

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

2009 DEC -9 PM 12: 10
HEARING CLERK
EPA REGION IV

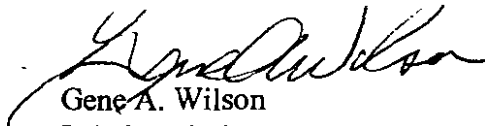
In re:)
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)
Gene A. Wilson) SDWA 04-2005-1016
)
)
Respondent) E.A.B. Docket No. _____

MOTION FOR EXTENSION OF TIME TO FILE APPEAL BRIEF

Respondent, Gene A. Wilson, respectfully moves and requests that the Environmental Appeals Board ("EAB") grant additional time to file his Appellate Brief on or before January 15, 2009, in regard to Region 4's August 21, 2008, Initial Decision and Order Denying Motion To Reopen Hearing dated November 24, 2008, in the above captioned matter.

Respondent seeks this additional time since the appeal time of thirty (30) days encompasses the holidays of Christmas and New Years Eve and the extremely large record that covers a period of some eighteen (18) years for review and restudying the lengthy initial decision for a proper appellate brief.

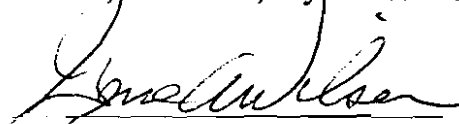
Before filing this Motion Respondent states he call opposing counsel Paul Schwartz Esq. Attorney for E.P.A., Region 4 asking if he objected to this motion for additional time to file a brief, Mr. Schwartz advised he would consult with his co-counsel Zylpha Pryor Esq. and return Respondent's call. Shortly thereafter Mr. Schwartz returned


Gene A. Wilson
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CERTIFICATE OF FILING AND SERVICE

The undersigned does hereby certify that the Original of this Motion For Extension Of Time To File Appeal Brief was mailed for filing, First Class U.S. Mail, Certified/Return Receipt Requested, to the U.S. Environmental Protection Agency, Clerk of the Board, Environmental Appeals Board (MC1103B), Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-0001; and that a copy was served by U.S. First Class Mail on (1) Ms. Patricia A. Bullock, Regional Hearing Clerk, U.S. EPA, Region 4, 61 Forsyth Street, S.W., Atlanta, GA 30303-8960; (2) USEPA Presiding Officer Susan B. Schub, Regional Judicial Officer, U.S. EPA, Region 4, Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, GA 30303-8960; (3) Counsel Ms. Zylpha Pryor, Associate Regional Counsel, U.S. EPA, Region 4, 61 Forsyth Street, S.W., Atlanta, GA 30303-8960; (4) Counsel Mr. Paul Schwartz, Associate Regional Counsel, U.S. EPA, Region 4, 61 Forsyth Street, S.W., Atlanta, GA 30303-8960; and (5) Mr. Nicholas N. Owens, National Ombudsman, U.S. Small Business Administration, 409 3rd Street, SW, MC 2120, Washington, DC 20416-0005, on this 5th, day of December, 2008.

Dated: December 5, 2008


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