

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

STATE OF ALASKA DEPARTMENT OF
TRANSPORTATION AND PUBLIC
FACILITIES,

Juneau, Alaska

Respondent.

DOCKET NO. CWA-10-2024-0154

**COMPLAINANT’S MOTION FOR
ADDITIONAL EXTENSIONS TO
DEADLINES TO FILE RESPONSES AND
REPLIES TO MOTIONS FOR
ACCELERATED DECISION**

1.1. On March 3, 2025, the U.S. Environmental Protection Agency, Region 10 (“EPA” or “Complainant”) and the State of Alaska Department of Transportation and Public Facilities (“Respondent”) (collectively “the Parties”) filed cross Motions for Accelerated Decision.

1.2. The Parties conferred and jointly moved on March 4, 2025, for the deadline for the Parties to respond to the cross motions for accelerated decision be extended to April 2, 2025, and for the deadline for the Parties to file replies to the responses to the cross motions for accelerated decision be extended to April 22, 2025. On March 5, 2025, this Tribunal granted that joint motion.

1.3. The Parties conferred and jointly moved on March 27, 2025, for the deadline for the Parties to respond to the cross motions for accelerated decision to be further extended to June 2, 2025, and for the deadline for the Parties to file replies to the responses to the cross motions for accelerated decision be extended to June 23, 2025. On March 31, 2025, this Tribunal granted that joint motion.

1.4. As described in the EPA’s March 27, 2025, Motion, a new presidential administration took office on January 20, 2025. The EPA needs an additional ninety (90) days to continue to coordinate and brief new administration officials about the issues raised in this case

**In the Matter of: State of Alaska Department of Transportation
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**U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 155, 11-C07
Seattle, Washington 98101**

prior to filing a response to Respondent's Motion for Accelerated Decision and a reply to Respondent's response to the EPA's Motion for Accelerated Decision. Additionally, the EPA does not oppose this Tribunal also extending the deadlines for Respondent's response and reply for equitable and judicial efficiency reasons. The EPA has conferred with Respondent and Respondent does not oppose this Motion.

1.5. Courts routinely grant stays or abeyances where, as here, there is a change in administration. *See, e.g.*, Order (Docket Entry No. 20), *American Free Enterprise Chamber of Commerce v. EPA*, Case No. 25-89 (9th Cir. Feb. 19, 2025) (staying challenge to agency action following change in administration); Order (Docket Entry No. 13), *Alaska Community Action on Toxics v. EPA*, Case No. 21-70168 (9th Cir. Apr. 6, 2021) (same). The EPA has therefore established there is "good cause" for an extension of the deadlines pursuant to 40 C.F.R. § 22.7(b).

1.6. The EPA therefore respectfully requests that this Tribunal establish a new deadline of September 2, 2025, for each of the Parties' respective responses to the cross motions for accelerated decision. The EPA also respectfully requests that this Tribunal establish a new deadline of September 23, 2025, for each of the Parties' respective replies to the responses to the motions for accelerated decision.

Respectfully submitted,

U.S. ENVIRONMENTAL PROTECTION
AGENCY, REGION 10:

DATE

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CERTIFICATE OF SERVICE

The undersigned certifies that the original COMPLAINANT'S MOTION FOR ADDITIONAL EXTENSIONS TO DEADLINES TO FILE RESPONSES AND REPLIES TO MOTIONS FOR ACCELERATED DECISION in the above-captioned action was filed within the OALJ E-Filing System to:

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

Further the undersigned certifies that a true and correct copy of the original COMPLAINANT'S MOTION FOR ADDITIONAL EXTENSIONS TO DEADLINES TO FILE RESPONSES AND REPLIES TO MOTIONS FOR ACCELERATED DECISION was served on Respondent State of Alaska Department of Transportation and Public Facilities via email to:

Brian E. Gregg, Assistant Attorney General
State of Alaska Department of Law
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DATE

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