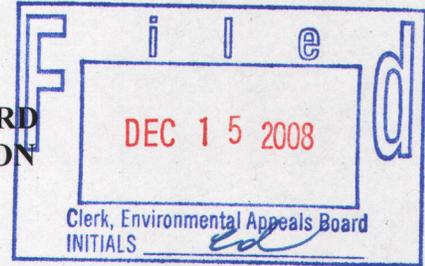


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION
WASHINGTON, D.C.



In re: _____)
Rocky Well Service, Inc. & _____)
Edward J. Klockenkemper _____)
_____)
Docket No. SDWA-05-2001-002 _____)
_____)

SDWA Appeal Nos. 08-03 & 08-04

**ORDER REJECTING BRIEF BECAUSE OF EXCESSIVE LENGTH
AND REQUIRING REVISED BRIEF**

On October 31, 2008, Mr. Edward J. Klockenkemper filed a brief in support of his appeal in the above-captioned matter. Appellate Brief of Respondent Edward J. Klockenkemper (October 31, 2008) ("Brief").¹ The Brief is 221 pages in length and contains a 36-page table of contents. After a preliminary review, the Board finds the Brief to be unnecessarily verbose and redundant, resulting in a lack of clarity and an excessive page count. Although the Board's regulations, at the present time, do not specify page or word limitations for submissions, where, as here, a submission is of excessive length, the Board may require the filing of a revised brief in order to ensure the efficient use of Agency resources. *See* 40 C.F.R. § 22.4(a)(2) ("In exercising its duties and responsibilities under these Consolidated Rules of Practice, the Environmental Appeals Board may do all acts and take all measures as are necessary for the *efficient*, fair, and impartial adjudication of issues arising in a proceeding * * *.") (emphasis added). Accordingly, the Board hereby rejects the October 31, 2008 Brief and instructs Mr. Klockenkemper to file a revised brief of no more than 70 pages (or approximately one-third the length of the existing

¹ Rocky Well Services, Inc. has also filed an appeal in this matter. Brief of Respondent Rocky Well Service, Inc. (October 30, 2008).

brief).²

The revised brief shall be filed with the Board no later than January 12, 2009. The Region will then have until February 2, 2009, to file a reply.³

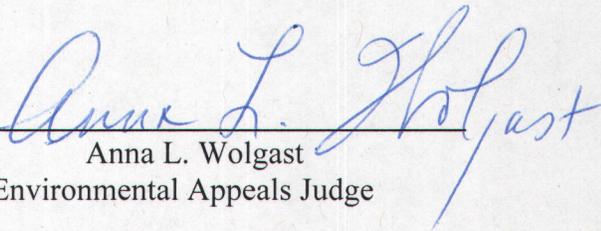
So ordered.

Dated:

December 15, 2008

ENVIRONMENTAL APPEALS BOARD

By: _____


Anna L. Wolgast
Environmental Appeals Judge

² This page reduction may not be achieved by changing the spacing, font size, or margins in the existing (October 31, 2008) Brief. Nor may it be achieved through incorporation by reference of any portions of the existing brief. Further, the revised brief must be limited solely to the issues previously raised. The Board will not consider any additional issues.

³ Documents are "filed" with the Board on the date they are *received*.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Rejecting Brief Because of Excessive Length And Requiring Revised Brief in the matter of *Rocky Well Service & Edward J. Klockenkemper*, SDWA Appeal Nos. 08-03 & 08-04, were sent to the following persons in the manner indicated:

By U.S. First Class Mail and Facsimile:

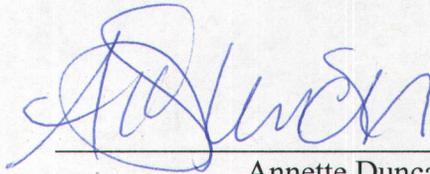
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Date: DEC 15 2008



Annette Duncan
Secretary