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January 29, 2007

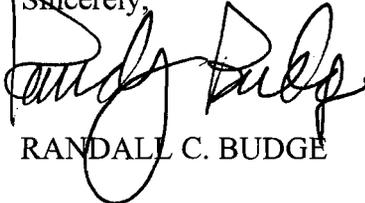
OVERNIGHT MAIL/UPS

Filing Clerk
Environmental Appeals Board
Colorado Building
1341 G Street NW, Suite 600
Washington, D.C. 20005

Re: *In the Matter of J. Phillip Adams*
CWA Appeal No. 06-(06)

Dear Clerk:

Enclosed please find for filing the original and extra copy of Respondent's Request for Extension of Time to File Reply Brief in the above referenced matter. Please file the original and bring the same to the attention of the Board. Also please conform stamp and return the extra copy in the stamped and addressed return envelope.

Sincerely,

RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Certificate of Mailing

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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 REQUEST FOR
)	EXTENSION OF TIME TO FILE
)	REPLY BRIEF
Respondent.)	
_____)	

COMES NOW Respondent, J. Phillip Adams ("Respondent"), and hereby moves the Environmental Appeals Board ("Board") pursuant to 40 CFR §22.16 to grant Respondent an extension of time not less than twenty-one 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. Due to 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 heavy workload of Respondent's counsel, it is not reasonable or possible to meet the Reply Brief deadline.

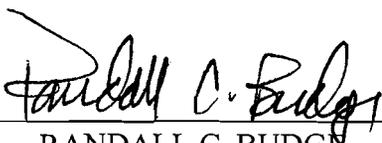
4. This case has been pending since the Administrative Complaint was filed June 16, 2004. There is no compelling urgency in resolving the matter on appeal, and neither party will be prejudiced by the requested extension.

5. Based on the foregoing, Respondent requests an extension of time not less than twenty-one 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 29th day of January, 2007.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By 

RANDALL C. BUDGE
Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of January, 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
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(Overnight Mail)

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Administrative Law Judge
EPA Office of Administrative Law Judges
Mail Code 1900L
Aerial Rios Building
Washington, D.C. 20460
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