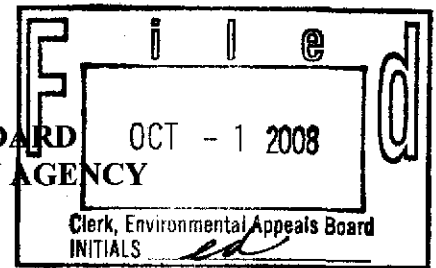


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Rocky Well Service, Inc. &)
E. J. Klockenkemper)
)
Docket No. SDWA-05-2001-002)
)

SDWA Appeal Nos. 08-02 & 08-03

**ORDER GRANTING JOINT MOTION FOR
ADDITIONAL EXTENSION OF TIME TO FILE APPEAL BRIEF**

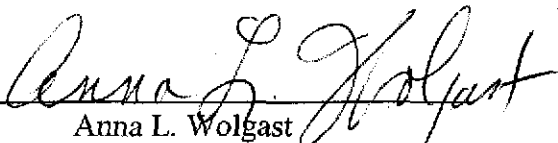
By motion dated September 25, 2008, Appellants/Respondents Rocky Well Service and E.J. Klockenkemper ("RWS/Klockenkemper") request an extension of time to file their appeal brief(s) in support of their notices of appeal of a July 23, 2008 Initial Decision issued by Presiding Officer Marcy Toney. Unopposed Joint Motion for Additional Extension of Time to File Appeal Brief(s) at 1 (Sept. 25, 2008) ("Motion"). The Initial Decision in this matter was served on July 23, 2008. In accordance with the thirty-day time period allowed for appealing initial decisions pursuant to the Consolidated Rules of Practice that govern this proceeding, RWS/Klockenkemper's appeal brief(s) was due on August 22, 2008. See 40 C.F.R. § 22.30(a)(1) (allowing thirty days to file a notice of appeal and accompanying appeal brief following service of the initial decision). The Environmental Appeals Board ("Board") then granted RWS/Klockenkemper's July 29, 2008 request for an extension of time to file the brief(s) and ordered the appeal brief(s) to be filed on or before October 6, 2008. Order Granting Joint Motion for Extension of Time to File Appeal Brief (Aug. 12, 2008).

RWS/Klockenkemper now request an extension until October 31, 2008, to file their appeal brief(s) and represent that additional time is sought because “unanticipated full child care duties this week have drastically curtailed [counsel’s] workday” and counsel is generally unable to devote time to the above-captioned case due to unanticipated developments and deadlines in other, unrelated litigation matters. Motion at 2. RWS/Klockenkemper further represent that U.S. Environmental Protection Agency, Region 5 (“Region”), indicated in writing that it does not oppose the Motion. *Id.* at 1.

For good cause shown, the Board grants the Motion. Accordingly, RWS/Klockenkemper must file their appeal brief(s) with the Board on or before October 31, 2008. Pursuant to 40 C.F.R. § 22.30(a)(2), the Region may file a response to RWS/Klockenkemper’s appeal brief(s) within the time allowed by that rule.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: 
Anna L. Wolgast
Environmental Appeals Judge

Dated: October 1, 2008

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Joint Motion for Additional Extension of Time to File Appeal Brief in the matter of *Rocky Well Service & E. J. Klockenkemper*, SDWA Appeal Nos. 08-02 & 08-03, were sent to the following persons in the manner indicated:

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Date: OCT -1 2008


Annette Duncan
Secretary