



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

RECEIVED  
U.S. E.P.A.

2007 FEB 27 AM 11:43

ENVIR. APPEALS BOARD

Benjamin D. Fields  
Senior Assistant Regional Counsel

Direct Phone: (215) 814-2629  
Fax: (215) 814-2603  
Mail Code: 3RC30  
E-Mail: fields.ben@epa.gov

February 26, 2007

U.S. Environmental Protection Agency  
Clerk of the Board, Environmental Appeals Board  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

Re: Euclid of Virginia, Inc, RCRA Appeal No. 06-05

Dear Clerk of the Board:

Enclosed for filing is the original of Complainant's Motion for Extension. A copy of this submission has been submitted electronically through the Environmental Appeals Board's CDX system.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin D. Fields".

Benjamin D. Fields  
Senior Assistant Regional Counsel

cc: Thomas F. DeCaro, Jr.

RECEIVED  
U.S. E.P.A.

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

2007 FEB 27 AM 11:43

ENVIR. APPEALS BOARD

In the Matter of: )  
)  
Euclid of Virginia, Inc )  
4225 Connecticut Avenue ) U.S. EPA Docket Number  
Washington, D.C. 20008 ) RCRA-3-2002-0303  
)  
RESPONDENT )

**COMPLAINANT'S MOTION FOR EXTENSION**

Complainant moves the Environmental Appeals Board ("EAB") for an extension of time within which respond to Respondent's Appeal Brief. Respondent's Brief has raised a large number of issues, and Complainant will need additional time to draft its response to such issues and coordinate with various offices within EPA involved in the Agency's practice before the Environmental Appeals Board. In addition, counsel for Complainant is scheduled to take a family vacation during the week of April 1, a vacation which was scheduled and paid for prior to the issuance of the Initial Decision in this matter.


Respondent's Appeal Brief was filed with the EAB on February 14, 2007, and was served upon Complainant by regular mail. Pursuant to 40 C.F.R. §§ 22.7(c) and 22.30(a)(2), Complainant's Response Brief would be due on March 12, 2007 (the Monday after March 11, 2007, which is a Sunday). Complainant respectfully moves for an extension of 40 days, until April 20, 2007. This deadline allows Complainant a total of 65 days in which to respond to Respondent's Appeal Brief, which compares favorably to the total of 97 days allowed to Respondent for the filing of its brief.

In addition, Complainant requests that the requested extension until April 20, 2007 also be applied to the time period during which Complainant may file a cross-appeal pursuant to 40 C.F.R. § 22.30(a)(1). Complainant is not certain at this time if it wishes to cross-appeal, and need additional time to examine the issues raised in Respondent's Appeal Brief to determine the degree to which those issues are intertwined with the issues upon which Complainant is considering such a cross-appeal.

Counsel for Respondent has represented to Complainant that Respondent does not oppose Complainant's request for an extension until April 20, 2007. In the absence of any prejudice to the Respondent, and for good cause as shown above, Complainant respectfully requests it be granted until April 20, 2007 to respond to Respondent's Appeal Brief, file a notice of cross-appeal and file a cross-appeal brief.

Respectfully submitted,

2/26/07  
Date

  
\_\_\_\_\_  
BENJAMIN D. FIELDS  
Senior Assistant Regional Counsel  
A. J. D'ANGELO  
Senior Assistant Regional Counsel

**CERTIFICATE OF SERVICE**

I hereby certify that on the date below I served the original and copies of the attached Complainant's Motion for Extension as follows:

Original via Federal Express, copy  
via CDX Electronic Submission:

U.S. Environmental Protection Agency  
Clerk of the Board, Environmental Appeals Board  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

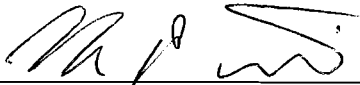
Copy via Hand Delivery:

Lydia Guy, Regional Hearing Clerk  
U.S. Environmental Protection Agency – Region III

Copy via Federal Express:

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

2/26/07  
Date

  
\_\_\_\_\_  
Benjamin D. Fields  
Senior Assistant Regional Counsel