

RECEIVED
U.S. E.P.A.

2009 JUN 24 AM 11:00

ENVIR. APPEALS BOARD

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

In re:

Circle T Feedlot, Inc.,
Morgan Feedlot LLC,
Sebade Feedyard, &
Stanek Brothers

NPDES Permit Nos. NE0134481, NE0134767,
NE0135712, & NE0134775

NPDES Appeal Nos.
09-02 & 09-03

**JOEL LAMPLOT & TERI LAMPLOT MOTION FOR EXTENSION OF TIME TO
FILE ADDENDUM AND REQUEST FOR EXPEDITED CONSIDERATION**

Petitioners Joel Lamplot and Teri Lamplot ("the Lamplots") respectfully request that the Environmental Appeals Board ("EAB") grant a 60-day extension of time (from postmark date of June 29, 2009 until August 28, 2009) to file the Addendum in support of petitions in the above-captioned matter.

Background

On December 13, 2007, Environmental Protection Agency Region 7 ("EPA") held a public hearing regarding their initial decision to issue National Pollutant Discharge Elimination System ("NPDES") permits for the above listed feed yards. Written and oral comments were submitted by the Lamplots at this public hearing. On December 19, 2008, over a year later, EPA sent a response to comments, and gave those who submitted comments 30 days to respond. On January 16, 2009, the Lamplots submitted written appeals to comments to issue NPDES permits to the above listed feed yards, sent by certified mail. The EAB has on record that they received the comments on January 30, 2009, and February 2, 2009, but recognized that due to the postal service, the comments would be recorded. On April 20, 2009, the EAB received and recorded a written request for an


addendum to the appeals submitted by the Lamplots, in light of a recent Supreme Court decision, decided March 31, 2009, that supports the Lamplot's arguments in their appeals.

The EAB filed an order granting the Lamplot's request to file an addendum to their petitions on June 17, 2009, almost two months after recording the request for the motion for addendum. The Lamplots did not receive notification of the order until June 20, 2009, by U.S. mail. The order stated that; "Such addendum must be postmarked by June 29, 2009." Nine days is an unreasonable short amount of time to adequately prepare and submit the Addendum.

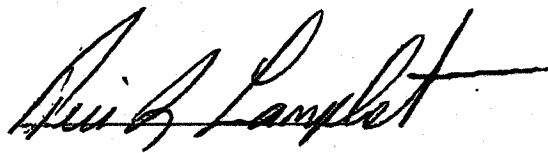
On June 23, 2009, Teri Lamplot spoke with Chris Muehlberger, EPA Region 7 Legal Counsel assigned to this matter, and he did not object to the request to file a motion for a 60-day extension to file the Addendum to the Lamplot's Petitions.

Petitioners Joel Lamplot and Teri Lamplot respectfully request that the Environmental Appeals Board grant a 60-day extension of time (from postmark date of June 29, 2009 until August 28, 2009) to file the Addendum in support of petitions for NPDES Appeal Nos. 09-02 & 09-03.

Respectfully submitted by fax on June 24, 2009,



Joel Lamplot
582 21st Rd
Thurston, NE
68062
Phone: 402-385-2452/402-922-0081
Fax: 402-385-2452
Email: lamplot@starband.net



Teri Lamplot
582 21st Rd
Thurston, NE
68062
Phone: 402-385-2452/402-922-0804
Fax: 402-385-2452

Cc and faxed to: Chris Muehlberger, EPA Region 7 Legal Counsel (fax 913-551-7925)

CERTIFICATE OF SERVICE

We certify that on the date noted below we sent by fax the following original documents-
JOEL LAMPLOT & TERI LAMPLOT MOTION FOR EXTENSION OF TIME TO FILE
ADDENDUM AND REQUEST FOR EXPEDITED CONSIDERATION to:

United State Environmental Protection Agency 202-233-0121
Eurika Durr, Clerk of the Board
Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

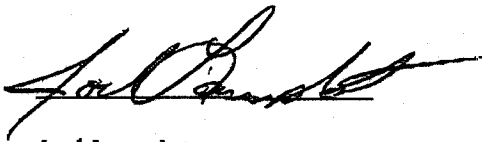
We further certify that on the date noted below we sent by fax a true and exact copy of
the documents listed above to:

Chris Muehlberger, EPA Region 7 Legal Counsel 913-551-7925

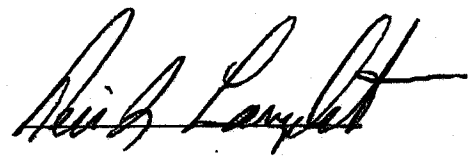
Senator Ben Nelson 402-391-4725

Senator Mike Johanns 308-632-6295

Congressman Jeff Fortenberry 402-379-2101



Joel Lamplot



Teri Lamplot

June 24, 2009
Date