

STAFFORD • PILLER
MURNANE • PLIMPTON
KELLEHER & TROMBLEY
PLLC
ATTORNEYS & COUNSELLORS AT LAW

One Cumberland Avenue P.O. Box 2947 Plattsburgh, NY 12901
ph 518.561.4400 soctlaw.com fax 518.561.4848

Members
Edward J. Trombley

Susanna S. Pillier

Thomas M. Murnane

Thomas W. Plimpton

Jacqueline M. Kelleher

Jessica L. Miller

Senior Attorney
Heather Deare West

Associates
Justin R. Meyer

Meghan E. Zedick

Brendan P. Owens

Of Counsel
Asadourian Law Firm, P.C.
ph. 518.561.7711

July 10, 2013

VIA FEDERAL EXPRESS

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, D.C. 20004

RE: Chase, et al, Respondents
Docket No. RCRA-02-2011-7503

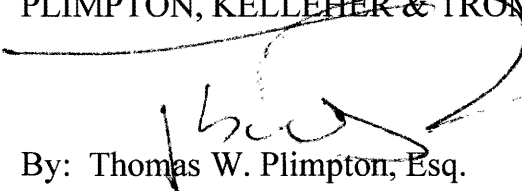
Dear Sir/Madam:

I enclose herewith the original and one copy of the Motion for Extension of Time to File a Notice of Appeal and Breif regarding the above matter.

Thank you for your consideration in this regard.

Very truly yours,

STAFFORD, PILLER, MURNANE,
PLIMPTON, KELLEHER & TROMBLEY, PLLC


By: Thomas W. Plimpton, Esq.

TWP/taf
Enclosure
CC: Lee Spielmann, Esq.

ENVIR. APPEALS BOARD

Ronald B. Stafford
(1935-2005)

JUL 11 AM 10:02

RECEIVED
U.S. E.P.A.

RECEIVED
U.S. E.P.A.

2013 JUL 11 AM 10:03

ENVIR. APPEALS BOARD

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: Andrew B. Chase, a/k/a Andy Chase, Chase Services, Inc., Chase Convenience Stores, Inc., and Chase Commercial Land Development, Inc.,

**MOTION FOR EXTENSION
OF TIME TO FILE NOTICE
APPEAL AND BRIEF**

Respondents.

Docket No. RCRA-02-2011-7503

Proceeding Under Section 9006 of the Solid Waste Disposal Act, as amended.

THOMAS W. PLIMPTON, ESQ., affirms to the Court, under penalty of perjury, the following:

1. I am an attorney duly licensed to practice law in the State of New York, and a member of the firm of Stafford, Piller, Murnane, Plimpton, Kelleher & Trombley, PLLC, and attorney for the Respondents in the above matter. I make this Affirmation in support of Respondents' Motion for Extension of Time to File a Notice of Appeal and Brief.
2. The Respondents, Andrew B. Chase, a/k/a Andy Chase, Chase Services, Inc., Chase Convenience Stores, Inc., and Chase Commercial Land Development, Inc., pursuant to 40 CFR Section 22.7, respectfully request and extension of time for filing their Notice of Appeal and Brief in the above-referenced matter.

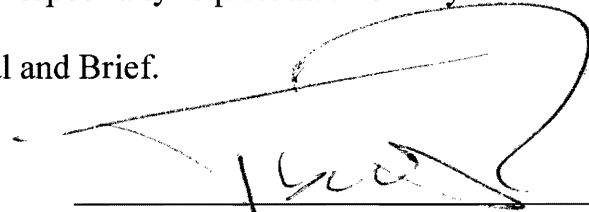
3. The Respondents received the initial Decision of the United States Environmental Protection Agency before the Administrator on June 24, 2013. The Decision is 57 pages long and orders Respondents, among other things, to pay substantial penalties in the aggregate of \$127,069.00.
4. The extensive nature of the Decision, as well as the substantial amount of the penalties will require extensive work and meetings between Respondents and their counsel to discuss all available appeal issues, as well as other strategic matters.
5. I have contacted Lee Spielmann, Esq., attorney for the EPA, and requested that he consent to the extension of time for Respondents to file their Notice of Appeal and Brief. Mr. Spielmann responded via e-mail on July 9, 2013, and graciously agreed to consent to such an extension of time, provided he receives an equal extension of time in which to respond, to which Respondents have no objection and will consent.
6. Respondents believe they will be prejudiced if they have to file their Notice of Appeal and Brief within 30 days of the date that the initial Decision was served. The penalties are substantial, and the issues complex. Without the additional time to prepare, Respondents will not be able to adequately raise all of the appropriate issues and defenses on appeal.
7. There is no prejudice to the EPA in granting the extension of time. As indicated above, Mr. Spielmann has graciously consented to an extension, thus agreeing there is no prejudice to the EPA. Respondents have no objection for

the EPA to receive a like extension of time in which to prepare their responsive papers.

8. It is respectfully requested that Respondents be granted a 30 day extension of time in which to file and serve their Notice of Appeal and Brief.

WHEREFORE, Respondents respectfully request that a 30 day extension of time be granted to file their Notice of Appeal and Brief.

DATED: July 10, 2013.



THOMAS W. PLIMPTON, ESQ.