

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

_____)
In re:)
)
Rocky Well Service Inc., and) E.A.B. Docket Nos. 08-03 and 08-04
Edward J. Klockenkemper,) (SDWA-05-2001-002 (40 CFR Part 22))
)
Respondents)
_____)

**Respondent Rocky Well Service, Inc.’s, Motion for Oral Argument
Via Video TeleConferencing Facilities at Region 5 EPA**

Respondent , Rocky Well Service, Inc., (“RWS”) by and through undersigned counsel, requests that oral argument be allowed to RWS and be scheduled prior to a final decision by the Board in the above-captioned matter, for the reasons set forth below. In addition, in order to reduce costs to the parties in light of the current economic circumstances and in the spirit of resource conservation, Respondent requests that oral argument, if granted, be presented to the Board remotely by the Parties’ counsel at and via Region 5 EPA’s teleconferencing facilities in Chicago, IL. In support hereof, Respondent also states that:

1. After thorough review of EPA’s two Response Briefs in this matter, and in light of the lengthy and complex arguments of the Parties both below and to the Board, it is believed by movant that oral argument would assist the Board in its deliberations on the most important issues presented by the case.
2. As pointed out in Respondent Klockenkemper’s separate Motion for Oral Argument, this matter presents constitutional and federal question issues of first impression for the Board and the U.S. EPA, which, being for the most part issues of interpretation of a federal statute (*SDWA Sec 1421, 42 USC 300h*) that is codified in Illinois by a State law adopted by EPA as the federally-approved SDWA UIC program for Illinois (*Oil and Gas Act - 225 ILCS 725, see 40 CFR 147.701*).
3. With regard to RWS, the Region presents an issue of first impression in its requested application of 28 USC 2462 to RWS’s one-time failure to test each of the six wells,

