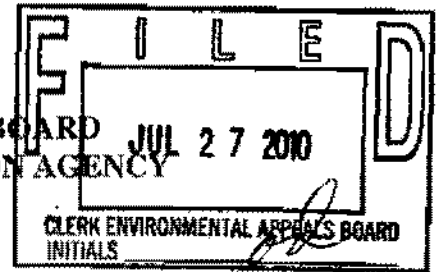


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____))
In re:))
99 Cents Only Stores,) FIFRA Appeal No. 10-(01)
Docket No. FIFRA-09-2008-0027))
_____)

ORDER GRANTING EXTENSION OF TIME TO FILE APPEAL

The Director of the Air Division, United States Environmental Protection Agency ("EPA"), Region 9 (the "Region") filed a complaint against 99 Cents Only Stores ("99 Cents"), alleging violations of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. §§ 136 - 136y. On June 24, 2010, Chief Administrative Law Judge Susan L. Biro issued the Initial Decision and served the Initial Decision on 99 Cents by first class mail.

Before the Environmental Appeals Board at this time is 99 Cents' request for an extension of time to file 99 Cents' notice of appeal and appellate brief. Pursuant to 40 C.F.R. §§ 22.7(c) and 22.30(a), without an extension of time, 99 Cents' appeal from the Initial Decision must be filed on or before July 29, 2010. The Board has already granted the Region a 30-day extension of time for filing its appeal, and 99 Cents' requests that it be granted a mutual and reciprocal extension of time.¹

¹ The Region represented in its motion that 99 Cents did not oppose the Region's request for a 30-day extension of time. We now learn from 99 Cents that its non-opposition was "based on the extension request being mutual and reciprocal" for both parties. There is no explanation for why the Region's counsel failed to request a mutual and reciprocal extension of time.

Upon consideration, the Board hereby grants 99 Cents an extension of time to file the its appeal in the above-captioned matter. In the event 99 Cents decides to appeal the Initial Decision in this matter, the 99 Cents shall file its notice of appeal, statement of issues, and appellate brief on or before Wednesday, August 25, 2010.

So ordered.

Dated: July 27, 2010

ENVIRONMENTAL APPEALS BOARD

By: Charles J. Sheehan
Charles J. Sheehan,
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Extension of Time, in the matter of 99 Cents Only Stores, FIFRA Appeal No. 10-(01), were sent to the following persons in the manner indicated:

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Dated: JUL 27 2010


Annette Duncan
Secretary