

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590 RECEIVED U.S. E.P.A.

2013 DEC 19 AN 11: 20

ENVIR. APPEALS BOARD

REPLY TO THE ATTENTION OF (C-14J)

December 18, 2013

Clerk of the Board U.S. Environmental Protection Agency Environmental Appeals Board 1201 Constitution Avenue, NW WJC East Room 3334 Washington, DC 20004

Re: <u>In the Matter of: Ms. Dessie L. Brumfield d/b/a/ Brumfield Properties, LLC</u> Docket No. TSCA-05-2010-0014.

Dear Clerk of the Board:

Please find enclosed and served upon you for filing Complainant's <u>Motion for 30-Day Extension of</u> <u>Time to File Notice of Appeal and Appellate Brief</u> for this civil administrative action.

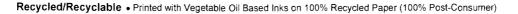
Sincerely.

Jeffery M. Trevino Associate Regional Counsel

Enclosure

cc: Dessie L. Brumfield 5067 North 37th Street Milwaukee, WI 53290

> U.S. EPA, Region 5 Regional Hearing Clerk Office of Regional Hearing Clerk Attention: LaDawn Whitehead 77 W. Jackson Boulevard, 19th Floor Chicago, IL 60604-3590



M. Lisa Buschmann Administrative Law Judge Office of Administrative Law Judges U.S. Environmental Protection Agency Office of Administrative Law Judges Ronald Reagan Building, Room M1200 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20460

BEFORE THE ENVIRONMENTAL APPEALS BOARD U.S. ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C.

))

)

))

)

In the Matter of:

Ms. Dessie L. Brumfield, d/b/a Brumfield Properties, LLC,

Appeal No.

Docket No. TSCA-05-2010-0014,

Respondent.

.

MOTION FOR 30-DAY EXTENSION OF TIME TO FILE NOTICE OF APPEAL AND APPELLATE BRIEF

The Complainant for this civil administrative action, Region 5 of the U.S. Environmental Protection Agency (EPA or the Agency), by and through its attorney, respectfully requests the Environmental Appeals Board ("the Board") grant it an additional thirty (30) days, from the current deadline of January 2, 2014, to the proposed deadline of February 1, 2014, to file with the Board its Notice of Appeal and Appellate Brief, for this civil administrative action, and due to the following facts:

- On December 4, 2013, the Presiding Officer issued to the parties her Initial Decision in this action, resulting in a January 2, 2014 deadline for the parties to file with the Board an appeal of the Initial Decision.
- Complainant seeks additional time in order to coordinate with other offices of EPA due to the potentially nationally-significant issues associated with an appeal of the subject decision and in order to present a unified legal position on behalf of the Agency.

- Due to the current holiday season, many persons at EPA with whom Complainant must coordinate on an appeal are, or soon will be, out of the office until January 6, 2014.
- Complainant argues that this short extension of time will not prejudice the Respondent.
- 5. Due to an unexpected injury, lead EPA counsel for this action will undergo arthroscopic knee surgery on Thursday, December 19, 2013, and will be out of the office for at least several work days.
- The lead EPA counsel for this action also has long-scheduled vacation plans for December 21, 2013 – January 6, 2014.
- 7. Complainant attempted to contact Respondent to determine her agreement or opposition to this Motion. However, her last two known telephone numbers are no longer in service and she has not yet responded to Complainant's attempts to contact her via e-mail.

WHEREFORE, Complainant respectfully requests the Board grant it an additional thirty (30) days, from the current deadline of January 2, 2014, to the proposed deadline of February 1, 2014, to file with the Board its Notice of Appeal and Appellate Brief for this civil administrative action.

Jeffery M. Trevino Associate Regional Counsel Region 5 U.S. Environmental Protection Agency 77 West Jackson Boulevard (C-14J) Chicago, IL 60604 (312) 886-6729 <u>Trevino.jeffery@epa.gov</u>

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the attached MOTION FOR 30-DAY EXTENSION OF TIME TO FILE NOTICE OF APPEAL AND APPELLATE BRIEF in the matter MS. DESSIE L. BRUMFIELD D/B/A BRUMFIELD PROPERTIES, LLC; DOCKET NO. TSCA-05-2010-0014, ______ EAB Appeal No.______, was sent to the Court via Express Mail to the following address:

Clerk of the Board U.S. Environmental Protection Agency Environmental Appeals Board 1201 Constitution Avenue, NW WJC East, Room 3334 Washington, DC 20004

Further, I hereby certify that one copy of the attached MOTION FOR 30-DAY EXTENSION OF TIME TO FILE NOTICE OF APPEAL AND APPELLATE BRIEF in the matter MS. DESSIE L. BRUMFIELD D/B/A BRUMFIELD PROPERTIES, LLC; DOCKET NO. TSCA-05-2010-0014, ______ EAB Appeal No._____, was sent to the Respondent via Express Mail to the following address:

Dessie L. Brumfield 5067 North 37th Street Milwaukee, WI 53290

Further, I hereby certify that one copy of the attached MOTION FOR 30-DAY EXTENSION OF TIME TO FILE NOTICE OF APPEAL AND APPELLATE BRIEF in the matter MS. DESSIE L. BRUMFIELD D/B/A BRUMFIELD PROPERTIES, LLC; DOCKET NO. TSCA-05-2010-0014, ______EAB Appeal No._____, was hand delivered to the Regional Hearing Clerk at the following address:

U.S. EPA, Region 5 Regional Hearing Clerk Office of Regional Hearing Clerk Attention: La Dawn Whitehead 77 W. Jackson Blvd., 19th Floor Chicago, IL 60604-3590 Further, I hereby certify that one copy of the attached MOTION FOR 30-DAY EXTENSION OF TIME TO FILE NOTICE OF APPEAL AND APPELLATE BRIEF in the matter MS. DESSIE L. BRUMFIELD D/B/A BRUMFIELD PROPERTIES, LLC; DOCKET NO. TSCA-05-2010-0014, _____EAB Appeal No.____, was sent to the Presiding Officer via Express Mail at the following address:

M. Lisa Buschmann Administrative Law Judge U.S. Environmental Protection Agency Office of Administrative Law Judges Ronald Reagan Building, Room M1200 1300 Pennsylvania Avenue N.W. Washington, D.C. 20460

y M. Trevino Associate Regional Counsel

18 De 2013 Date