

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

In re:)
)
)
Environmental Disposal)
Systems, Inc.) UIC Appeal Nos. 98-1 & 98-2
Romulus, Michigan)
)
UIC Permit Nos.: MI-163-1W-C007)
MI-163-1W-C008)
)

ORDER DISMISSING MOTION FOR RECONSIDERATION

On November 2, 1998, the Board received a submission titled "Slip Opinion" from Sandra Yerman, a petitioner in the above-captioned matter. In this submission, Ms. Yerman points to alleged errors in the Board's October 15, 1998 Order Denying Review ("Order"). We will treat this submission as a motion for reconsideration of the Board's Order.

Under 40 C.F.R. § 124.19(g), a motion for reconsideration must be filed - that is received¹ - within ten (10) days after service of a final order. In addition, where a document is served by mail, "three (3) days shall be added to the prescribed time." 40 C.F.R. § 124.20(d). The Board's Final Order in this case was served by mail upon Ms. Yerman on October 15, 1998. The deadline for filing a motion for reconsideration, therefore, was

¹See *In re Beckman Production Services*, 5 E.A.D. 10, 15 (EAB 1994).

October 28, 1998 (10 days + 3 days). As the motion for reconsideration was not received until November 2, 1998, it was not timely filed. Further, this case does not present any special circumstances that would warrant relaxation of the time for filing a motion for reconsideration. See *In re B & B Wrecking and Excavating, Inc.*, 4 E.A.D. 16, 17 (EAB 1992) (time requirements must be followed unless special circumstances warrant relaxation). The motion is therefore dismissed as untimely.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 11/4/98

By: _____/s/_____
Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Dismissing Motion for Reconsideration in the matter of Environmental Systems, Inc., Romulus, Michigan, UIC Appeal Nos. 98-1 & 98-2, were sent to the following persons in the manner indicated:

First Class Mail,
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Dated: 11/4/98

/s/
Annette Duncan
Secretary