

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

2007 FEB -2 AM 9: 44

Before the Administrator

ENVIR. APPEALS BOARD

In the Matter of)	
EUCLID OF VIRGINIA, INC.)	Docket No. RCRA (9006)06-05
Respondent)	

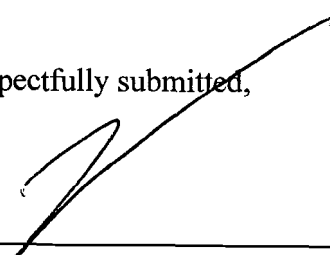
**RESPONDENT'S MOTION FOR ADDITIONAL EXTENSION OF TIME
FOR SUBMISSION OF BRIEF ON APPEAL**

Respondent hereby, without objection from Complainant, moves for an additional extension of time of 7 days, that is from February 7, 2007 to February 14, 2007, for filing of Respondent's Brief on Appeal, , pursuant to 40 CFR § 22.7 on the grounds as follows:

1. The case involves an extensive analysis of many thousands of pages of record and also additional research and extensive drafting and review.
2. The issues in this case are extensive and, in many instances, novel.
3. This case has been pending since February 5, 2004 and it is respectfully submitted that an additional 7 day extension of time would not result in any prejudice to any party.
4. After consultation with opposing counsel, Complainant neither objects nor consents to the request for extension. Complainant finds no particular prejudice if the request for extension through February 14, 2007 is granted. A copy of an e-mail from Opposing Counsel is attached hereto and incorporated herein as Exhibit "A".
5. The Respondent hereby consents to any reasonable request for extension to be submitted by the Complainant.

WHEREFORE, an extension of time is requested until February 14, 2007 within which to file the appeal brief.

Respectfully submitted,



Thomas F. DeCaro, Jr.
Attorney for Respondent
14406 Old Mill Rd. #201
Upper Marlboro, MD 20772
301-464-1400/4776 phone/fax
tfd@erols.com

CERTIFICATE OF SERVICE

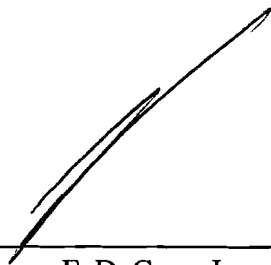
I, Thomas F. DeCaro, Jr. do hereby certify that on February 1, 2007, I did mail, via UPS overnight, a copy of the foregoing Motion for Extension of Time for Filing Appeal Brief to:

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

Lydia Guy
Regional Hearing Clerk
US EPA - Region III
1650 Arch St.
Philadelphia, PA 19103-2029

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Ariel Rios Bldg.
1200 Pennsylvania Avenue, NW
Washington, DC 20460

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
1341 G St., NW
Washington, DC 20005



Thomas F. DeCaro, Jr.

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

Before the Administrator

In the Matter of)
 EUCLID OF VIRGINIA, INC.) Docket No. **RCRA(9006)06-05**
 Respondent)

**ORDER GRANTING
RESPONDENT'S MOTION FOR EXTENSION OF TIME FOR
SUBMISSION OF BRIEF ON APPEAL**

Upon consideration of the Respondent's Motion For Extension of Time for Submission of Brief on Appeal, and no objection of Complainant, it is this _____ day of _____, 2007 hereby

ORDERED, that the Motion be and is hereby GRANTED, and that the time for submission of the Respondent's Brief on Appeal is extended until February 14, 2007.

Dated _____

For the Administrator

copies to:

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

Thomas DeCaro
DeCaro & Howell PC
Suite 201
14406 Old Mill Rd.
Upper Marlboro, MD 20772

Lydia Guy
Regional Hearing Clerk
US EPA - Region III
1650 Arch St.
Philadelphia, PA 19103-2029



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From : Tom DeCaro <tfd@erols.com>
To : Marla Howell <mlhowe1@juno.com>
Subject : [Fwd: Re: Request for 7 day Extension on Brief Filing]
Date : Thu, Feb 01, 2007 12:18 PM

Please get the extension request out right now! Thanks. I think we can e-file. Then follow up make sure the extension is granted. Thanks

----- Original Message -----

Subject: Re: Request for 7 day Extension on Brief Filing
Date: Thu, 01 Feb 2007 12:01:24 -0500
From: Tom DeCaro <tfd@erols.com>
To: Fields.Ben@epamail.epa.gov, "tfd >> Tom DeCaro" <tfd@erols.com>
References: <OF9AB23392.4C6C0CE0-ON85257275.0059985D-85257275.005A6BA0@epamail.epa.gov>

If you don't mind, I will attach this e-mail to my motion. Of course we have no objection to your asking for a reasonable extension

Fields.Ben@epamail.epa.gov wrote:

> We neither agree to nor object to an extension. Because of my own
 > schedule I would prefer getting Euclid's brief earlier rather than later
 > because I am scheduled to be at a conference before the end of the
 > 20-day period subsequent to February 14. However, I cannot identify any
 > particular prejudice to Complainant which will result if the extension
 > is granted, although it is likely that Complainant will also need an
 > extension of the time to respond.

>
 >
 >
 >
 > Tom DeCaro
 > <tfd@erols.com>
 >
 > 01/31/2007 05:10 PM
 >
 > Ben Fields/R3/USEPA/US@EPA, Tom
 > DeCaro <tfd@erols.com>,
 > "Goldschmidt, Stanley"
 > <SGoldschmidt@ralaw.com>
 >
 > cc
 >
 > Subject
 > Request for 7 day Extension on
 > Brief Filing
 >
 >
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 >

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>
> Euclid has asked Roetzel & Andress to review the brief I have prepared
> and they suggested that I request a 7 day extension to February 14,
> 2007. Please advise if you have any objections to this.
>
>
>



U.S. Environmental Protection Agency

Environmental Appeals Board

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