



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

Administrative Proceedings
EPA/DO-6 A17447
Environmental Protection Agency

IN THE MATTER OF)
)
DUVALL DEVELOPMENT CO., INC.,)
and JEFFREY H. DUVALL,) DOCKET NO. CWA-04-2010-5505
)
)
RESPONDENTS)

ORDER RESCHEDULING HEARING


This proceeding arises under the authority of Section 309(g) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act ("CWA"), as amended, 33 U.S.C. § 1319(g). The parties are reminded that this proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the "Rules of Practice"), 40 C.F.R. §§ 22.1-22.32.

The Hearing in this matter was previously scheduled to commence on April 26, 2011. On March 3, 2011, Respondent was granted leave to file an amended answer. On March 10, 2011, the parties completed briefing on Complainant's Motion for Leave to File an Amended Complaint ("Motion"). Since that time the parties have been engaged in settlement negotiations to determine whether this Motion or any other pending motion should be withdrawn. Because the Motion contemplates the addition of an unnamed party, there is insufficient time before the scheduled Hearing to grant or deny the Motion, or allow for the filing of an answer. Therefore, the Hearing must be postponed.

The parties have agreed that the week of August 22, 2011, is an available alternative. The Hearing in this matter is hereby rescheduled to commence at 9:30 A.M. on Tuesday, August 23, 2011, in or around Atlanta, Georgia, continuing as necessary through August 26, 2011. In connection therewith, on or before July 29, 2011, the parties shall file a joint set of stipulated facts, exhibits, and testimony. See Section 22.19(b)(2) of the Rules of Practice, 40 C.F.R. § 22.19(b)(2).

Further, the parties are advised that every motion filed in this proceeding must be served in sufficient time to permit the filing of a response by the other party and to permit the issuance of an order on the motion before the deadlines set by this order or any subsequent order. Section 22.16(b) of the Rules of Practice, 40 C.F.R. § 22.16(b), allows a fifteen-day (15) period for responses to motions and Section 22.7(c), 40 C.F.R. § 22.7(c), provides for an additional five (5) days to be added thereto when the motion is served by mail. The parties are hereby notified that the undersigned will not entertain last minute motions to amend or supplement the prehearing exchange absent extraordinary circumstances.

IF ANY PARTY DOES NOT INTEND TO ATTEND THE HEARING OR HAS GOOD CAUSE FOR NOT BEING ABLE TO ATTEND THE HEARING AS SCHEDULED, IT SHALL NOTIFY THE UNDERSIGNED AT THE EARLIEST POSSIBLE MOMENT.



Barbara A. Gunning
Administrative Law Judge

Dated: April 1, 2011
Washington, DC