

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE
ADMINISTRATOR

IN THE MATTER OF)	AFFIDAVIT IN SUPPORT OF
)	RESPONDENT'S MOTION FOR
ADAMAS CONSTRUCTION AND)	LEAVE TO FILE OUT OF TIME
DEVELOPMENT SERVICES, PLLC)	
)	Docket No. CWA-07-2019-0262
AND)	
NATHAN PIERCE,)	
)	
Respondents)	
Proceedings under Section 309(g) of the)	
Clean Water Act, 33 U.S.C. § 1319(g))	
)	
)	
)	

AFFIDAVIT IN SUPPORT OF RESPONDENT'S MOTION FOR LEAVE TO FILE OUT
OF TIME A MOTION TO CONTINUE THE SCHEDULED HEARING

Comes now Respondents NATHAN PIERCE being duly sworn upon his oath, according
to law, deposes and says:

1. I am the Respondent and the only representative for Adamas Construction and Development Services in the above captioned case Docket No. CWA-07-2019-0262.
2. I have been recently diagnosed with a blockage of 25% or greater to the right side of my heart during a recent doctors visit and subsequent testing, I am scheduled to undergo cardiovascular surgery on April 15th 2023 and it is the recommendation of my doctor to avoid stressful situations and too much physical exertion, as such I do not feel I can adequately prepare for or defend myself at the upcoming hearing.

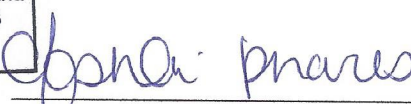
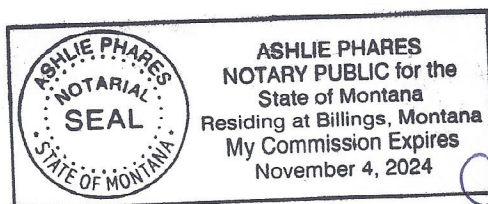
3. On March 20th, 2023 I learned from the Complainant's attorney that they may be unable to produce some of their key witnesses to include the person who allegedly made the initial complaint to the EPA, Tom Robinson, as such there may be other legal filing and strategies available to pursue, however I am unable to adequately focus or pursue them due to my ongoing health issues and my inability to afford legal counsel in this matter.
4. The Respondent is also filing a Motion to Continue the Scheduled Hearing simultaneously with the Motion for Leave to File out of Time.
5. The Respondents conferred with the Complainant's Attorney/s about their motions and they have authorized the undersigned Respondent to represent that the EPA neither supports nor opposes their Motion for Leave to File out of Time and Motion to Continue the Scheduled Hearing.

This Affidavit is attached in accordance with 40 C.F.R. § 22.S(b)(2) and the undersigned Affiant swears the statements above are true.



Nathan Pierce
Respondent
16550 Cottontail TR
Shepherd, Montana 59079
Email: adams.mt.406@gmail.com

Subscribed and Sworn to before me a Notary Public this 24th Day of March, 2023


Notary Public

CERTIFICATE OF SERVICE

I certify that the foregoing Respondent's AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO FILE OUT OF TIME, Docket No. CWA-07-2019-0262, has been submitted electronically using the OALJ E-Filing System. A copy was sent by email to:

Copy by Electronic Mail to:
Christopher Muehlberger, Esq.
Katherine Kacsur, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
Email: muehlberger.christopher@epa.gov
Email: kacsur.katherine@epa.gov
Attorneys for Complainant

Date: Friday, March 24th, 2023

/s/ Nathan Pierce
Nathan Pierce
Respondent
16550 Cottontail TR
Shepherd, Montana 59079
Email: adams.mt.406@gmail.com