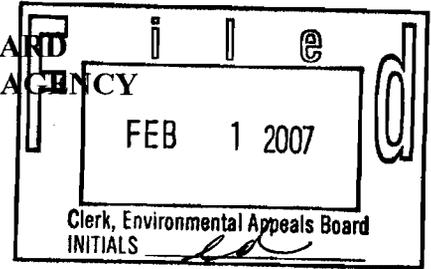


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____))
In re:))
J. Phillip Adams))
_____))
Docket No. CWA-10-2004-0156))
_____))

CWA Appeal No. 06-06

ORDER GRANTING MOTION FOR EXTENSION OF TIME
TO FILE REPLY BRIEF

By motion filed January 29, 2007, Respondent J. Phillip Adams (“Respondent”) has requested an additional extension of time of “not less than twenty-one days” in which to file a reply to the notice of appeal and appeal brief filed January 17, 2007, by Complainant-Appellant U.S. EPA Region 10 (“Region”) in the above-captioned proceeding. Respondent’s reply brief is currently due on February 6, 2007, pursuant to our procedural rules. *See* 40 C.F.R. § 22.30(a)(2).¹

In support of its motion, Respondent notes that it is not “reasonable or possible” for it to meet the reply brief deadline in light of “the number of issues raised by Complainant on appeal, the length of Complainant’s Brief, the relatively short time to file a Reply Brief, and [the] heavy workload of Respondent’s counsel.” Respondent further states that “neither party will be prejudiced by the requested extension,” observing that the instant case “has been pending since

¹The Consolidated Rules of Practice governing this proceeding provide that “[w]ithin 20 days of service of notices of appeal and briefs[,] * * * any other party or non-party may file with the [EAB] an original and one copy of a response brief responding to argument raised by the appellant * * *.” 40 C.F.R. § 22.30(a)(2).

the Administrative Complaint was filed June 16, 2004.” Finally, the Respondent represents that the Region has expressed to Respondent that the Region does not oppose Respondent’s motion.

For good cause shown, Respondent’s request is hereby granted. Consistent with Respondent’s request, Respondent has an additional three weeks, until Tuesday, February 27, 2007, to file its reply brief in the instant matter. Respondent’s reply brief must be received by the EAB on or before this date.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: *2/1/2007*

By: 
Scott C. Fulton
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion for Extension of Time to File Reply Brief in the matter of J. Phillip Adams, CWA Appeal No. 06-06, were sent to the following persons in the manner indicated:

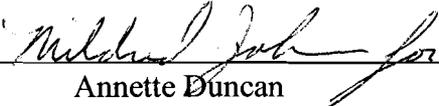
By Pouch Mail and facsimile:

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Date: FEB 1 2007



Annette Duncan
Secretary