



**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 RESCHEDULING HEARING

By Notice of Hearing Order dated May 23, 2022, I scheduled the hearing in this matter to commence in Billings, Montana, on August 22, 2022. I subsequently postponed the hearing by Order dated August 4, 2022, in which I granted the motion of Complainant, the Director of the Enforcement and Compliance Assurance Division for Region 7 of the United States Environmental Protection Agency, to amend the Amended Complaint and Notice of Opportunity for Hearing that was deemed to have been filed on January 2, 2020, and postponed the hearing in order to afford Respondents, Adamas Construction and Development Services, PLLC, and Nathan Pierce, ample opportunity to file an answer and prepare to defend against the allegations as amended. To that end, I ordered the parties to file statements regarding their availability for a hearing to be held using videoconferencing technology in October, November, or December 2022 or January 2023. Complainant timely filed its Statement of Unavailability for Hearing on August 12, 2022. To date, Respondents have not filed any such statement.

Based on Complainant's availability, and in accordance with my authority under the procedural rules governing this proceeding to schedule and regulate the course of the hearing, 40 C.F.R. §§ 22.21, 22.19(d), 22.4, certain prehearing filing deadlines and the hearing in this matter are hereby scheduled as follows:

Settlement Status Reports. Complainant is directed to file Status Reports as to the status of any settlement negotiations between the parties, *which shall not include any specific terms of settlement*, on or before **September 2, 2022**, and on or before **September 30, 2022**.

Prehearing Briefs. The parties may, if they wish, file prehearing briefs on or before **October 28, 2022**.

Prehearing Conference. A prehearing conference will be scheduled in advance of the hearing and conducted by an Attorney-Advisor for this Tribunal.

Hearing by Videoconference. The hearing in this matter will be held by videoconference beginning promptly at **11:00 a.m. Eastern Time** on **Monday, November 14, 2022**, and continuing as necessary through **Friday, November 18, 2022**. Details for accessing the videoconference will be communicated at a later date.

Individuals requiring special accommodations for the hearing, including the services of an interpreter, must contact Mary Angeles, Headquarters Hearing Clerk, at (202) 564-6281, no later than 30 days prior to the scheduled hearing, so that appropriate arrangements can be made. If you have any procedural questions or questions about what to expect at the hearing, you may contact Jennifer Almase, an Attorney-Advisor for this Tribunal, at almase.jennifer@epa.gov or (202) 564-1170.

If any party does not intend to attend the hearing, or has good cause for not being able to attend the hearing as scheduled, it shall notify the undersigned as soon as possible.

Complainant is advised that failure to appear at the hearing, without good cause having been shown, may result in dismissal of the case with prejudice. Respondents are advised that failure to appear at the hearing, without good cause having been shown, may result in the entry of a default judgment against them.

SO ORDERED.



Christine Donelian Coughlin
Administrative Law Judge

Dated: August 19, 2022
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 Rescheduling Hearing**, dated August 19, 2022, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



Mary Angeles
Paralegal Specialist

Original 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:
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

Copy by Electronic and Regular Mail to:
Nathan Pierce
16550 Cottontail Trail
Shepherd, MT 59079
Email: adamas.mt.406@gmail.com
Respondent

Dated: August 19, 2022
Washington, D.C.