

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

In re:

John A. Biewer Co. of Toledo, Inc.
Docket No. RCRA-05-2008-0006

RCRA Appeal Nos. 10-01 and 10-02

and

John A. Biewer Co. of Ohio, Inc.
Docket No. RCRA-05-2008-0007

**UNOPPOSED MOTION FOR EXTENSION OF TIME
WITHIN WHICH TO FILE RESPONSE BRIEF**

On May 21, 2010, Complainant in the above cases filed Notices of Appeal together with Motions for Extension of Time to file Complainant's appeal brief. Complainant cited the complexity of the issues as a primary basis for the requested extension. The Motion for Extension of Time was granted in part on May 26, 2010, consolidating the above two appeals and allowing Complainant a 60-day extension until August 3, 2010 to file an appeal brief.

On or about August 3, 2010, Complainant filed its appeal brief consisting of 100 pages. In its brief, six issues have been identified for resolution on this appeal. Because of the breadth of the issues raised on appeal by Complainant and the anticipated necessary length of Respondents' response brief, Respondents respectfully request an extension of 56 days to file their response brief on or before October 18, 2010. Such extension would be slightly shorter than the extension granted by the Environmental Appeals Board to Complainant in the Board's May 26, 2010 Order and will be necessary to fully address the many issues and factual arguments raised by Complainant on appeal.


Counsel for Respondents has conferred with counsel for Complainant regarding his request for extension of time, and counsel for Complainant has indicated that Complainant has no objection to the granting of an extension of time as contained in this Motion.

Respectfully submitted,

MIKA MEYERS BECKETT & JONES PLC
Attorneys for Respondents

Dated: August 10, 2010

By: _____


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Grand Rapids, MI 49503
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CERTIFICATE OF SERVICE

John A. Biewer Co. of Ohio, Inc.
Docket No. RCRA-05-2008-0007

I hereby certify that on this date the foregoing Unopposed Motion for Extension of Time Within Which to File Response Brief was filed with the Environmental Appeals Board electronically, via the CDX portal. I certify that on this date the foregoing was also served on the following person:

Unopposed Motion for Extension of Time Within Which to File Response Brief

by U. S. Postal Service first-class mail:

Karen L. Peaceman
Associate Regional Counsel
U.S. EPA
Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

I declare that the statements above are true to the best of my information, knowledge and belief.

Dated: August 12, 2010

/s/ Douglas A. Donnell
Douglas A. Donnell