



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

July 3, 2012

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

Re: Motion for Extension of Time
In the Matter of Munce's Superior Petroleum Products, Inc.
Docket No. CWA-01-2010-0040

Dear Ms. Durr:

Enclosed please find the original and five copies of Complainant's Motion for Extension of Time, filed herewith the U.S. EPA Environmental Appeals Board.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Tonia Bandrowicz", written over a horizontal line.

Tonia Bandrowicz
Senior Enforcement Counsel
Office of Environmental Stewardship
U.S. Environmental Protection Agency
5 Post Office Sq. Suite 100
Mail Code OES 04-3
Boston, MA 02109-3912
617-918-1734
bandrowicz.toni@epa.gov

Enclosures

cc: Wanda Santiago, Regional Hearing Clerk, EPA Region 1
LeAnn Jensen, Regional Judicial Officer, EPA Region 1
Robert J. Keach, Esq.
Jessica A. Lewis, Esq.

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

IN RE:)	
)	EPA Region 1
Munce's Superior Petroleum Products, Inc.)	EPA Docket No.:
620 Main Street)	CWA-01-2010-0040
Gorham, New Hampshire 03581)	
)	
Appellant.)	

**MOTION FOR EXTENSION OF TIME TO FILE A BRIEF IN RESPONSE TO NOTICE
OF APPEAL AND BRIEF IN SUPPORT OF NOTICE OF APPEAL**

Complainant, U.S. Environmental Protection Agency, Region 1 ("EPA" or "Complainant") hereby requests an extension of time to file its Brief in Response to the Notice of Appeal filed by Respondent, Munce's Superior Petroleum Products, Inc. ("MSPPI") and Munce's Superior, Inc. ("MSI") (collectively, "Appellant"), on June 15, 2012, appealing the Order of Regional Judicial Officer LeAnn Jenson (the "RJO") issued on May 17, 2012.

Pursuant to Section 22.30(a)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits, ("Consolidated Rules"), EPA must file its Brief in Response to a Notice of Appeal ("Response Brief") within 20 days of service of that Notice of Appeal. Service of Appellant's Notice of Appeal and Opening Brief was made by commercial delivery service. Pursuant to Section 22.7 of the Consolidated Rules, EPA's Response Brief is due on July 9, 2012.

Because of the complexity and potentially broad impact of the issues raised by Appellant in this appeal, the Complainant requests an extension of time up to and including July 30, 2012 in which to submit its Response Brief. As outlined in Appellant's Opening Brief, the legal

questions presented in this appeal pertain entirely to issues of bankruptcy law, not to issues of environmental law. Thus, EPA requires greater than the standard 20 days to thoroughly respond to Appellant's claims. In addition, the resolution of these issues may have a significant impact on the Agency's administrative enforcement actions and could affect the conduct of its business throughout the nation. For this reason, Complainant needs additional time to coordinate with various offices within EPA Headquarters to construct and present to the Environmental Appeals Board a cohesive response to Appellant's claims.

Furthermore, this request is particularly reasonable given that the Fourth of July holiday will occur within 20 days of EPA receiving service of Appellant's Notice of Appeal and Opening Brief. Moreover, this short delay will not result in any prejudice to Appellant.

Counsel for EPA has discussed this request for extension of time with counsel for Appellant, and counsel for Appellant has represented that Appellant has no objection to EPA receiving the requested extension of time in which to file its Response Brief.

Respectfully submitted,



Tonia Bandrowicz
Senior Enforcement Counsel
Office of Environmental Stewardship
U.S. Environmental Protection Agency
5 Post Office Sq. Suite 100
Mail Code OES 04-3
Boston, MA 02109-3912
617-918-1734
bandrowicz.toni@epa.gov

Dated: July 3, 2012

CERTIFICATE OF SERVICE

I hereby certify that the original and copies of this Motion for Extension of Time were filed in the following manner on July 3, 2012:

Eurika Durr
Clerk of the Board
Environmental Appeals Board
U.S. Environmental Protection Agency
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005 [via overnight mail and electronic submission]

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency Region I
5 Post Office Square
Boston, MA 02109 [hand delivered copy]

LeAnn Jensen
Regional Judicial Officer
U.S. Environmental Protection Agency Region I
5 Post Office Square
Boston, MA 02109 [hand delivered copy]

Robert J. Keach, Esq.
Jessica A. Lewis, Esq.
Bernstein, Shur, Sawyer and Nelson, P.A.
100 Middle Street
West Tower
Portland, ME 04101 [via overnight mail]



Tonia Bandrowicz
Senior Enforcement Counsel
Office of Environmental Stewardship
U.S. Environmental Protection Agency
5 Post Office Sq. Suite 100
Mail Code OES 04-3
Boston, MA 02109-3912
617-918-1734
bandrowicz.toni@epa.gov