

SOWA 08-03

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July 28, 2008

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**NAME: Environmental Appeals Board  
USEPA**

**FACSIMILE NO.: 202-233-0121**

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**SPECIAL INSTRUCTIONS/COMMENTS:**

**RE: Rocky Well Service, Inc., and SDWA-05-2001-002 (40CFR Part 22)  
Edward J. Kockenkeper**

**Notice of Appearance & Notice of Appeal**

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

In re: )  
)  
Rocky Well Service Inc., and )  
SDWA-05-200 -002 (40 CFR Part 22) )  
Edward J. Klockenkemper, )  
) E.A.B. Docket No. \_\_\_\_\_  
Respondents )  
)

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NOTICE OF APPEARANCE

Respondent **Rocky Well Service Inc.**, by and through its counsel, Richard J. Day, P.C., the respectfully files this Notice of Appearance before the USEPA E.A.B. of appellate co-counsel **Richard J. Day, P.C.**, 413 N. Main Street, St. Elmo, IL 62458, Ph: 618-829-5546, Fx: 618-829-3340, in the in the above-captioned matter.

Submitted By: Richard J. Day Date: July 28, 2008  
Richard J. Day, Esq.

CERTIFICATE OF FILING AND SERVICE

The undersigned does certify that the original of this Notice of Appearance was facsimiled to and mailed for filing to (First Class U.S. Mail), the Environmental Appeals Board, USEPA, Ariel Rose Building (MC 11038), 1200 Pennsylvania Ave, N.W. Washington D.C., 20460-0001 (Fax 202-233-0121), and that a copy was served by U.S. First Class Mail on 1) Sonja Woodward-Brooks, Regional Hearing Clerk, USEPA, 77 W. Jackson, (C-13J) Chicago, IL. 60604-3590; 2) USEPA Presiding Officer Marcy Toney, Office of Regional Counsel, USEPA, 77 W. Jackson (C-14J), Chicago, IL. 60604-3590; 3) Counsels Ms. Cynthia Kawakami and 4 Ms. Mary McAuliffe, at Office of Regional Counsel (C-14J), 77 W. Jackson, Chicago, IL. 60604-3590, and 5) Mr. Felipe N. Gomez, Esq. P.O. Box 220550, Chicago, IL. 60622, on this 28 day of July, 2008.

Richard J. Day, P.C.  
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Fx: 618-829-3340



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

In re: )  
)  
Rocky Well Service Inc., and )  
SDWA-05-2001-002 (40 CFR Part 22) )  
Edward J. Klockenkemper, )  
) E.A.B. Docket No. \_\_\_\_\_  
Respondents )  
)

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ENVIR. APPEALS BOARD

**NOTICE OF APPEAL**

Respondent **Rocky Well Service Inc.**, by and through its counsel, Richard J. Day, P.C., the respectfully files this Notice of Appeal seeking review with regard to Region 5's July 23, 2008, Initial Decision assessing a civil penalty of \$105,590 under Section 1423(c) of the Safe Drinking Water Act, and other decisions and orders by Region 5 Presiding Officer Marcy Toney, Esq., in the above-captioned matter. A joint Motion for Extension of time to file the appellate briefs is being filed in this matter, with reservation of right to file such briefs within the 30 day period (plus 5 days) or other such time as may be ordered by the E.A.B.

Submitted By: Richard J. Day Date: July 28, 2008  
Richard J. Day, Esq.

**CERTIFICATE OF FILING AND SERVICE**

The undersigned does certify that the original of this Notice of Appeal was mailed for filing, First Class U.S. Mail, Certified/Return Receipt Requested, to the Environmental Appeals Board, USEPA, Ariel Rose Building (MC 11038), 1200 Pennsylvania Ave, N.W. Washington D.C., 20460-0001, and that a copy was served by U.S. First Class Mail on 1) Sonja Woodward-Brooks, Regional Hearing Clerk, USEPA, 77 W. Jackson, (C-13J) Chicago, IL. 60604-3590; 2) USEPA Presiding Officer Marcy Toney, Office of Regional Counsel, USEPA, 77 W. Jackson (C-14J), Chicago, IL. 60604-3590; 3) Counsels Ms. Cynthia Kawakami and 4) Ms. Mary McAuliffe, at Office of Regional Counsel (C-14J), 77 W. Jackson, Chicago, IL. 60604-3590, and 5) Mr. Felipe N. Gomez, Esq. P.O. Box 220550, Chicago, IL. 60622, on this 28<sup>th</sup> day of July, 2008.

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*Richard J. Day*