTION FOR EXTENSIONS OF TIME

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 the 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 any motion to conform the transcript to the actual testimony and post-hearing briefs.

At the request of the parties, those deadlines were subsequently extended by an Order Granting Joint Motion for Extensions of Time, dated June 12, 2018. On June 14, 2018, Respondent filed a second Joint Motion for Extensions of Time (“Motion”) on behalf of the parties, which requests another extension of the deadline to file motions to conform the transcript to the actual testimony from June 15 to June 22, 2018. As grounds for this request, the Motion states that “it has become apparent that the errors [in the transcript] are even more extensive than originally perceived” and that “[c]orrection of these error [sic] has proven difficult and time consuming—necessitating consultation with witnesses and substantial document review.”

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 shows good cause for the requested extension. Accordingly, the Motion is hereby **GRANTED**. As requested by the parties, any motions to conform the transcript to the actual testimony shall be filed no later than **June 22, 2018**.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Biro', positioned above a horizontal line.

Susan L. Biro
Chief Administrative Law Judge

Dated: June 14, 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 Second Joint Motion for Extensions of Time**, issued by Chief Administrative Law Judge Susan L. Biro, were sent this day to the following parties in the manner indicated below.

Jennifer Almase
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
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington, DC 20004

Copy by Electronic Mail to:

Christopher Saporita, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Email: saporita.chris@epa.gov
For Complainant

Jason P. Garelick, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Email: garelick.jason@epa.gov
For Complainant

Alicia McNally, Esq.
Assistant Counsel
Division of Legal Affairs
New York State Department of Transportation
50 Wolf Road, 6th Floor
Albany, NY 12232
Email: Alicia.McNally@dot.ny.gov
For Respondent

Dated: June 14, 2018
Washington, D.C.