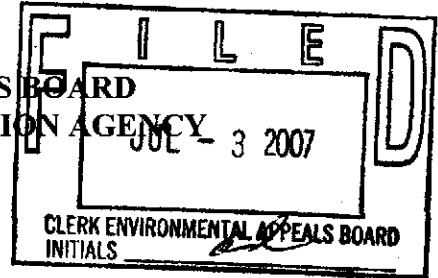


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)
Zaclon Inc., Zaclon L.L.C.,)
& Independence Land Development Co.)
)
)
Docket No. RCRA-05-2004-0019)
)

RCRA Appeal No. 07-(03)

**ORDER GRANTING COMPLAINANT'S MOTION
FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL**

On June 4, 2007, Chief Administrative Law Judge Susan Biro issued an Initial Decision in the above-captioned case. By motion filed June 29, 2007, counsel for Region V of the U.S. Environmental Protection Agency, Complainant, requests an extension of time to file a notice of appeal of Judge Biro's decision. Region V explains that the Initial Decision, as well as the administrative hearing transcript and much of the evidence presented at the hearing, contains material claimed by Zaclon Inc., Zaclon L.L.C., and Independence Land Development Co. (collectively "Zaclon"), Respondents, to be confidential business information ("CBI") that must be protected by EPA from unauthorized disclosure.

Region V reports that Judge Biro is currently engaged in preparing a CBI-redacted version of the Initial Decision that will be available for public distribution. The Region contends that the case presents issues of national significance regarding the Agency's enforcement of hazardous waste generation and transportation rules, and that, as a result, the Region needs to consult with EPA Headquarters offices and other regional offices regarding the advisability of appealing the Initial Decision. However, due to the limitations associated with handling

materials claimed as CBI, this necessary consultation cannot occur until the CBI-redacted version is available.


The Region asks that the Environmental Appeals Board stay the running of the appeal period until the issuance of the redacted Initial Decision, at which point the standard thirty-day appeal period provided for in 40 C.F.R. § 22.30(a) would go into effect. The Region reports that counsel for Zaclon does not object to the granting of this request, provided Zaclon is given the same extension of time to file an appeal.

For good cause shown, the Region's motion is hereby **GRANTED**. The appeals process provided for in 40 C.F.R. part 22 will begin, for purposes of this case only, on the date of service on the parties of the CBI-redacted version of this Initial Decision. Both Region V and Zaclon will then have thirty days to file an appeal of the Initial Decision, pursuant to 40 C.F.R. § 22.30(a) (plus five days if service of the CBI-redacted Initial Decision is by first-class mail or commercial delivery service, pursuant to 40 C.F.R. § 22.7(c)), and the Board will have forty-five days to elect review of the Initial Decision *sua sponte*, pursuant to 40 C.F.R. § 22.30(b).

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 7/3/07

By: 
Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Complainant's Motion for Extension of Time to File Notice of Appeal in the matter of Zaclon, Inc., RCRA Appeal No. 07-(03), were sent to the following persons in the manner indicated:

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JUL - 3 2007

Date: _____



Annette Duncan
Secretary