



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of:)
Great Lakes Dredge and Dock, LLC,) Docket No. MPRSA-04-2019-7500
Respondent.)

ORDER GRANTING COMPLAINANT’S MOTION FOR EXTENSION OF TIME TO FILE PREHEARING EXCHANGE AND STAYING FURTHER FILING DEADLINES

This action was instituted on September 27, 2019, by Complainant, the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, Region 4, filing an Administrative Complaint against Respondent, Great Lakes Dredge and Dock, LLC. The Complaint alleges that Respondent committed 95 violations of Section 101(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (“MPRSA”), as amended, 33 U.S.C. § 1401 et seq., and its implementing regulation at 40 C.F.R. § 228.15(h)(19), during the performance of U.S. Army Corps of Engineers (USACE) Contract #W912EP-13-C-0015.¹

Respondent, through its counsel, filed an Answer to the Complaint on November 5, 2019, denying the violations, raising various defenses, and requesting a hearing. On November 8, 2019, I issued the Prehearing Order in this proceeding, setting forth various prehearing filing deadlines and procedures. Thereafter, on December 2, 2019, Respondent filed a Motion to Dismiss, to which Complainant filed a response on December 11, 2019.

Also on December 11, 2019, Complainant filed a Motion for Extension of Time to File Prehearing Exchange (“Motion”). The Motion requests that the deadline for filing Complainant’s Initial Prehearing Exchange be extended from December 20, 2019, until February 1, 2020, and that the other open deadlines in the Prehearing Order be equally extended as well, in light of Respondent’s pending Motion to Dismiss. The Motion represents that Respondent does not oppose the extension(s) requested, and Respondent subsequently filed a response confirming its agreement with the request.

¹ I note that the letter accompanying the Complaint identifies 96 alleged violations, while the Complaint alleges only 95. See Compl. ¶¶ 30, 31. It is assumed that the number identified in the letter constitutes a scrivener’s error.

The rules governing this proceeding, set forth at 40 C.F.R. Part 22, allow the Presiding Officer to “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). The Motion was timely, demonstrates good cause, and is not opposed by the Respondent, and therefore, granting it is appropriate. Accordingly, Complainant’s Motion for Extension of Time to File Prehearing Exchange is hereby **GRANTED**, and the deadlines for further filings by the parties as set forth in the Prehearing Order are hereby STAYED pending the issuance of a ruling on Respondent’s Motion to Dismiss.

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: December 17, 2019
Washington, D.C.

In the Matter of *Great Lakes Dredge and Dock, LLC*, Respondent.
Docket No. MPRSA-04-2019-7500

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting Complainant's Motion for Extension of Time to File Prehearing Exchange and Staying Further Filing Deadlines**, dated December 17, 2019, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.

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Dated: December 17, 2019
Washington, D.C.