



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

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

Dear Clerk of the Board:

Please find enclosed and served upon you for filing Complainant's Motion for 30-Day Extension of Time to File Notice of Appeal and Appellate Brief 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,)
)
Docket No. TSCA-05-2010-0014,)
)
Respondent.)

_____ Appeal No. _____

**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:

1. 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.
2. 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.

3. 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.
4. 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.
6. 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
Trevino.jeffery@epa.gov

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

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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



Jeffrey M. Trevino
Associate Regional Counsel



Date