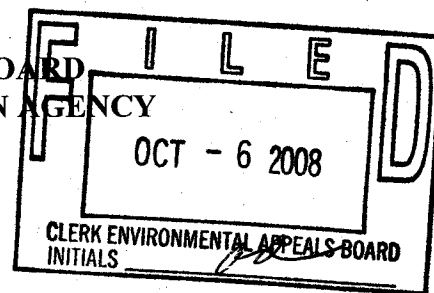


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re: _____)
)
VICO Construction Corporation &)
Amelia Venture Properties, LLC)
)
Docket No. CWA-03-2001-0021)
_____)

CWA Appeal No. 08-03

**ORDER GRANTING REQUESTS FOR EXTENSION OF TIME
TO FILE APPEAL AND REPLY BRIEFS**

By motion dated September 29, 2008, VICO Construction Corporation and Amelia Venture Properties, LLC, (collectively "VICO/Amelia Venture") request an extension of time to file their appeal brief in support of their notice of appeal filed on the same date. Uncontested Motion for Extension of Time (Sept. 29, 2008) ("Motion"). The Initial Decision in this matter was served on September 8, 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, VICO/Amelia Venture's appeal brief is due on October 14, 2008. 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); *see also id.* § 22.7(c) (adding five days to the time allowed for filing responsive documents when initial document to which a response may be filed is served by first class mail).

VICO/Amelia Venture seek additional time for three reasons. First, the "case is complex, technical and requires consideration of the records of two proceedings." Motion at 1. Second, due to the retirement of the former principal attorney in this matter, a new principal attorney

previously not involved in the matter will be representing VICO/Amelia Venture in this proceeding. *Id.* at 1-2. The new principal attorney will be preparing the appeal brief and “requires additional time to become familiar with the voluminous record.” *Id.* at 2.

VICO/Amelia Venture further state that the case involves “a very unsettled area of the law” as reflected in the U.S. Supreme Court’s decision in *Rapanos v. U.S. Army Corps of Engineers*, 547 U.S. 715 (2006). *Id.* VICO/Amelia Venture state that they “believe the additional time will allow full consideration for the issues” and continued settlement discussions. *Id.*

In addition, VICO/Amelia Venture represent that U.S. EPA Region 3 (“Region”) has requested an extension of time, until April 30, 2009, to file its reply brief in response to VICO/Amelia Venture’s appeal brief. VICO/Amelia Venture state that neither party objects to its opposing party’s request for additional time to file its brief on appeal.

For good cause shown, the Environmental Appeals Board (“Board”) grants the parties’ requests for an extension of time to file their briefs on appeal. Accordingly, VICO/Amelia Venture’s appeal brief must now be filed with the Board no later than February 23, 2009, and the Region must file its reply brief with the Board no later than April 30, 2009.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: October 16, 2008

By: Charles J. Sheehan
Charles J. Sheehan
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Requests for Extension of Time to File Appeal and Reply Briefs in the matter of *VICO Construction Corporation and Amelia Venture Properties, LLC*, CWA Appeal No. 08-03 were sent to the following persons in the manner indicated:

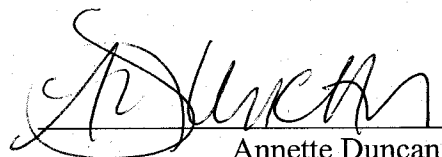
By First Class U.S. Mail and Facsimile:

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Date: *October 6, 2008*



Annette Duncan
Secretary