

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

In The Matter of)
)
Mr. Gary Powers and Ms. Angie Powers,)
)
)
)
Respondents.)
)
)
Property Located at:)
Along Route 20, at approximately)
38.401286° N, -80.56485° W,)
Near Cowen, Webster County)
West Virginia 26206)

Docket No.: CWA-03-2023-0104

**AMENDED UNOPPOSED MOTION FOR FURTHER EXTENSION OF
PREHEARING DEADLINES**

Pursuant to the Prehearing Order issued November 9, 2023 (Docket Item # 7) (Prehearing Order) and subsequent Orders granting extensions of the Prehearing Deadlines (Docket Items #10, #12, and #14), Complainant, through Counsel, submits this Amended Unopposed Motion for Further Extension of Prehearing Deadlines.¹ Complainant respectfully requests a 28-day extension of the deadlines set out in the March 7, 2024 Order (Docket Item # 14) for submission of the Parties' Prehearing Exchanges and Complainant's Rebuttal Prehearing Exchange. Complainant's Counsel has conferred with Mrs. Powers, who indicates Respondents do not oppose this motion.

In support of this Motion, Complainant states that the Parties have reached an agreement in principle to resolve this matter without further litigation and are in the process of reducing that agreement to a written Consent Agreement and Final Order (CAFO). Unfortunately, it has taken

¹ The Motion filed April 2, 2024 contained an incorrect caption in that it referred to the United States Environmental Protection Agency's Region 3 office. This Motion has been amended solely to correct the caption to "Before the Administrator." Counsel for Complainant apologizes to the Administrative Law Judge and to Respondents for the error.

longer than expected to reduce the agreement in principle to writing. The Parties expect to be able to file an executed CAFO with the Regional Hearing Officer with a copy filed with the Office of Administrative Law Judges no later than May 7, 2024. Accordingly, Complainant respectfully requests an extension to the Prehearing Exchange deadlines set forth in the December 12, 2023 Order as follows:

<u>Action</u>	<u>Extended Deadline</u>
Parties to File Fully Executed Consent Agreement and Final Order (CAFO) (If Settlement is Reached)	May 7, 2024
Complainant's Initial Prehearing Exchange (If no Fully Executed CAFO is filed)	May 7, 2024
Respondents' Prehearing Exchange (If no Fully Executed CAFO is filed)	May 29, 2024
Complainant's Rebuttal Prehearing Exchange (If no Fully Executed CAFO is filed)	June 12, 2024

Respectfully submitted,

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

CERTIFICATE OF SERVICE

I certify that on April 3, 2024, the foregoing *Amended 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 April 3, 2024, Courtesy copy served via email to: [REDACTED]

On April 4, 2024, Copy to be served via **United States Mail**, to:

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

Date: April 3, 2024

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