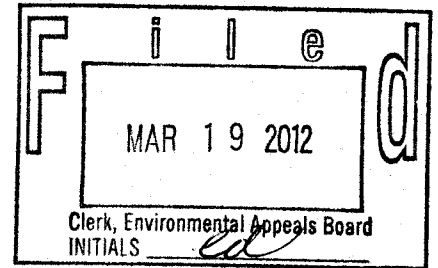


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC**

In re:
Willie P. Burrell &
the Willie P. Burrell Trust

Docket No. TSCA-05-2006-0012

TSCA Appeal No. 11-05



ORDER DENYING MOTION TO FILE REPLY BRIEF

By motion dated March 3, 2012, Willie P. Burrell and the Willie P. Burrell Trust (collectively, "Burrell") sought an "opportunity to file a Reply Brief" by no later than April 8, 2012. Burrell had filed its appeal brief on February 1, 2012, after the Environmental Appeals Board ("Board") granted Burrell's request for an extension of time to do so. *See* Order Denying in Part and Granting in Part Motion to Extend Time to File Notice of Appeal, Appellate Brief, and Related Pleadings (Dec. 7, 2011). The U.S. Environmental Protection Agency, Region 5 ("Region"), filed its response on February 22, 2012.

In support of the motion now pending before the Board, Burrell states the following: its representative for this matter did not anticipate that the brief from the Region would be filed as early as it was; Burrell's representative was out of state from February 27, 2012, until March 4, 2012; and Burrell's representative is unavailable from March 5 through 8, 2012, preparing for an unrelated legal matter. Motion to File Reply Brief at 1-2 (March 3, 2012). The Region's position on the motion is unknown. *Id.* at 2 ("Today is a week-end; as such Appellants are not able to determine whether the Appellee would object to such a motion.").

"All motions except those made orally on the record during a hearing shall * * * [s]tate

the grounds therefor, with particularity * * * ." 40 C.F.R. § 22.16(a). As Burrell has not stated with particularity the grounds for seeking to file a reply brief, including the arguments to which Burrell seeks to respond and the reasons Burrell believes it is necessary to reply to those arguments, the Board denies Burrell's motion to file a reply brief.

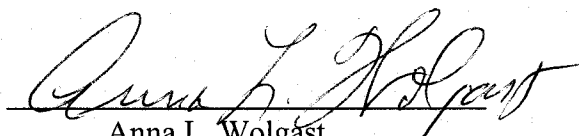
So ordered.

Dated:

March 19, 2012

ENVIRONMENTAL APPEALS BOARD

By:


Anna L. Wolgast
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Denying Motion to File Reply Brief** in *In re Willie P. Burrell & the Willie P. Burrell Trust*, TSCA Appeal No. 11-05, were sent to the following persons in the manner indicated:

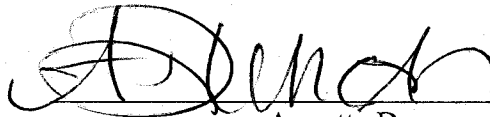
By Facsimile & First Class U.S. Mail:

Derek S. Burrell
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Chicago, IL 60604-3590
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Date: MAR 19 2012



Annette Duncan
Secretary