

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

_____	)	
In the Matter of:	)	
	)	
Sun Pipe Line Company	)	UIC Appeal No. 02-01
	)	
UIC Permit No. MI-163-1I-0001	)	
	)	
_____	)	

**ORDER DENYING MOTION FOR RECONSIDERATION**

By motion filed August 1, 2002, Sandra K. Yerman seeks reconsideration of the Environmental Appeals Board's July 11, 2002 Final Decision in the above-captioned matter. See Order Denying Petitions for Review, UIC Appeal Nos. 02-01 & 02-02 (July 11, 2002). Motions to reconsider a final order must be filed within 10 days after service of the final order. See 40 C.F.R. § 124.19(g). Where the order is served by mail, an additional three days is added to the prescribed time. See 40 C.F.R. § 124.20(d). In this case, the Final Order was served on July 11, 2002, and thus the deadline for filing a motion for reconsideration was July 24, 2002, 13 days after the date of service. Ms. Yerman's motion for reconsideration, however, was

filed twenty-one (21) days after the date of service<sup>1/</sup> on August 1, 2001. Thus, the motion is untimely, and Ms. Yerman's motion for reconsideration is hereby denied.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: \_\_\_\_\_/s/\_\_\_\_\_  
Edward E. Reich  
Environmental Appeals Judge

Dated: 08/08/02

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<sup>1/</sup> Ms. Yerman alleges that she did not receive the Board's Final Order in the above-captioned matter until July 23, 2002, and therefore her motion for reconsideration is not untimely. See Sandra K. Yerman's Motion for Reconsideration at 1 (Aug. 1, 2002). Under the applicable rules, the date Ms. Yerman actually received the order is not relevant. However, we note that the photocopy of U.S. Postal Service Form 3849 (Final Notice of Delivery) attached to Ms. Yerman's motion establishes that the U.S. Postal Service had unsuccessfully attempted delivery of the Board's Final Order to Ms. Yerman's Post Office box both prior to and on July 20, 2002.

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the forgoing Order Denying Reconsideration in the matter of Sun Pipe Line Company, UIC Appeal No. 02-01, were sent to the following persons in the manner indicated:

By Certified Mail

Return Receipt Requested:

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Dated: 08/08/02

\_\_\_\_\_/s/  
Annette Duncan  
Secretary