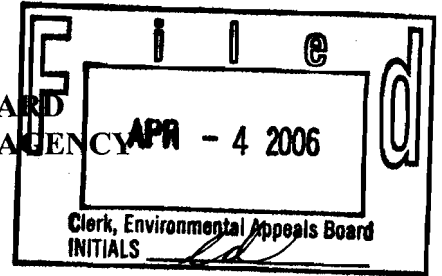


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Environmental Protection) TSCA Appeal No. 06-(01)
Services, Inc.)
)
Docket No. TSCA-03-2001-0331)
_____)

**ORDER GRANTING MOTION FOR
EXTENSION OF TIME TO FILE APPEAL BRIEF**

By motion filed March 20, 2006, Appellant Environmental Protection Services, Inc. (“EPS”) seeks an extension of time, until May 12, 2006, in which to file its appeal brief in the above-captioned matter. The Initial Decision in this case was issued by U.S. EPA Region 3 (“Region”) on March 7, 2006. EPS’s notice of appeal and appeal brief are currently due on April 11, 2006.¹

EPS states that its request for additional time to file its appeal brief is warranted, among other things, in light of the complexity of this issues involved in this case, the large volume of records, and “lapse of time necessitating the retrieval of records from storage.” In addition, EPS notes that it has informed the Region of its intent to file for an extension of time and that EPS

¹In its motion, which requests a “30-day extension” of time to file its appeal brief, EPS suggests that the current filing deadline for filing an appeal of the Initial Decision pursuant to the 30-day time period provided under 40 C.F.R. § 22.30 is April 12, 2006. However, our reading of the applicable regulations governing computation of time indicates that the filing deadline for these documents falls on April 11, 2006. *See* 40 C.F.R. § 22.7. In accordance with these regulations, the 30-day time period runs from the date of service, which in this case is March 7, 2006, since the Initial Decision was mailed out on this date as indicated by the certificate of service attached to the Initial Decision. *See id.* (stating that “service [of initial decision] is complete upon mailing * * * .”). The running of the 30-day time period plus 5 days to accommodate service by mailing, *see id.*, results in a filing deadline of April 11, 2006.

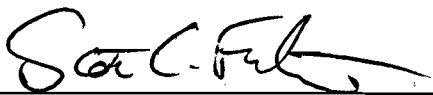
“would not object to any extension that might be requested in the event EPA seeks an extension of its reply deadline.”² Finally, EPS indicates that its request for additional time only applies to its appeal brief and that it will timely file its notice of appeal.³

For good cause shown, EPS’s motion is granted. EPS’s appeal brief must be received by the Board on or before May 12, 2006.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 4/4/06

By: 
Scott C. Fulton
Environmental Appeals Judge

²On March 22, 2006, the Region filed with the Board a response to EPS’s motion indicating that the Region does not oppose EPS’s motion and that the Region “may, after examining EPS’s Brief, move for an appropriate extension of time to file its Responsive Brief.”

³As indicated above, the deadline for filing the notice of appeal is April 11, 2006.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion for Extension of Time to File Appeal Brief in the matter of Environmental Protection Services, Inc., TSCA Appeal No. 06-(01), were sent to the following persons in the manner indicated:

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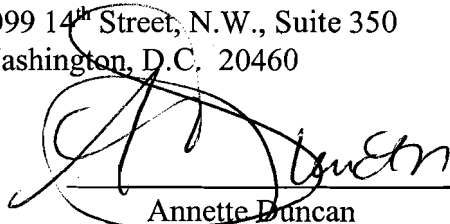
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Date: APR - 4 2006



Annette Duncan
Secretary