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Attorneys for 99 Cents Only Stores

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

IN THE MATTER OF:  
  
99 CENTS ONLY STORES,  
  
Respondent.

Docket No. FIFRA-09-2008-0027

**RESPONDENT'S STATEMENT OF  
NON-OPPOSITION AND REQUEST  
FOR EXTENSION**

Complainant filed a request for extension of the date to file an appeal from the June 24, 2010 decision and order of Chief Administrative Law Judge Susan L. Biro. In that request Complainant correctly recited that Respondent had no opposition to that request.

However, Respondent's "non-opposition" was based on the extension request being mutual and reciprocal so that both Complainant and Respondent would be granted a 30-day extension of time to appeal. Counsel for Complainant and counsel for Respondent, therefore, agreed that the extension request would apply to both Complainant and Respondent.

Respondent, therefore, respectfully requests that the order issued by the Environmental Hearing Board today be amended to apply the 30-day extension of time to appeal to both Complainant and Respondent. This amendment is necessary to implement

the intention of the parties and ensure that Respondent and Complainant are subject to the same appeal deadlines.

DATED: July 26, 2010

Munger, Tolles & Olson LLP  
PATRICK J. CAFFERTY, JR.

By:   
PATRICK J. CAFFERTY, JR.

Attorneys for Respondent 99 Cents Only Stores

**CERTIFICATE OF SERVICE**

I certify that the foregoing Respondent's Statement of Non-Opposition and Request for Extension was filed electronically via the Central Data Exchange with

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board (MC 1103B)  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-00001  
and that a true and correct copy of the said document was sent by First Class

United States Mail, addressed to the following:

Nancy J. Marvel  
Regional Counsel  
Brian P. Riedel  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street (ORC-2)  
San Francisco, CA 94105

and personally served on the Regional Hearing Clerk, Region 9.

Executed on July 26, 2010 at San Francisco, California.

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Dolores L. Reyes