



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

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

**ORDER ON COMPLAINANT’S MOTION FOR EXTENSION OF TIME
TO FILE REBUTTAL PREHEARING EXCHANGE**

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”) on February 5, 2020. Therein, Complainant requests a three-week extension of the deadline for it to file its Rebuttal Prehearing Exchange on the basis that Respondents 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 a two-week extension and that, in response, Respondent Nathan Pierce acknowledged Respondents’ failure to serve Complainant and stated that “we don’t object to an extension of time.”

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. The Rules of Practice allow the Presiding Officer to “grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.” 40 C.F.R. § 22.7(b). Here, Complainant’s Motion was timely, demonstrates good cause, and is not prejudicial. Respondents are hereby **ORDERED** to serve Complainant with a copy of their Initial Prehearing Exchange and all attachments thereto no later than **February 12, 2020**. Respondents shall 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. Complainant shall then file and serve its Rebuttal Prehearing Exchange no later than two weeks from the date of service of Respondents’ Initial Prehearing Exchange. Consistent with this discussion, Complainant’s Motion is hereby **GRANTED in part**.

SO ORDERED.



Christine Donelian Coughlin
Administrative Law Judge

Dated: February 5, 2020
Washington, D.C.

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

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Complainant's Motion for Extension of Time to File Rebuttal Prehearing Exchange**, dated February 5, 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
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Dated: February 5, 2020
Washington, D.C.