



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of: )
Adamas Construction and Development Services, PLLC, and Nathan Pierce, )
Respondents. )
Docket No. CWA-07-2019-0262

ORDER TO RESPONDENTS TO SHOW CAUSE

This proceeding was initiated on September 16, 2019, by Complainant, the Director of the Enforcement and Compliance Assurance Division of the U.S. Environmental Protection Agency, Region 7, filing a Complaint and Notice of Opportunity for Hearing ("Complaint") against Respondents, Adamas Construction and Development Services, PLLC, and Nathan Pierce, pursuant to Section 309(g) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, 33 U.S.C. § 1319(g). Through counsel, Respondents jointly filed an Answer and Request for Hearing on October 16, 2019.

On October 18, 2019, I issued a Prehearing Order setting forth various prehearing filing deadlines and procedures, including deadlines for the parties to engage in a prehearing exchange of information. The deadlines for completion of the prehearing exchange process were subsequently extended by Order dated January 2, 2020, in which I directed Respondents to file their Prehearing Exchange(s) on or before January 24, 2020, and Complainant to file its Rebuttal Prehearing Exchange on or before February 7, 2020.

Respondents filed their Initial Prehearing Exchange on January 27, 2020. Complainant subsequently filed a Motion for Extension of Time to File Rebuttal Prehearing Exchange ("Motion"). Therein, Complainant requested an extension of the deadline for it to file its Rebuttal Prehearing Exchange on the basis that Respondents had failed to serve Complainant with a copy of their Initial Prehearing Exchange by either regular mail or electronic mail, despite that document including a certificate of service signed by Respondents' counsel indicating that service by those means was completed. Complainant attached to its Motion a copy of an email exchange reflecting that counsel for Complainant notified Respondents by email that it intended to request an extension and that, in response, Respondent Nathan Pierce acknowledged Respondents' failure to serve Complainant with their Initial Prehearing Exchange.

As a consequence, I issued an Order dated February 5, 2020, requiring that Respondents, no later than February 12, 2020, serve Complainant with a copy of their Initial Prehearing

Exchange and all attachments thereto and simultaneously file with this Tribunal and serve on Complainant a statement certifying the date and means by which they served Complainant with their Initial Prehearing Exchange.

To date, Respondents have not filed any such statement with this Tribunal or requested an extension of that deadline. Moreover, counsel for Complainant notified a staff attorney for this Tribunal that Respondents have yet to serve Complainant with their Initial Prehearing Exchange as directed by the Order of February 5.

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 (“Rules of Practice”), set forth at 40 C.F.R. Part 22. Under the Rules of Practice, a party may be found to be in default upon failure to comply with an order issued by the presiding Administrative Law Judge. 40 C.F.R. § 22.17(a). The Rule of Practice further provide that “[d]efault by respondent constitutes . . . an admission of all facts alleged in the complaint and a waiver of respondent’s right to contest such factual allegations.” *Id.* Therefore, Respondents are hereby **ORDERED** to file a document on or before **March 6, 2010**, explaining why they had **good cause** for failing to comply with the Order dated February 5, 2020, and why a default order should not be entered against them.

**SO ORDERED.**



Christine Donelian Coughlin  
Administrative Law Judge

Dated: February 20, 2020  
Washington, D.C.

In the Matter of *Adamas Construction and Development Services, PLLC, and Nathan Pierce*,  
Respondents.  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order to Respondents to Show Cause**, dated February 20, 2020, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



Mary Angeles  
Paralegal Specialist

Original and One Copy by Personal Delivery to:

Mary Angeles, Headquarters Hearing Clerk  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Ronald Reagan Building, Room M1200  
1300 Pennsylvania Ave., NW  
Washington, DC 20004

Copy by Electronic Mail to:

Sara Hertz Wu, Esq.  
Elizabeth Huston, Esq.  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Mail Code: ORCAB  
Lenexa, KS 66219  
Email: hertzwu.sara@epa.gov  
Email: huston.liz@epa.gov  
*Attorneys for Complainant*

Copy by Electronic and Regular Mail to:

Chris J. Gallus, Esq.  
1423 Otter Road  
Helena, MT 59602  
Email: chrisjgalluslaw@gmail.com  
Email: galluslaw@gmail.com  
*Attorney for Respondents*

Dated: February 20, 2020  
Washington, D.C.