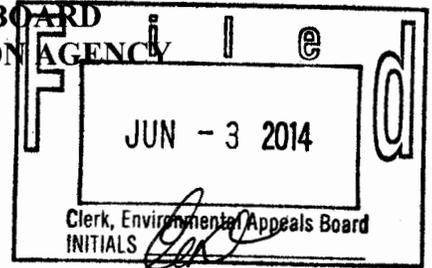


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
James Ikegwu and Martha Ikegwu)
6409 Maple Ave.)
Baltimore)

TSCA Appeal No. 14-01

Docket No. TSCA-03-2011-0217

ORDER GRANTING COMPLAINANT'S MOTION TO
RETURN CASE FILE

On May 25, 2014, the Environmental Appeals Board ("Board") issued an order electing to exercise *sua sponte* review in the above-captioned matter noting concerns raised by the Regional Hearing Clerk about service of the Initial Decision and Default Order ("Default Order") the Regional Judicial Officer ("RJO") for U.S. EPA Region 3 ("Region") issued against James and Martha Ikegwu ("Respondents") for alleged violations of section 409 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a). Order Electing to Exercise Sua Sponte Review (May 25, 2014). Such concerns prompted the Board to give the Regional Hearing Clerk an opportunity to re-serve the Default Order on Respondents. The Board also noted that a formal written request is required in order to send the case file back to the Region. On May 29, 2014, the Region filed a formal written request asking that the case file be returned to the Regional Hearing Clerk so that "service of the April 3, 2014 Default Order can be perfected." Complainant's Motion to Return Case File to Perfect Service of Default Order (May 29, 2014).

Accordingly, the Board grants the Region's request to return the case file to the Regional Hearing Clerk. The Board will hold in abeyance its *sua sponte* authority to allow the Regional Hearing Clerk the opportunity to re-serve, as a courtesy, the Default Order on Respondents.¹ The Region is now required to advise the Board of those efforts within 30 days of issuance of this order. The Board will then decide whether to review the Default Order *sua sponte* on the merits or vacate the order electing *sua sponte* review.

So ordered.²

Dated:

June 3, 2014

ENVIRONMENTAL APPEALS BOARD

By: Kathie A. Stein

Kathie A. Stein

¹ As noted in our Order Electing to Exercise Sua Sponte Review, all orders, rulings, and decisions "shall be served personally, by first class mail (including by certified mail or return receipt requested, Overnight Express and Priority Mail) * * * or any reliable commercial delivery service." 40 C.F.R. § 22.6. Accordingly, service of these documents "is complete upon mailing or when placed in the custody of a reliable commercial delivery service." *Id.* § 22.7(c).

² The three-member panel deciding this matter is comprised of Environmental Appeals Judges Randolph L. Hill, Catherine R. McCabe, and Kathie A. Stein. *See* 40 C.F.R. § 1.25(e)(1).

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Complainant's Motion to Return Case File, in the matter of James Ikegwu and Martha Ikegwu, TSCA Appeal No. 14-01, were sent to the following persons in the manner indicated:

By First Class Mail:

James Ikegwu and Martha Ikegwu
6409 Maple Avenue
Gwynn Oak,
Baltimore, Maryland 21207

Dr. James Ikegwu LPC
650 Pennsylvania Ave.
Suite C-120
Washington DC 20003

James Ikegwu and Martha Ikegwu
601 Dumbarton Ave.
Baltimore, MD 21218-1229

By Pouch Mail:

Rodney Travis Carter
Senior Assistant Regional Counsel
U.S. EPA Region 3 (MC 3RC50)
1650 Arch Street
Philadelphia, PA 19103-2029

Lydia Guy
Regional Hearing Clerk
U.S. EPA Region 3 (MC 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

Dated: JUN - 3 2014


Annette Duncan
Secretary