

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

IN THE MATTER OF	)	
	)	
ADAMAS CONSTRUCTION AND	)	COMPLAINANT'S STATEMENT OF
DEVELOPMENT SERVICES, PLLC	)	UNAVAILABILITY FOR HEARING
	)	
	)	
	)	
	)	
	)	
	)	
AND	)	
	)	
NATHAN PIERCE,	)	
	)	
Respondents	)	Docket No. CWA-07-2019-0262
	)	
Proceedings under Section 309(g) of the	)	
Clean Water Act, 33 U.S.C. § 1319(g)	)	

COMPLAINANT'S STATEMENT OF UNAVAILIBITY FOR HEARING

COMES NOW, the United States Environmental Protection Agency ("EPA" or "Complainant"), 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 Statement of Unavailability for a Hearing.

1. In its August 4, 2022, Order, the Court requested that by August 12, 2022, the parties provide statements that include periods of unavailability for a videoconference hearing during October, November, December, 2022 or January 2023. The Court also requested that the parties include an estimate of the amount

of time needed to present its direct case.

2. Complainant states that it is unavailable for a hearing for the following:
  - a. October 5
  - b. October 14
  - c. November 21 to 25
  - d. December 1 to 9
  - e. December 19 to January 2
3. Complainant offers that it can present its direct case in two days or less.

RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of August, 2022.

/s/ Chris Muehlberger

Chris Muehlberger, Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219  
Email: [muehlberger.christopher@epa.gov](mailto:muehlberger.christopher@epa.gov)  
Telephone: (913) 551-7623

CERTIFICATE OF SERVICE

I certify that the foregoing Complainant's Statement of Unavailability for Hearing in Response to Order on Complainant's Motion for Accelerated Decision and Respondents' Requests for Dismissal and Additional Discovery, Docket No. CWA-07-2019-0262, has been submitted electronically using the OALJ E-Filing System.

A copy was sent by email to:

Nathan Pierce, Owner, Adamas Construction and Development Services PLLC:

Nathan Pierce  
Email: [adamas.mt.406@gmail.com](mailto:adamas.mt.406@gmail.com)

Date: 8/12/2022

/s/ Chris Muehlberger

Chris Muehlberger  
Assistant Regional Counsel  
U.S. Environmental Protection Agency,  
Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66209  
(913) 551-7623 (Telephone)  
(913) 551-9525 (Fax)  
Email: [muehlberger.christopher@epa.gov](mailto:muehlberger.christopher@epa.gov)