

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 3

Four Penn Center

1600 John F. Kennedy Boulevard

Philadelphia, Pennsylvania 19103-2852

In The Matter of)

Mr. Gary Powers and Ms. Angie Powers,)

Respondents.)

Docket No.: CWA-03-2023-0104

Property Located at:)

Along Route 20, at approximately)

38.401286° N, -80.56485° W,)

Near Cowen, Webster County)

West Virginia 26206)

**STATUS REPORT AND CONSENT MOTION FOR EXTENSION OF
PREHEARING DEADLINES**

Pursuant to the Prehearing Order issued November 9, 2023 in this matter, Complainant, through Counsel, submits this Status Report and further submits this Consent Motion for Extension of Prehearing Deadlines.

Status Report

Pursuant to the November 9, 2023 Prehearing Order, Complainant states that, following multiple efforts at scheduling, the Parties engaged in a Settlement Conference by telephone on November 30, 2023. Present were counsel for Complainant and Ms. Angie Powers. During the Settlement Conference, Respondents agreed to provide Complainant with certain information that will assist Complainant in evaluating Respondents' position regarding settlement.

Respondents anticipate providing Complainant with the information on or before December 15, 2023. Complainant further states that the Parties are optimistic that they can settle this matter without further litigation.

Consent Motion for Extension of Prehearing Deadlines

With consent of Respondents, who have reviewed this Status Report and Motion, Complainant respectfully moves for an extension of time from the dates set forth in the Prehearing Order. The Parties’ purpose in seeking this extension is to allow Respondents time to provide Complainant with information to assist Complainant in evaluating Respondents’ position regarding settlement; to allow Complainant time to evaluate the information after receiving it; and to allow the Parties time to further negotiate a settlement.

For the reasons set forth above, Complainant, with consent of Respondents, respectfully requests that the deadlines set forth in the November 9, 2023 Prehearing Order be extended as follows:

<u>Action</u>	<u>Extended Deadline</u>
Parties to File Preliminary Statements	February 2, 2024
Parties to File Fully Executed Consent Agreement and Final Order (CAFO) (If Settlement is Reached)	February 9, 2024
Complainant’s Initial Prehearing Exchange (If no Fully Executed CAFO is filed)	February 9, 2024
Respondents’ Prehearing Exchange (If no Fully Executed CAFO is filed)	March 1, 2024
Complainant’s Rebuttal Prehearing Exchange (If no Fully Executed CAFO is filed)	March 15, 2024

Respectfully submitted,

Stefania D. Shamet
Senior Assistant Regional Counsel
USEPA
Region 3
Counsel for Complainant

CERTIFICATE OF SERVICE

I certify that on December 6, 2023, the foregoing *Status Report and Consent Motion for Extension of Prehearing Deadlines* was filed via the Office of Administrative Law Judges Electronic Filing System. I further certify that on the dates set forth below, I caused to be served a true and correct copy of the same to each of the following persons, in the manner specified below, at the following addresses:

On December 6, 2023, Courtesy copy served via email to: [REDACTED] [yahoo.com](mailto:[REDACTED]@yahoo.com)

On December 7, 2023, Copy served via **United States Mail**, to:

Mr. Gary Powers & Ms. Angie Powers
P.O. Box [REDACTED]
Cowen, West Virginia 26206

Date: December 6, 2023

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