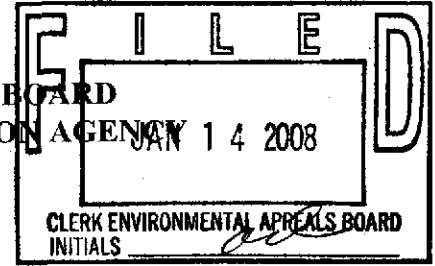


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:

Robert J. Heser and Andrew Heser

Docket No. CWA 05-2006-0002

Appeal No. CWA 07-(03)

**ORDER SETTING DEADLINE FOR REPLY
TO MOTION FOR EXTENSION OF TIME**

On May 1, 2006, U.S. Environmental Protection Agency Region 5 (the "Region") filed a complaint alleging that, in August and September, 1999, Robert J. Heser and Andrew Heser ("Messers Heser and Heser") violated Section 301(a) of the Clean Water Act, 33 U.S.C. § 13311(a). On December 19, 2007, Administrative Law Judge William B. Moran (the "ALJ") entered an "Order of Dismissal" dismissing the Region's Complaint as time barred. On January 11, 2008, the Region filed a Motion for Extension of Time requesting a 45-day extension of time for the Region to file its notice of appeal and brief from the ALJ's Order of Dismissal. The Region states that, without an extension of time, its notice of appeal is due on January 18, 2008.¹ In its motion, the Region states that counsel for Messers Heser and Heser objects to the Region's motion.

¹ The Region's motion does not indicate the form of service used for the ALJ's Order, and, therefore, the Region is reminded that pursuant to 40 C.F.R. § 22.7(c) "[w]here a document is served by first class mail or commercial delivery service, but not by overnight or same-day delivery, 5 days shall be added to the time allowed by these Consolidated Rules of Practice for the filing of a responsive document."

Upon consideration, Messers Hesel and Hesel are hereby ordered to file no later than the close of business (4:30 pm, Eastern Standard Time) on Tuesday, January 15, 2008 a statement of their reasons for objecting to the Region's motion. Documents are filed with the Board on the day and time actually received by the Clerk of the Board. Messers Hesel and Hesel may submit their objection by facsimile/telecopier or electronically over the internet, provided that a hard copy with original signature is filed as soon as practicable thereafter. The Board's Fax number is 202-233-0121. The link with instructions for electronic submission is as follows:

http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/Electronic+Submission

So ordered.

Dated:

1/14/08

ENVIRONMENTAL APPEALS BOARD

By: 

Edward E. Reich,
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Setting Deadline for Reply To Motion for Extension of Time, in the matter of Robert J. Heser and Andrew Heser, Appeal No. CWA 07-(03), were sent to the following persons in the manner indicated:

Telecopier and Pouch Mail:

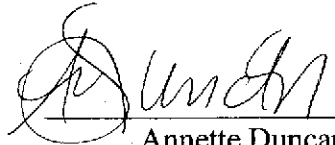
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Dated:

1-14-08



Annette Duncan
Secretary