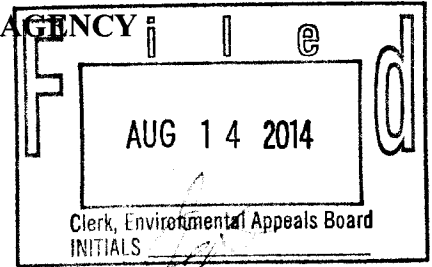


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)
James Ikegwu and Martha Ikegwu)
6409 Maple Ave.)
Baltimore)
)
)
Docket No. TSCA-03-2011-0217)

TSCA Appeal No. 14-01

ORDER VACATING ORDER ELECTING SUA SPONTE REVIEW

On May 25, 2014, the Environmental Appeals Board (“Board”) issued an order electing to exercise *sua sponte* review in the above-captioned matter. The Order noted concerns the Regional Hearing Clerk raised 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). As a result, the Board gave the Regional Hearing Clerk an opportunity to re-serve the Default Order on Respondents.

On July 2, 2014, the Region filed a status report noting the Regional Hearing Clerk’s efforts to re-serve the Default Order. Complainant’s Status Report Regarding Service of Default Order (July 2, 2014). The Regional Hearing Clerk utilized the United Parcel Service (UPS) to effectuate service. According to the status report, UPS attempted delivery of the Default Order at four of the addresses associated with Respondents, including their last known residence. *Id.* at 3.

The Board has examined the Default Order and other documents in the record of this case

and has decided to vacate its order electing to exercise *sua sponte* review. Accordingly, and pursuant to 40 C.F.R. § 22.27(c), the Default Order will become a final order 45 days after service of this order.

So ordered.¹

Dated: *August 14, 2014*

ENVIRONMENTAL APPEALS BOARD

By: *Kathie A. Stein*

Kathie A. Stein

¹ 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 Vacating Order Electing to Exercise Sua Sponte Review, 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 Certified Mail/Return Receipt Requested:

James Ikegwu and Martha Ikegwu
6409 Maple Avenue
Gwynn Oak,
Baltimore, MD 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


James Ikegwu and Martha Ikegwu
5800 Greenhill Ave.
Baltimore, MD 21216

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: **AUG 14 2014**


Annette Duncan
Secretary