



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

In the Matter of:)
)
Candace Stuart-Stephens and) **Docket No. CWA-10-2024-0024**
Jerrold Stuart,)
)
)
Respondents.)

ORDER ON JOINT MOTION TO STAY FURTHER PROCEEDINGS

This proceeding was initiated on January 25, 2024, when Complainant, the Director of the Enforcement and Compliance Assurance Division in EPA Region 10, filed a Complaint against Respondents Candace Stuart-Stephens and Jerrod Stuart for alleged violations of Section 301(a) of the Clean Water Act (“CWA”), 33 U.S.C. § 1311(a), and seeking a civil penalty under Section 309(g) of the CWA, 33 U.S.C. § 1319(g). On March 6, 2024, Complainant provided public notice of the Complaint as required by 40 C.F.R. § 22.45(b) when seeking a civil penalty under Section 309(g) of the CWA. Upon Respondents’ request for a hearing, the matter was forwarded to this Tribunal for adjudication, and I was designated to preside. On April 11, 2024, I issued a prehearing order that, among other things, directed the parties to file a fully-executed Consent Agreement and Final Order with the Regional Hearing Clerk no later than May 24, 2024, in the event that the case settled. Prehr’g Order at 1.

On May 3, 2024, the parties submitted a Joint Motion to Stay Further Proceedings (“Motion”). In the Motion, the parties state that they have reached a settlement agreement in principle and that the Consent Agreement and proposed Final Order is currently in final review. Mot. at 1. The parties expect to be able to approve the Consent Agreement and proposed Final Order by May 17, 2024. Mot. at 2.

However, during the course of this proceeding, Complainant has received multiple comments on the public notice from persons not party to the proceeding. Mot. at 2. According to the rules governing this proceeding set forth in 40 C.F.R. Part 22 (“Rules”), Complainant must “provide to each commenter, by certified mail, return receipt requested . . . a copy of any consent agreement between the parties and the proposed final order.” 40 C.F.R. § 22.45(c)(4)(i). The Rules permit each commenter 30 days from receipt of the documents to “petition the Regional Administrator . . . to set aside the consent agreement and proposed final order.” 40 C.F.R. § 22.45(c)(4)(ii).

Complainant explains that, given that comments have been provided, the parties cannot file a fully-executed Consent Agreement and Final Order by the May 24, 2024, deadline set by

this Tribunal in the Prehearing Order while also adhering to the requirements of 40 C.F.R. § 22.45(c)(4). Mot. at 2. Should the Consent Agreement and proposed Final Order be ready, as expected, by May 17, 2024, the parties anticipate being able to file the fully-executed agreement by June 28, 2024, at the earliest. Mot. at 2. This would ensure adequate time to mail the Consent Agreement and proposed Final Order and allow each commenter the 30 days permitted to file a petition to set it aside. Mot. at 2.

Under the Rules, I am authorized to “issue all necessary orders” and to “take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues arising” in this proceeding. 40 C.F.R. § 22.4(c)(2), (10). The parties have demonstrated good cause for staying the deadline to file a fully-executed Consent Agreement and Final Order as set by the Prehearing Order.

Accordingly, the Motion is **GRANTED**. All remaining deadlines set forth in the Prehearing Order are hereby stayed. The parties shall submit a status report by **June 28, 2024**, if they have not filed a fully-executed Consent Agreement and Final Order with the Regional Hearing Clerk by that date.

SO ORDERED.



Michael B. Wright
Administrative Law Judge

Dated: May 7, 2024
Washington, D.C.

In the Matter of *Candace Stuart-Stephens and Jerrod Stuart*, Respondents.
Docket No. CWA-10-2024-0024

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Joint Motion to Stay Further Proceedings**, dated May 7, 2024, and issued by Administrative Law Judge Michael B. Wright, was sent this day to the following parties in the manner indicated below.

Matt Hall

Matthew Hall
Attorney Advisor

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

Copy by Electronic Mail to:

Patrick B. Johnson
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
222 West 7th Avenue, #19
Anchorage, AK 99513-7588
Email: johnson.patrick@epa.gov
Counsel for Complainant

Norman M. Semanko
Garrett M. Kitamura
Parsons Behle & Latimer
800 West Main Street, Suite 1300
Boise, ID 83702
Email: nsemanko@parsonsbehle.com
gkitamura@parsonsbehle.com
lkirschner@parsonsbehle.com
kaulenbacher@parsonsbehle.com
boisedocket@parsonsbehle.com

Counsel for Respondents

Dated: May 7, 2024
Washington, D.C.