

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of	§	DOCKET NO. CWA-06-2022-1772
	§	
Double M Properties	§	Proceeding to Assess a Class II
	§	Civil Penalty under Section 309(g)
	§	of the Clean Water Act
Respondent	§	
	§	
NPDES ID. No. NMR1002AG	§	

**COMPLAINANT’S STATUS REPORT AND MOTION FOR EXTENSION OF
PREHEARING ORDER DEADLINES**

COMES NOW COMPLAINANT, the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA), by and through its attorney, who provides the following status report regarding the above-captioned proceeding and submits a motion to extend the Prehearing Order deadlines.

1. On July 13, 2022, technical staffs from EPA and Respondent participated in a telephone conference call and discussed issues regarding case in an effort of resolving the matter. Following the technical conference call, Complainant’s attorney and Respondent’s attorney continued discussions regarding the case on August 26, 2022. At this point, the case has not been resolved.
2. The administrative complaint was filed with the Regional Hearing Clerk on July 7, 2022, with Respondent filing an answer on August 9, 2022. As a result of the communication between the parties, especially technical staffs, extensive information and documentation has been provided by Respondent. Complainant is reviewing and evaluating the Respondent’s information. As a result, additional time is needed time.

3. Therefore, Complainant hereby requests an extension of 45 days regarding each of the Prehearing Exchange deadlines specified in the Prehearing Order, dated August 15, 2022.
4. The extension request is not sought for delay but rather to facilitate negotiations in an effort to resolve the pending issues.
5. Complainant's attorney has discussed the Motion for Extension of Prehearing Order deadlines, and Respondent's attorney has expressed approval of the extension and has no objection.

FOR THESE REASONS, Complainant respectfully request that this Motion be granted and that each of the PREHEARING ORDER deadlines regarding the Prehearing Exchange be extended by 45 days.

Respectfully Submitted,

Efren Ordóñez
Office of Regional Counsel
U.S. EPA, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102
Telephone (214) 665-2181
Ordonez.efren@epa.gov

CERTIFICATE OF SERVICE

I certify that the foregoing COMPLAINANT'S STATUS REPORT AND MOTION FOR EXTENSION OF PREHEARING ORDER DEADLINES was sent to the following persons, in the manner specified, on the date below:

Via E-filing: Honorable Judge Christine Donelian Coughlin
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Ave., NW
Washington, D.C.
Facsimile: 916/550-9639

Via Electronic Transmission: Pete Domenici
Respondent's Attorney
320 Gold Ave. SW Suite 1000
Albuquerque, New Mexico 87102
pdomenici@domenicilaw.com

Date: September 9, 2022

Efren Ordóñez