

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219
BEFORE THE ADMINISTRATOR

IN THE MATTER OF) RESPONDENT’S MOTION FOR
ADAMAS CONSTRUCTION AND) EXTENSION OF TIME TO FILE
DEVELOPMENT SERVICES, PLLC) A RESPONSE TO THE
AND) COMPLAINANT’S MOTION
NATHAN PIERCE,) FOR ACCELERATED
) DETERMINATION OF
) LIABILITY
Respondents)
Proceedings under Section 309(g) of the) Docket No. CWA-07-2019-0262
Clean Water Act, 33 U.S.C. § 1319(g))

RESPONDENT’S MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO
COMPLAINANT’S MOTION FOR ACCELERATED DETERMINATION OF
LIABILITY

COMES NOW, the RESPONDENT (“Respondent”), by and through their attorney, Chris J Gallus, pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1 to 22.45 and submits this Motion for Extension of Time to Reply To Complainant’s Motion For Accelerated Determination Of Liability

1. Respondent requests an extension of time to, to file their Response to the Complainant’s Motion For Accelerated Decision As To Liability.
2. On March 13, 2020 the president of the United States, declared an emergency for COVID-19 under applicable Sections of the Stafford Act, Public Health Service Act and National Emergencies Act.
3. On March 12th, 2020 Montana Governor Steve Bullock issued an executive order declaring a state of emergency to exist within the state of Montana related to the communicable disease COVID-19 novel coronavirus. The emergency orders put the state

on highest alert and on March 26, 2020, the Governor issued a, Stay at Home Directive. Executive Orders 2-2020 and 3-2020 declare that a state of emergency exists in Montana due to the global outbreak of COVID-19 Novel Coronavirus. Montana and most of the nation has been under emergency orders since that time.

4. On May 1st, 2020 the Complainant notified the Respondents attorney, the Complainant filed a Motion for Accelerated Decision As To Liability with the ALJ.

5. Due to on-going illness related to pulmonary embolisms of counsel of record and the need of counsel to self-quarantine due to COVID-19, the Respondent has been unable to properly confer with counsel of record in person, as such he has not been able to draft a proper legally informed reply and hereby requests additional time to file its Reply to the Complainants Motion.

6. Respondent conferred with Complainants' attorney by e-mail about their motions. Complainants' Counsel for EPA has authorized the undersigned to represent that EPA does not object or oppose this Motion for Extension of Time.

7. The Respondent has filed a Motion For Leave To File Out Of Time simultaneously with this Motion for Extension of Time.

For the above stated reasons, the Respondent respectfully request the court GRANT the Respondent request for extension of time to file the Respondents Response to the Complainant's Motion For Accelerated Decision As To Liability and extend the time to reply for 7 days from the date of the filing of this motion.

RESPECTFULLY SUBMITTED this 20th day of May 2020.

/s/ Nathan Pierce
Nathan Pierce
Respondent
16550 Cottontail TR

Shepherd, Montana 59079
Email: adams.mt.406@gmail.com

CERTIFICATE OF SERVICE

I certify that the foregoing RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO THE COMPLAINANT'S MOTION FOR ACCELERATED DETERMINATION OF LIABILITY, Docket No. CWA-07-2019-0262, has been submitted electronically using the OALJ E-Filing System. A copy was sent by email and postal mail to:

Attorney for Complainant:
Sara Hertz Wu, Senior Counsel
Elizabeth Huston, Senior Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
Email: hertzwu.sara@epa.gov
Telephone: (913) 551-7316

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