

BACKGROUND

The Initial Decision in this matter was sent to the parties by regular mail on April 25, 2007. 40 C.F.R. §§ 22.30(a) and 22.7(c) allow a party 30 days, plus an additional 5 days when service is by regular mail, from the date of service of the Initial Decision to appeal an Initial Decision, making Appellant's Notice of Appeal and Brief due no later than May 30, 2007.

COMPLAINANT HAS GOOD CAUSE FOR REQUESTING AN EXTENSION OF TIME

The Presiding Officer's Initial Decision and Preliminary Order focus on an area of law, the "Bevill Amendment" of the Resource Conservation and Recovery Act, 42 U.S.C. § 6921(b), which has a complex regulatory history. Because the Presiding Officer's ruling in this matter is based on his interpretation of statutory language in an area where the Agency has already engaged in formal rulemaking, EPA counsel needs to consult with several different offices within EPA Headquarters and Region III. Consequently, Counsel for Appellant respectfully submits that the important issues raised by the Initial Decision can not be briefed effectively by May 30, 2007.

The EAB has the authority to grant the requested extension of time pursuant to 40 C.F.R. § 22.7(b). Under that subsection, a motion for extension can be granted for good cause shown, after consideration of prejudice to other parties. Appellant submits that the complexity and national significance of the issues raised in this case and the need for coordination among various offices within EPA constitute good cause for the requested extension. Appellant also submits that a 30-day extension of time for the filing of its Notice of Appeal and Brief will not cause prejudice or harm to Respondent in any way. Appellant therefore respectfully requests an extension of 30 days to determine whether to appeal this decision and, if so, to file its Brief in

support of its appeal, making Appellant's Notice of Appeal and Brief due no later than Friday,
June 29, 2007.

RESPECTFULLY SUBMITTED,



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CERTIFICATE OF SERVICE

I hereby certify that on this date the original and one copy of the foregoing Complainant's Motion for Extension of Time in *In the Matter of: Leed Foundry, Inc.*, RCRA/CWA 03-2004-0061, was sent by Federal Express overnight delivery service and by telefax to the Clerk of the Environmental Appeals Board, at the address below. In addition, a copy was sent by Federal Express overnight delivery service and by telefax to each of the other entities listed below and a copy of the Motion was hand delivered to the Regional Hearing Clerk in EPA Region III.

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May 15, 2007
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