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ENV. APPEALS BOARD

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ENVIRONMENTAL APPEALS BOARD**

**WASHINGTON, DC**

|                                      |   |                                      |
|--------------------------------------|---|--------------------------------------|
| <b>In the Matter of</b>              | ) |                                      |
|                                      | ) |                                      |
| <b>FRM Chem, Inc.,</b>               | ) | <b>Docket No. FIFRA-07-2004-0041</b> |
| <b>a.k.a. Industrial Specialties</b> | ) |                                      |
|                                      | ) |                                      |
| <b>Respondent</b>                    | ) |                                      |

**SUPPLEMENTAL MOTION FOR EXTENSION OF TIME TO FILE APPEAL BRIEF**

Pursuant to Sections 22.7(b) and 22.16(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Rules of Practice"), 40 C.F.R. §§ 22.7(b) and 22.16(a), the United States Environmental Protection Agency ("Agency" or "EPA"), on March 16, 2005 filed via facsimile (pursuant to the EAB Practice Manual Section II(D)(2)), a Motion for Extension of Time to File Appeal Brief ("Motion"), requesting a forty-five (45) day extension, for reasons laid out therein. EPA also simultaneously sent via facsimile a copy of the Motion to the Respondent-Appellee in this matter, FRM Chem, Inc. ("FRM" or "Respondent").

On March 15, 2005, EPA contacted via telephone Respondent's representative, Raymond Kastendieck, President of FRM, and informed him of the Agency's intent to appeal the matter and that we would be filing the Motion for Extension of Time to File Appeal Brief. During that phone conversation, Mr. Kastendieck voiced no intent to object to EPA's filing the Motion. Accordingly, EPA represented in its Motion that the Agency had contacted the Respondent and that Respondent had voiced no intent to object to the Motion. On March 17, 2005, the morning after faxing its Motion to the EAB and to the Respondent, EPA was contacted by another representative of Respondent, Mr. Karlen Kastendieck, who stated that, due to his poor hearing, Mr. Raymond Kastendieck had misunderstood EPA's March 15 telephone call.

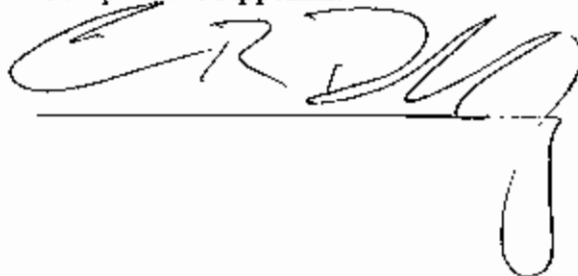
To ensure that the EAB is adequately apprised of Respondent-Appellee's position regarding the Agency's Motion for Extension of Time, EPA has filed this supplement to inform the Board that, based upon the phone conversation with Mr. Karlen Kastendieck on March 17, 2005, Respondent-Appellee may object to the granting of the Agency's Motion for Extension of Time.

EPA maintains that it has demonstrated good cause for its request and that granting its Motion for Extension of Time will not result in any prejudice to Respondent.

Respectfully submitted,

Chris R. Dudding  
Assistant Regional Counsel  
Complainant-Appellant

By:

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OF COUNSEL:

Gary Jonesi  
Ilana Saltzbar  
Carl Eichenwald  
Office of Enforcement and Compliance Assurance

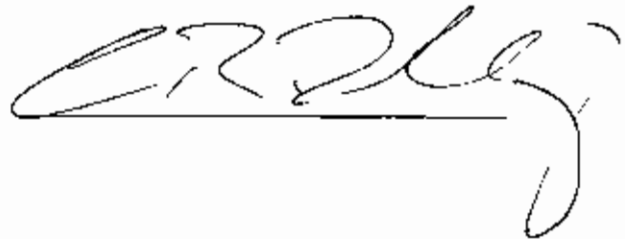
Re: FRM Chem, Inc., a.k.a. Industrial Specialties  
Docket No. FIFRA-07-2004-0041

CERTIFICATE OF SERVICE

I hereby certify that today I sent via facsimile Complainant-Appellant's Motion for Clarification of Record on Appeal and Complainant-Appellant's Supplemental Motion for Extension of Time to File Appeal Brief to the U.S. EPA Environmental Appeals Board and to Respondent, and sent by Federal Express mail the original of the Motion to the U.S. EPA Environmental Appeals Board, and mailed a copy of this document via First-Class Mail to the following:

Raymond E. Kastendieck  
President  
FRM Chem, Inc.  
P.O. Box 207  
50 Hiline Dr.  
Washington, MO 63090

Dated: 3/17/2 2005

A handwritten signature in black ink, appearing to read "R. Kastendieck", written over a horizontal line.