

U. S. ENVIRONMENTAL PROTECTION AGENCY

REGION 7

901 N. 5th STREET

KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

In the Matter of)

William Gepford)

Respondent)

Proceedings under Section 309(g) of the)
Clean Water Act, 33 U.S.C. § 1319(g))
_____)

Docket No. CWA-07-2006-0057

MOTION FOR EXTENSION
OF TIME TO FILE INITIAL
PREHEARING EXCHANGE

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Pursuant to Rules 22.7 and 22.16 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. §§ 22.7 and 22.16, Complainant, the United States Environmental Protection Agency, Region VII hereby moves for an extension of time to submit the initial Prehearing Exchanges in this matter.

Pursuant to the June 14, 2006, Prehearing Order in the above-captioned action, the initial prehearing exchanges are due by August 14, 2006. The Complainant requests that the Court grant a 60-day extension of time until October 13, 2006 to submit the initial Prehearing Exchanges in this matter.

On June 19, 2006, the United States Supreme Court issued its decision in *Rapanos et ux., et al. v. United States*, 126 S. Ct. 2208 (2006). The *Rapanos* decision must be thoroughly reviewed in order to evaluate if the decision impacts the Clean Water Act violations alleged in the Complaint. Complainant requests the additional time to ensure that the parties have adequate opportunity to evaluate if the *Rapanos* decision has any impact on how the parties will proceed

or what the parties should include in their prehearing exchanges. Granting the extension will not prejudice any of the parties.

Complainant has been authorized to state that Respondent does not object to this extension of time. Based upon the foregoing, it is respectfully requested that the Prehearing Exchange date be extended from August 14, 2006 until October 13, 2006.

Respectfully submitted,

A handwritten signature in cursive script that reads "Steven L. Sanders".

Steven L. Sanders
Assistant Regional Counsel

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one true copy of the
COMPLAINANT'S MOTION FOR EXTENSION OF TIME TO FILE PREHEARING
EXCHANGE was filed with the Regional Hearing Clerk, EPA Region VII, 901 North Fifth
Street, Kansas City, Kansas, and that a true copy of the same was sent, via first class U.S. mail
and facsimile to:

The Honorable William B. Moran
Administrative Law Judge
Office of Administrative Law Judges (Mail Code 1900L)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Facsimile: 202-565-0044

and sent, via first class U.S. mail and facsimile, to:

Michael P. Comodeca
Attorney for Respondent
Spencer Fane Britt & Browne LLP
9401 Indian Creek Parkway, Suite 700
Overland Park, KS 66210-2005

Facsimile: 913-345-0736

Date: 7/18/06

By: 