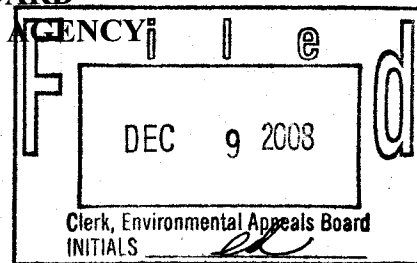


**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**



In re: )  
)  
)

Gene A. Wilson )  
)  
)

Docket No. SDWA 04-2005-1016 )  
)  
)

SDWA Appeal No. 08-09

**ORDER GRANTING EXTENSION OF TIME**

On December 5, 2008, Gene A. Wilson ("Mr. Wilson") filed a notice of appeal from the August 20, 2008 Initial Decision and November 24, 2008 Order Denying Motion to Reopen Hearing issued by Regional Judicial Officer Susan B. Schub (the "Presiding Officer"). The Initial Decision resolved a complaint U.S. EPA Region 4 (the "Region") filed against Mr. Wilson. The Initial Decision found Mr. Wilson liable for violating section 1423(c) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-2(c), with respect to a well known as the Gene A. Wilson #1 well (the "Well") located in Lawrence County, Kentucky, and subject to Permit # KY 10376 (the "Permit"). The Initial Decision found Mr. Wilson liable for his failure to plug and abandon the Well or show non-endangerment in violation of the Permit and 40 C.F.R. §§ 144.52(a)(5) and 144.51(a) between May 16, 2001, and June 10, 2005. The Initial Decision also found Mr. Wilson liable for failing to submit annual monitoring reports for the Well for the years 2001, 2002, 2003, 2004, and 2005 in violation of the Permit and 40 C.F.R.

§ 144.51(a). The Initial Decision assessed a civil administrative penalty of \$8,291 for these violations.

Before the Board at this time is Mr. Wilson's Motion for Extension of Time to File Appeal Brief, which requests an extension through Tuesday, January 15, 2009, for the time in which Mr. Wilson must file his brief in support of his notice of appeal. Pursuant to 40 C.F.R. § 22.30(a), a person seeking to appeal from an initial decision would ordinarily simultaneously file both the notice of appeal and appellate brief. Here, Mr. Wilson states that he needs the additional time for filing his appellate brief to review the large administrative record and lengthy Initial Decision. He also states that he needs additional time due to the Christmas and New Year Holidays. Mr. Wilson states that he consulted with the Region's counsel and he represents that the Region does not oppose or object to his request for an extension of time to file his appellate brief.

Upon consideration, the Board hereby grants Mr. Wilson's request for an extension of the time to file his appellate brief. Mr. Wilson shall file on or before Tuesday, January 15, 2009, his appellate brief required by 40 C.F.R. § 22.30(a)(1). Ordinarily, once a party has filed a notice of appeal, any other party may, within 20 days after the date on which the first notice of appeal was served, file either, or both, a notice of cross appeal and a response brief responding to arguments raised by the appellant. 40 C.F.R. § 22.30(a)(1), (2). Because we have granted Mr. Wilson an extension of time to file his appellate brief, we hereby grant the Region an extension of time to elect to file a notice of cross appeal and to file a response brief. Accordingly, the time within which the Region may file a notice of appeal pursuant to 40 C.F.R. § 22.30(a)(1) and the time within which the Region may file its response brief and related documents pursuant to 40 C.F.R.

§ 22.30(a)(2) is hereby extended to 20 days after the date on which Mr. Wilson serves his appellate brief.

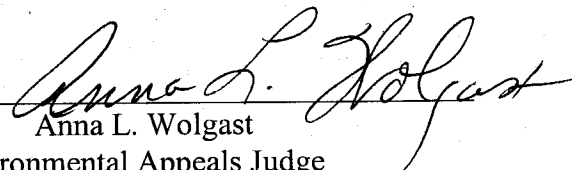
So ordered.

Dated:

*December 9, 2008*

ENVIRONMENTAL APPEALS BOARD

By:

  
Anna L. Wolgast  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Granting Extension of Time, in the matter of Gene A. Wilson, SDWA Appeal No. 08-09, were sent to the following persons in the manner indicated:

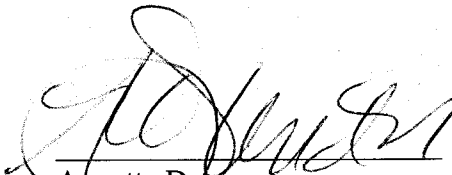
**By Pouch Mail and FAX:**

Paul Schwartz  
Associate Regional Counsel  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
(Rm # 13TH FL.)  
Atlanta, GA 30303-8960  
Fax: 404-562-9486

**By First Class Mail and FAX:**

Gene A. Wilson  
P.O. Box 702  
Louisa, KY 41230  
Fax: 606-638-1041

Dated: DEC - 9 2008

  
Annette Duncan  
Secretary