

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219
BEFORE THE ADMINISTRATOR

| | | |
|---|---|------------------------------|
| IN THE MATTER OF |) | |
| |) | |
| ADAMAS CONSTRUCTION AND |) | COMPLAINANT'S STATEMENT OF |
| DEVELOPMENT SERVICES, PLLC |) | UNAVAILABILITY FOR A HEARING |
| |) | IN RESPONSE TO ORDER |
| |) | GRANTING A CONTINUANCE OF |
| |) | THE HEARING |
| |) | |
| |) | |
| |) | |
| AND |) | |
| |) | |
| NATHAN PIERCE, |) | |
| |) | |
| Respondents |) | Docket No. CWA-07-2019-0262 |
| |) | |
| Proceedings under Section 309(g) of the |) | |
| Clean Water Act, 33 U.S.C. § 1319(g) |) | |

COMPLAINANT'S STATEMENT OF UNAVAILABILITY FOR A HEARING IN RESPONSE
TO ORDER GRANTING A CONTINUANCE OF THE HEARING

COMES NOW, the United States Environmental Protection Agency ("EPA" or "Complainant"), pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1 to 22.45 and submits this Statement of Unavailability for a Hearing.

1. On March 24, 2023, Complainant was served Respondent's Motion to Continue the Scheduled Hearing by Respondent via email.
2. On March 29, 2023, the Court issued an Order granting Respondent's motion. In its Order, the Court requested that by April 7, 2023, the parties provide statements

that include periods of unavailability for a hearing during June, July, or August of 2023.

3. Complainant hereby states that it is unavailable for hearing June 1 through July 10, 2023, and July 17 through August 4, 2023.
4. Ernie Sprague, a witness for both Complainant and Respondent, is available to testify the week of July 10, 2023, but cannot start until July 12, 2023.
5. Complainant requests an in-person hearing in Billings, Montana.

RESPECTFULLY SUBMITTED this 6th day of April, 2023.

Katherine Kacsur
Assistant Regional Counsel
11201 Renner Boulevard
Lenexa, KS 66209
(913) 551-7734
email: kacsur.katherine@epa.gov

CERTIFICATE OF SERVICE

I certify that the foregoing Complainant's Motion for Unavailability for Hearing in Response to Order Granting a Continuance of the Hearing, Docket No. CWA-07-2019-0262, has been submitted electronically using the OALJ E-Filing System.

A copy was sent by email to:

Nathan Pierce, Owner, Adamas Construction and Development Services PLLC:

Nathan Pierce
Email: adamas.mt.406@gmail.com

Date: April 6, 2023

Katherine Kacsur
Assistant Regional Counsel
11201 Renner Boulevard
Lenexa, KS 66209
(913) 551-7734
email: kacsur.katherine@epa.gov