



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 RESPONDENTS’ MOTION FOR EXTENSION OF TIME AND
RESPONDENTS’ MOTION FOR LEAVE TO FILE OUT OF TIME**

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 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.

Following the parties’ prehearing exchange of information, Complainant filed and served a Motion for Accelerated Decision as to Liability (“Motion for Accelerated Decision”) on May 1, 2020. Set forth at 40 C.F.R. Part 22, the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Rules of Practice”) provide, in pertinent part, that a party’s response to a motion “must be filed within 15 days after service of such motion.” 40 C.F.R. § 22.16(b). The Rules of Practice further provide that in computing a period of time prescribed therein, the period is extended to include the next business day when it expires on a Saturday, Sunday, or federal holiday. 40 C.F.R. § 22.7. Accordingly, the deadline for Respondents’ response to Complainant’s Motion for Accelerated Decision was May 18, 2020.

Respondents did not file a response to Complainant’s Motion for Accelerated Decision or a request for an extension of the filing deadline by that date. However, on May 19, 2020, Respondent Nathan Pierce informed staff for this Tribunal of his wish for an extension, and he was advised to file a motion making that request, as well as a motion for leave to file the request out of time. Respondents subsequently filed a Motion for Extension of Time to File a Response to Complainant’s Motion for Accelerated Determination of Liability (“Motion for Extension of Time”) and a Motion for Leave to File Out of Time a Response to Complainant’s Motion for Accelerated Decision as to Liability Respondent’s and All Exhibits Thereto (“Motion for Leave

to File Out of Time”), to which Respondents attached an Affidavit of Respondent Nathan Pierce. As a basis for both their Motion for Extension of Time and Motion for Leave to File Out of Time, Respondents cite the ongoing COVID-19 pandemic and resulting difficulties in communications between Respondents and their attorney of record with regard to their response to Complainant’s Motion for Accelerated Decision. Respondents proceed to request that I extend the time for Respondents to respond to Complainant’s Motion for Accelerated Decision by seven days from the date of the filing of their Motion for Extension of Time. Respondents represent that Complainant does not object to either their Motion for Extension of Time or their Motion for Leave to File Out of Time.

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). Given the circumstances, I find that it is appropriate to grant the relief sought by Respondents. Accordingly, Respondents’ Motion for Extension of Time and Motion for Leave to File Out of Time are hereby **GRANTED**. As recorded by this Tribunal’s electronic filing system, Respondents filed their Motion for Extension of Time at 11:57 p.m. Eastern Time on May 20 and their Motion for Leave to File Out of Time at 12:18 a.m. Eastern Time on May 21. Respondents are hereby afforded an extension of seven days from the date of filing their Motion for Leave to File Out of Time. Therefore, Respondents shall file their response to Complainant’s Motion for Accelerated Decision no later than **May 28, 2020**.

SO ORDERED.


Christine Donelian Coughlin
Administrative Law Judge

Dated: May 26, 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 Respondents' Motion for Extension of Time and Respondents' Motion for Leave to File Out of Time**, dated May 26, 2020, 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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Paralegal Specialist

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Respondent

Dated: May 26, 2020
Washington, D.C.