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8/31/2012

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

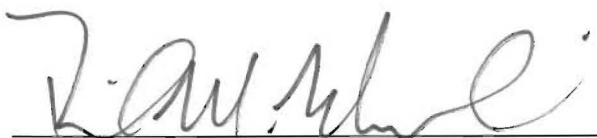
\_\_\_\_\_) )  
In re: ) )  
) )  
Appleton Papers Inc., ) Petition No. CERCLA 106(b) 12-04  
(Lower Fox River and Green Bay Site), ) )  
) )  
Petitioner ) )  
\_\_\_\_\_)

**AGREED MOTION FOR EXTENSION OF TIME**

Respondent, U.S. Environmental Protection Agency, Region 5, by and through its Office of Regional Counsel, hereby moves the Environmental Appeals Board (“Board”) for an extension of time to respond to the deadlines set forth in the Board’s Order for Clarification dated August 16, 2012. The extension of time is necessary so that senior management officials at the Region and EPA Headquarters can be adequately briefed on the issues raised in the Board’s Order. The outcome of these briefings will allow the Region to file a response that fully addresses the issues raised by the Board. Counsel for the Region has discussed the proposed extension of time with counsel for Petitioner, Appleton Papers Inc. (“API”), and API does not object to the proposed extension of time. As set forth in the attached proposed order, the Region respectfully requests that it be given until October 12, 2012, to respond to the Board’s Order for Clarification and API be given until November 1, 2012, to reply to the Region’s response.

Dated this 30<sup>th</sup> day of August, 2012,

Respectfully submitted,

By:   
Richard M. Murawski  
Associate Regional Counsel

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U.S. EPA, Region 5  
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_____	)	
In re:	)	
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Appleton Papers Inc.,	)	Petition No. CERCLA 106(b) 12-04
(Lower Fox River and Green Bay Site),	)	
	)	
Petitioner	)	
	)	
_____	)	

**ORDER GRANTING MOTION FOR EXTENSION OF TIME**

On June 8, 2012, Petitioner, Appleton Papers Inc. (“API”), filed a Petition for Reimbursement of Costs (“Petition”) under Section 106(b) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9606(b). On July 13, 2012, Respondent, U.S. Environmental Protection Agency, Region 5, filed a motion to dismiss the Petition or, in the alternative, stay the proceedings in this matter. API replied to the Region’s motion on August 1, 2012. On August 16, 2012, the Board issued an Order for Clarification which requires the Region to provide a thorough and detailed clarification on certain issues by September 14, 2012. The Order gives API until September 28, 2012 to file a reply.

Having duly considered the Agreed Motion for Extension of Time and for good cause shown, the Board GRANTS the motion. The Region has until October 12, 2012, to file a response to the Board’s August 16, 2012, Order for Clarification and API has until November 1, 2012, to file a reply.

So ordered.

Dated:

Environmental Appeals Board

By: \_\_\_\_\_  
Leslye M. Fraser  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Agreed Motion for Extension of Time in In re Appleton Papers Inc., Petition No. CERCLA 106(b) 12-04, was filed by electronic submission to the Environmental Appeals Board through the Central Data Exchange this 30<sup>th</sup> day of August, 2012.

I hereby certify that copies of the foregoing Agreed Motion for Extension of Time in In re Appleton Papers Inc., Petition No. CERCLA 106(b) 12-04, were served via United Parcel Service on the following persons, this 30<sup>th</sup> day of August, 2012:

Environmental Appeals Board

U.S. Environmental Protection Agency  
Clerk of the Board, Environmental Appeals Board  
Ronald Reagan Building, EPA Mail Room  
1300 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004


Attorney for Petitioner

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August 30, 2012  
Date



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