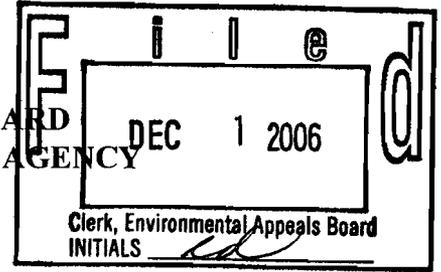


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Euclid of Virginia, Inc.)
)
Docket No. RCRA-3-2002-0303)
_____)

RCRA (3008) Appeal No. 06-05

ORDER GRANTING

MOTIONS FOR EXTENSION OF TIME

On November 22, 2006, Respondent, Euclid of Virginia, Inc., filed a timely notice of appeal¹ seeking review of an Initial Decision by Administrative Law Judge Carl C. Charneski (“ALJ”) finding Respondent liable for violating Subtitle I of the Resource Conservation and Recovery Act (“RCRA”), the Federal Underground Storage Tank regulations, and the Underground Storage Tank regulations of the District of Columbia, the state of Maryland, and the state of Virginia. For those violations, the ALJ assessed a civil penalty of \$3,085,293. On that same day, Respondent filed a motion for extension of time requesting the Environmental Appeals Board (“Board”) grant a 60-day extension to file its appeal brief.² *See* Respondent’s Motion for Extension of Time for Submission of Brief on Appeal. According to Respondent, the additional time is necessary because the case involves extensive research and “analysis of many

¹ Any party may appeal an Initial Decision within 30 days from service of that decision. *See* 40 C.F.R. § 22.30. Service of the Initial Decision in this case took place on November 9, 2006.

² *See* 40 C.F.R. § 22.7 allowing the EAB to extend the deadline for the filing of any document upon showing of good cause and no prejudice to other parties.

thousands of pages of record,” the issues in this case are in many instances novel, and the extension would not result in prejudice to any of the parties. *Id.*

On November 29, 2006, Complainant, Region III of the U.S. Environmental Protection Agency, filed a response to Respondent’s motion, stating that it does not oppose Respondent’s request, as well as a motion for extension of time to consider whether to file a cross-appeal. *See* Response to Respondent’s Motion for Extension of Time and Complainant’s Associated Motion for Extension of Time to Consider Cross-Appeal. In its motion, Complainant explains that it will not know if a cross-appeal is necessary until Respondent’s brief is filed, and requests 20 days after service of Respondent’s brief to file a cross-appeal. *See id.*

Upon consideration of the foregoing and for good cause shown, the Board grants both requests. Respondent’s appeal brief must now be filed no later than February 7, 2007, and the Region’s cross-appeal, if any, must be filed within 20 days of service of Respondent’s brief.³

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: _____


for Kathie A. Stein
Environmental Appeals Judge

Dated: 12/1/06

³ Documents are “filed” with the Board on the date they are *received* by the Clerk.

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Granting Motions for Extension of Time in the matter of Euclid of Virginia, Inc., RCRA (3008) Appeal No. 06-05, were sent to the following persons in the manner indicated:

First Class Mail:

Thomas F. DeCaro, Jr., Esq.
DeCaro & Howell, P.C.
Suite 201
14406 Old Mill Road
Upper Marlboro, Maryland 20772-3029

Pouch Mail:

Benjamin D. Fields
Senior Assistant Regional Counsel
U.S. EPA Region 3
Mail Code 3RC30
1650 Arch St.
Philadelphia, PA 19103-2029

Lydia Guy
Regional Hearing Clerk
U.S. EPA Region 3
1650 Arch St.
Philadelphia, PA 19103-2029

Dated: DEC - 1 2006


Annette Duncan
Secretary