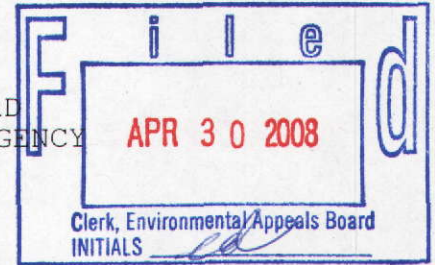


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

Service Oil, Inc.)

Docket No. CWA-08-2005-0010)

CWA Appeal No. 07-02

ORDER SCHEDULING ORAL ARGUMENT

On August 31, 2007, Respondent, Service Oil, Inc. ("Service Oil"), filed an appeal with the Environmental Appeals Board ("Board") seeking review of an Initial Decision issued by Chief Administrative Law Judge ("ALJ") Susan L. Biro, finding Service Oil liable for two counts of alleged violations of the Clean Water Act ("CWA"), codified at 33 U.S.C. §§ 1251-1387. Service Oil also filed a motion requesting oral argument, arguing that "the factual issues in this case are of such complexity that oral argument would materially assist in a resolution" and that the "legal issues raised in this case are complex and involve the interpretation and application of Section 308 of the Clean Water Act." Request for Oral Argument (filed Aug. 31, 2007).

Upon review of the Initial Decision, and the briefs the parties have submitted, the Board has decided that oral argument will assist it in its deliberations of this matter. In their oral presentations, the parties should focus primarily on the first issue Service Oil raises on appeal (i.e., whether the issuance of an individualized request or order by the Administrator pursuant to section 308 (33 U.S.C § 1318) is a "precondition" to a finding of

liability for a violation of Section 308) as articulated on pages 8-13 of the appeal, and the responses Region 8 provided in its Response Brief.

Accordingly, the parties are hereby requested to participate in oral argument beginning at 10:00 a.m. on Tuesday, June 10, 2008, in the Administrative Courtroom, U.S. Environmental Protection, EPA East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C. The Board has allocated sixty (60) minutes total for this oral argument, divided as follows: (1) thirty minutes for Service Oil and (2) thirty minutes for the Region. At the outset of the proceedings, Service Oil may reserve five minutes of its thirty-minute allocation for rebuttal.

The parties shall notify the Clerk of the Board in writing by May 27, 2008, of the names of counsel who will present argument. Counsel for either of the parties who wish to participate in this oral argument via the EPA video-conferencing equipment in the Administrative Courtroom shall contact the Clerk of the Board, at 202-233-0122, no later than May 27, 2008, to make arrangements for use of such equipment.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: *April 30, 2008*

By: *Charles Sheehan*
Charles Sheehan
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Scheduling Oral Argument in the matter of Service Oil, Inc., CWA Appeal No. 07-02, were sent to the following persons in the manner indicated:

First Class Mail
and facsimile:

Michael D. Nelson
John T. Shockley
OHNSTAD TWICHELL, P.C.
901 - 13th Avenue East
P.O. Box 458
West Fargo, ND 58078-0458
Fax: 701-282-0825

Pouch Mail
and facsimile:

Wendy I. Silver, Esq.
Senior Enforcement Attorney
U.S. EPA Region 8
MC8ENF
1595 Wynkoop Street
Denver, CO 80202-1129
Fax: 303-312-6953

Tina Artemis
Regional Hearing Clerk
U.S. EPA Region 8
MC8RC
1595 Wynkoop Street
Denver, CO 80202-1129
Fax: 303-312-7053

Dated: APR 30 2008



Annette Duncan
Secretary