

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

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In the Matter of: )  
)  
Batesville Water & Gas Utility )  
and )  
Don Gunter Excavating, LLC, )  
)  
Respondents. )  
\_\_\_\_\_ )

Docket No. CWA-05-2010-0013

**ORDER**

Complainant filed the complaint in this matter on June 10, 2010. Respondent Batesville Water & Gas Utility filed its answer on July 13, 2010. Respondent Don Gunter Excavating, LLC, has been granted an extension of time to file its answer (or otherwise plead) on or before August 13, 2010. Complainant has now moved to amend its complaint to include an exhibit that was inadvertently omitted from the filed and served copies of its pleading. Both Respondents have stated that they do not object to this motion.

The Consolidated Rules of Practice (40 C.F.R. Part 22) which govern this proceeding provide that after an answer is filed, the complainant may amend its complaint only upon motion granted by the Presiding Officer. 40 C.F.R. § 22.14(c). Given that Respondents do not object to Complainant's motion, and that Complainant's error was inadvertent and promptly rectified, I hereby GRANT Complainant's motion to amend its answer to include Exhibit 1.

SO ORDERED.

Dated: August 10, 2010

  
Marcy A. Toney  
Regional Judicial Officer

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In the Matter of Batesville Gas & Water Utility and Don Gunter Excavating, LLC Respondents  
Docket No. CWA-05-2010-0013

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CERTIFICATE OF SERVICE

I certify that the foregoing Order, dated August 10, 2010, was sent this day in the following manner:

Original hand delivered to: Regional Hearing Clerk  
U.S. Environmental Protection  
Agency, Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Copy hand delivered to Attorney for Complainant: Jeffrey A. Cahn  
U. S. Environmental Protection  
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Office of Regional Counsel  
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Copy by U.S. Mail First Class to: Larry Kane  
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Dated: 8/10/10

By:   
Darlene Weatherspoon  
Administrative Program Assistant