



**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

**In the Matter of:** )  
 )  
**Gary Powers and Angie Powers,** ) **Docket No. CWA-03-2023-0104**  
 )  
**Respondents.** )

**ORDER GRANTING CONSENT MOTION FOR EXTENSION OF PREHEARING DEADLINES**

This proceeding was initiated on September 12, 2023, with the filing of a Complaint by Complainant, the Director of the Enforcement and Compliance Assurance Division of Region 3 of the U.S. Environmental Protection Agency (“Agency”), against Respondents Gary Powers and Angie Powers pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g). Respondents subsequently filed an Answer to the Complaint, in which they denied the alleged violations and disputed the Complainant’s proposed penalties. After I was designated to preside over the proceeding, I issued a Prehearing Order setting deadlines for a number of prehearing procedures, including the filing of Preliminary Statements by both parties, the filing of a fully-executed Consent Agreement and Final Order (“CAFO”) if the parties achieved settlement of this matter, and a prehearing exchange of information by each party if settlement was not achieved in the meantime.

I am in receipt of the Agency’s December 6, 2023, Consent Motion for Extension of Prehearing Deadlines. Status Report and Consent Motion for Extension of Prehearing Deadlines (Dec. 6, 2023) (“Motion”). The Motion represents that the parties are engaged in ongoing settlement negotiations and that Respondents plan to provide Complainant with information material to those negotiations by mid-December. Mot. 1. The parties request that the prehearing deadlines in this matter be extended until February, to permit them time to digest and discuss that information. Mot. 2.

This matter 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 provide that I “may 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; or upon its own initiative.” 40 C.F.R. § 22.7(b).

Here, the Motion was timely and shows good cause. As reflected in the Rules of Practice, Agency policy supports settlement of a proceeding without the necessity of a formal hearing. 40 C.F.R. § 22.18(b)(1). The interests of the parties and judicial economy are well

served by the parties resolving this matter informally and expeditiously. Therefore, the Motion is hereby **GRANTED**. The parties shall adhere to the following revised deadlines, which include one modification to their proposed schedule—namely, the Preliminary Statement deadline.

To the extent they have not already done so, the parties shall file their Preliminary Statements on or before **December 15, 2023**.

A fully-executed CAFO shall be filed with the Regional Hearing Clerk on or before **February 9, 2024**, with a courtesy copy filed with the Headquarters Hearing Clerk. Alternatively, if the parties are unable to finalize a CAFO by that date, they shall file their prehearing exchanges pursuant to the following schedule:

<b>February 9, 2024</b>	Complainant's Initial Prehearing Exchange
<b>March 1, 2024</b>	Respondents' Prehearing Exchange(s)
<b>March 15, 2024</b>	Complainant's Rebuttal Prehearing Exchange

**SO ORDERED.**

  
Christine Donelian Coughlin  
Administrative Law Judge

Dated: December 12, 2023  
Washington, D.C.

In the Matter of *Gary Powers and Angie Powers*, Respondents.  
Docket No. CWA-03-2023-0104

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order Granting Consent Motion for Extension of Prehearing Deadlines**, dated December 12, 2023, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



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Mary Angeles  
Paralegal Specialist

Copy by OALJ E-Filing System to:  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
[https://yosemite.epa.gov/OA/EAB/EAB-ALJ\\_Upload.nsf](https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf)

Copy by Electronic Mail to:  
Stefania D. Shamet  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region III  
Four Penn Center (MC 3RC60)  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2852  
Telephone: 215-814-2682  
Email: [shamet.stefania@epa.gov](mailto:shamet.stefania@epa.gov)  
*For Complainant*

Copy by Regular Mail to:  
Gary Powers and Angie Powers  
P.O. Box 285  
Cowen, WV 26206  
*Respondents (pro se)*

Dated: December 12, 2023  
Washington, D.C