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ENVIR. APPEALS BOARD

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

In the matter of:	)	
	)	CWA Appeal No. 06-(06)
J. Phillip Adams	)	
Bannock County, Idaho	)	RESPONDENT'S SECOND REQUEST
	)	FOR EXTENSION OF TIME TO FILE
	)	REPLY BRIEF
Respondent.	)	
_____	)	

COMES NOW Respondent, J. Phillip Adams, and hereby moves the Environmental Appeals Board ("Board") pursuant to 40 CFR §22.16 to grant the Respondent a second extension of time of seven days to file Respondent's Reply Brief. In support hereof, Respondent states as follows:

1. On January 17, 2007, the Complainant Environmental Protection Agency ("Complainant") submitted a Notice of Appeal and Supporting Brief for the purpose of appealing to the Board the Presiding Officer's initial Decision in this matter on October 18, 2006, dismissing Complainant's case. The Board granted Complainant's two prior Motions for Extension of Time to File a Notice of Appeal and Supporting Brief, which Respondent's counsel stipulated to.

2. Pursuant to 40 CFR §22.30(a)(2), Respondent's Reply Brief would be due twenty days from the Notice of Appeal, or by February 6, 2007.

3. Respondent filed a Motion for Extension of Time January 27, 2007. The Board issued an order granting the Respondent's Motion on February 1, 2007, which provided Respondent until Tuesday, February 27, 2007, to file its reply brief in this matter.

4. Despite Respondent's substantial efforts to complete its reply brief by February 27, 2007, the length of Complainant's Brief and significant amount of additional research required to properly address new legal issues raised by Complainant on appeal have made completion of Respondent's brief unfeasible by February 27, 2007.

5. This case has been pending since the Administrative Complaint was filed June 16, 2004. There is no compelling urgency in resolving the matter on appeal, and neither party will be prejudiced by the requested extension.

6. Based on the foregoing, Respondent requests an extension of seven days to file a Reply Brief. Prior to filing this Motion, Complainant's attorney, Mark A. Ryan, was contacted, stipulated to the requested extension, and authorized that such be represented in this Motion in lieu of a formal written Stipulation.

WHEREFORE, based upon the foregoing, Respondent respectfully requests an extension of time of not less than twenty-one days to file his Reply Brief.

DATED this 23<sup>rd</sup> day of February, 2007.

RACINE, OLSON, NYE, BUDGE &  
BAILEY, CHARTERED

By   
THOMAS J. BUDGE  
Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of February, 2007, copies of the foregoing Respondent's Request 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:

Environmental Appeals Board  
Colorado Building  
1341 G Street, NW, Suite 600  
Washington, D.C. 20005  
(Overnight Mail)

Honorable William B. Moran  
Administrative Law Judge  
EPA Office of Administrative Law Judges  
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Aerial Rios Building  
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THOMAS J. BUDGE