

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION



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August 30, 2004

Mr. Gary E. Harvey
Site Manager
Department of the Army
U.S. Army Garrison
Fort McClellan, AL 36205-5000

Dear Mr. Harvey:

This is to acknowledge receipt of your letter of August 26, 2004, in which the U. S. Army Garrison, under authority of the Base Realignment and Closure (BRAC) Office which oversees Department of Defense Restoration activities, requests a 30 day extension of time to appeal Emergency Administrative Order No. 04-086-EHW issued by the Alabama Department of Environmental Management.

Please be advised that the Environmental Management Commission's Rules of Procedure for Hearing Appeals of Administrative Actions of the Alabama Department of Environmental Management (ADEM), ADEM Admin. Code R. 335-2-1-04, Request for Hearing, contains no provisions for an extension of time to appeal administrative actions of ADEM. Therefore, since no provisions for an extension is authorized under the Commission's rules, the above-referenced 30 day extension of time cannot be granted by the Commission.

Yours truly,

William M. Sanders
dst

William M. Sanders, M.D.
Chairman

WMS/dst

cc/enc: Commission Members

Robert D. Tambling, Esq.

Thomas L. Johnston, Esq.

Ron Levy

MEMBERS:

