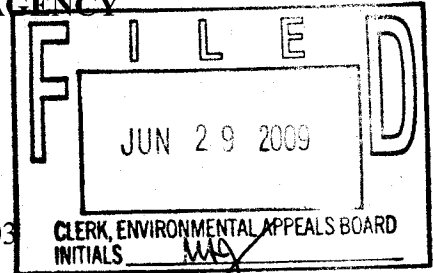


**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**



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

CWA Appeal No. 08-03

**ORDER GRANTING EXTENSION OF TIME**

VICO Construction Corporation and Amelia Venture Properties, LLC, (collectively “VICO/Amelia Venture”) filed a Notice of Appeal in this matter on October 1, 2008. On October 6, 2008, the Environmental Appeals Board granted VICO/Amelia Venture and U.S. Environmental Protection Agency (“EPA”), Region 3’s (“Region”) requests for extensions of time to file appeal and response briefs. Order Granting Requests for Extension of Time (Oct. 6, 2008). The Board set a February 23, 2009 deadline for VICO/Amelia Venture’s appeal brief and an April 30, 2009 deadline for the Region’s reply brief. *Id.* On February 19, 2009, the Board granted the parties’ second requests for extensions and set March 27, 2009 and May 8, 2009 deadlines for VICO/Amelia Venture’s and the Region’s briefs, respectively. Second Order Granting Requests for Extension of Time (Feb. 19, 2009). VICO/Amelia Venture filed an appeal brief on March 27, 2009. After the parties jointly informed the Board that they had reached an agreement in principle, the Board granted a stay of this matter until June 30, 2009, to allow sufficient time to reduce the agreement in principle to writing. Order Granting Stay (Apr. 14, 2009).

The Region now moves for an extension of time in which to file a consent agreement and final order or complainants’ response brief. Unopposed Motion for Extension of Time (June 25, 2009). The Region explains that “[t]he [p]arties have exchanged drafts of two written instruments that will together comprise the settlement of this matter. Due to scheduling

conflicts, Complainants believe it will take approximately three additional weeks to finalize and obtain the necessary signatures on these instruments.” *Id.* at 1. The Region states that VICO/Amelia Venture does not oppose this motion.

For good cause shown, the Environmental Appals Board (“Board”) grants the Region’s request for an extension until July 21, 2009.<sup>1</sup> The Region’s response, if any, must be filed with the Board no later than July 21, 2009.<sup>2</sup>

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: June 29, 2009

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

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<sup>1</sup> The Motion indicates two different dates to which the extension is sought, July 14, 2009 and July 21, 2009. Because the Region states that it requires “three additional weeks[,]” the Board is granting an extension to the later date.

<sup>2</sup> The Board is not authorized to issue final orders disposing of Part 22 proceedings and assessing Clean Water Act Class II penalties pursuant to a consent agreement when Headquarters did not initiate the case. EPA Delegations Manual ch. 2-25-A. Should the parties wish to terminate these proceedings upon settlement of the case, the parties shall by July 21, 2009, file a joint motion to dismiss the case and reference any consent agreement and final order.

## CERTIFICATE OF SERVICE

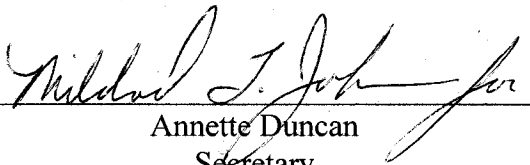
I hereby certify that copies of the foregoing Order Granting Extension of Time in the matter of *VICO Construction Corporation and Amelia Venture Properties, LLC*, CWA Appeal No. 08-03 were sent to the following persons in the manner indicated:

**By Facsimile Only:**

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Annette Duncan  
Secretary