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BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

2007 OCT 15 PM 1:37

IN THE MATTER OF:)
)
Zaclon, Incorporated;)
Zaclon, LLC;)
Independence Land)
Development Company;)
2981 Independence Road)
Cleveland, Ohio 44115)
EPA ID No. OHD 004 184 768)
)
Respondents)
)
DOCKET No. RCRA-05-2004-0019)
_____)

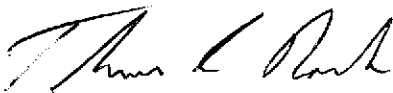
ENVIR. APPEALS BOARD

**Notice to the Board and Respondent that Complainant
Has Decided not to File a Notice of Appeal of the Initial Decision in this Matter**

On August 21, 2007, the Environmental Appeals Board granted a second extension of time to Complainant herein, in order that Region 5, and other relevant offices within U.S. EPA, including the Office of Enforcement and Compliance Assurance and the Office of Solid Waste, could continue and complete a process of consultation to determine whether or not to file a Notice of Appeal of the Initial Decision in this matter. The effect of the Board's Order was to stay the deadline by which the Initial Decision became a Final Order, giving either Complainant or Zaclon an opportunity to file notices of appeals and appellate briefs by October 24, 2007.

We now wish to inform the Board that, after careful consideration, U.S. EPA's Offices have reached consensus on a decision not to file an appeal in this matter. A copy of this Notice is being provided to Respondents' Counsel, as noted in the attached Certificate of Service.

Respectfully submitted,



Thomas C. Nash
Associate Regional Counsel

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter of Zaclon, Incorporated; Zaclon, LLC; Independence Land Development Company; 2981 Independence Road Cleveland, Ohio 44115 EPA ID No. OHD 004 184 768
Docket No. RCRA-05-2004-0019**

CERTIFICATE OF FILING AND SERVICE

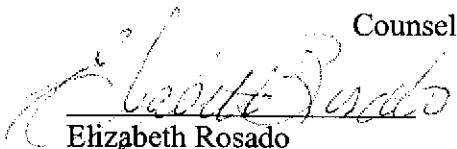
I hereby certify that on October 4, 2007, the attached **Notice that Complainant Has Decided not to File a Notice of Appeal of the Initial Decision in this Matter** was sent by pouch mail for filing to:

U.S. Environmental Protection Agency
Attention: Ms. Eurika Durr
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001
Fax: 202-233-0121

I certify further that on October 4, 2007, I arranged for the attached **Notice that Complainant Has Decided not to File a Notice of Appeal of the Initial Decision in this Matter** to be sent by certified mail to:

Mr. Martin H. Lewis
Tucker, Ellis & West LLP
1150 Huntington Building
925 Euclid Avenue
Cleveland, OH 44115-1475
Phone: 216-696-5657
Fax: 216-592-5009
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Counsel for Zaclon, LLC


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U.S. Environmental Protection
Agency (C-14J)
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fax: (312) 886-7160

date 10/4/2007