

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

In the Matter of:

New York State
Department of Transportation

Respondent.

)
)
) **Docket No. CWA-02-2016-3403**
)
)
)

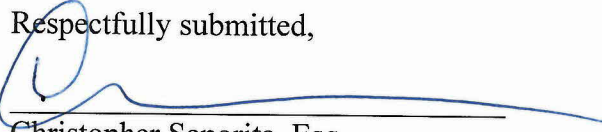
JOINT MOTION FOR EXTENSION OF TIME TO FILE POST-HEARING REPLY BRIEFS

The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits provide, in relevant part, that “[t]he ... Presiding Officer 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” 40 C.F.R. § 22.7(b). Judge Biro's May 10, 2018 Order Scheduling Post-Hearing Submissions, among other things, sets deadlines for the parties' filing of post-hearing briefs. Those deadlines have been extended several times by Judge Biro for good cause, most recently in her September 26, 2018 Order Granting Respondent's Motion for Extension of Time to File Post-Hearing Briefs. The next deadline is for Complainant's Reply Brief, on October 26, 2018.

Due to unanticipated scheduling conflicts and commitments, the October 26, 2018 deadline for Complainant's reply brief will not allow time for the required concurrence process to occur before filing. And, due to the coming Thanksgiving holiday, a one-week extension of the current deadline for Respondent's reply brief would conflict with Respondent's counsel's holiday leave. Therefore, upon timely motion, for good cause shown, and on behalf of the parties in this matter, Complainant hereby respectfully moves for the following extensions of time to file post-hearing reply briefs.

<u>Document</u>	<u>Current Due Date</u>	<u>Proposed Due Date</u>
Complainant's Reply Brief:	October 26, 2018	November 2, 2018
Respondent's Reply Brief:	November 16, 2018	November 30, 2018

Respectfully submitted,

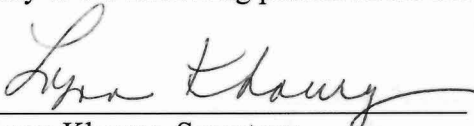

Christopher Saporita, Esq.
Assistant Regional Counsel
United States Environmental Protection Agency – Region 2
290 Broadway, 16th Floor
New York, NY 10007
(212) 637-3203
saporita.chris@epa.gov

Dated: October 23, 2018
New York, NY

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

CERTIFICATION OF SERVICE

I hereby certify that the foregoing Joint Motion for Extension of Time to File Post-Hearing Reply Briefs, dated October 23, 2018, was sent this day to the following parties in the manner indicated below.



Lynn Khoury, Secretary

Original and One Copy by OALJ E-Filing System to:

Headquarters Hearing Clerk
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code 1900R
Washington, DC 20460

Copy by Certified Mail to:

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

Dated: October 23, 2018
New York, NY