

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

In the Matter of:)	
)	
Service Oil, Inc.)	CWA Appeal No. 11-01
)	
Docket No. CWA-08-2005-0010)	
)	
)	

COMPLAINANT’S UNOPPOSED MOTION FOR EXTENSION TO RESPOND

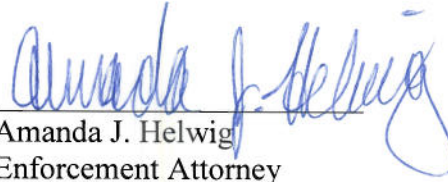
The United States Environmental Protection Agency (“EPA” or “Complainant”) respectfully moves the Environmental Appeals Board (“the Board”) to grant a 30-day extension, until March 2, 2011, for EPA to file its response brief in the above-referenced appeal. As grounds for this motion, EPA states as follows:

1. On January 4, 2011, Respondent Service Oil, Inc. mailed its notice of appeal and brief in support of its appeal, via first class mail, to EPA. Complainant received Respondent’s brief on January 11, 2011.
2. According to the 40 C.F.R. Part 22 Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”) at 40 C.F.R. § 22.30, parties must file any response briefs within 20 days of service of notices of appeal and briefs. Pursuant to 40 C.F.R. § 22.7, where a document is served by first class mail, five (5) days shall be added to the time allowed by the Consolidated Rules of Practice for the filing of a responsive document.

3. Given that Respondent mailed its notice of appeal and brief to EPA on January 4, 2011, via first class mail, Complainant determined that its response brief is due to the Board by January 31, 2011, based upon the computation of time under 40 C.F.R. §§ 22.7 and 22.30.
4. Complainant requests an extension to file its response brief to afford the time necessary for several EPA offices, including the Office of Civil Enforcement, Office of General Counsel, and EPA Region 8, to coordinate on this matter and develop a more comprehensive response brief to facilitate review by the Board.
5. An extension will provide the parties with a further opportunity to discuss settlement options in this matter.
6. EPA contacted Michael D. Nelson, counsel for Respondent, on January 24, 2011. Mr. Nelson represented that Respondent does not oppose this motion. Complainant submits that an extension will not prejudice Respondent.
7. In the absence of any prejudice to Respondent, and for good cause shown, Complainant respectfully requests an extension, until March 2, 2011, to respond to Respondent's Appeal Brief.

Respectfully submitted by EPA,

Dated: January 25, 2011



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Unopposed Motion for Extension to Respond, in connection with Clean Water Act Appeal No. 11-01, was sent to the following persons in the manner indicated:

By Electronic Submission:

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Colorado Building
1341 G Street, NW
Suite 600
Washington, D.C. 20005

By First Class U.S. Mail:

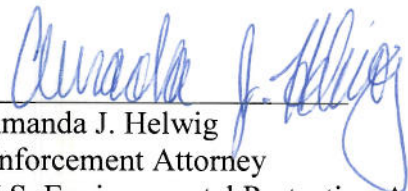
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