

ORIGINAL

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5 Attorneys for Respondent  
LISTON BRICK COMPANY OF CORONA, INC.

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2008 JAN 16 AM 10:15

ENVIR. APPEALS BOARD

6  
7 IN THE APPEALS BOARD FOR THE  
8 ENVIRONMENTAL PROTECTION AGENCY

9  
10 IN RE: )  
11 LISTON BRICK COMPANY OF CORONA )  
3710 Temescal Canyon Road )  
12 Corona, California 92882 )  
13 )  
14 Respondent. )

Docket No. CAA-09-2005-0018

**NOTICE OF APPEAL  
[CONCURRENTLY FILED WITH  
MOTION FOR EXTENSION OF TIME  
TO FILE APPELLATE BRIEF]**

15  
16 Now comes Respondent/Appellant, Liston Brick Company, and hereby provides notice of  
17 its intent to appeal the initial decision of the United States Environmental Protection Agency that  
18 assessed a civil administrative penalty of \$116,402 against Liston Brick Company on December  
19 18, 2007. The basis of the appeal is, without limitation, the calculation of the penalty assessed.  
20 However, Appellant Liston Brick reserves its right to raise additional issues on appeal as  
21 addressed by the initial decision. This notice is being provided within the thirty (30) days of  
22 service as provided in 40 C.F.R. 22.30. Additionally, this notice is being served concurrently  
23 with Respondent's Motion for Extension of Time to File Appellate Brief, filed pursuant to 40  
24 C.F.R. 22.7.

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1 Executed this 15<sup>th</sup> day of January, 2008.

2 Respectfully Submitted,

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5 Erika D. Bailey Drake, Esq.  
6 of VARNER & BRANDT, LLP

7 **CERTIFICATE OF SERVICE**

8 I hereby certify that the original and copy of the foregoing **Notice of Appeal**  
9 **[Concurrently filed with Motion for Extension of Time to File Appellate Brief]** was mailed  
10 via Federal Express Priority Mail to the Environmental Appeals Board pursuant to 40 C.F.R. §  
11 22.30 and that one copy of the same was sent via Federal Express Priority Overnight to:

12 Clerk of the Board, Environmental Appeals Board  
13 United States Environmental Protection Agency  
14 1341 G. Street, N.W., Suite 600  
15 Washington, D.C. 20005

16 Environmental Protection Agency  
17 Regional Hearing Clerk, Ninth Region  
18 ATTN: DANIELLE E. CARR  
19 75 Hawthorne Street  
20 San Francisco, CA 94105

21 Hon. Barbara A. Gunning  
22 Office of Administrative Law Judges  
23 U.S. Environmental Protection Agency  
24 1200 Pennsylvania Avenue, N.W.  
25 Mail Code 1900L  
26 Washington, D.C. 20460

27 Daniel Reich, Esq.  
28 Office of Regional Counsel  
U.S. EPA, Ninth Region  
75 Hawthorne Street  
San Francisco, CA 94105

29 Date: January 15, 2008

30   
31 Varnier & Brandt, LLP

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ENVIR. APPEALS BOARD

5 Attorneys for Respondent  
LISTON BRICK COMPANY OF CORONA, INC.

6  
7 IN THE APPEALS BOARD FOR THE  
8 ENVIRONMENTAL PROTECTION AGENCY

9  
10 IN RE: ) Docket No. CAA-09-2005-0018  
11 LISTON BRICK COMPANY OF CORONA )  
3710 Temescal Canyon Road ) **MOTION FOR EXTENSION OF TIME**  
12 Corona, California 92882 ) **TO FILE APPELLATE BRIEF**  
13 )  
14 Respondent. )

15  
16 Now comes Respondent/Appellant, Liston Brick Company, by and through its counsel,  
17 and moves this Honorable Board for an order granting an extension of time to file appellate brief  
18 pursuant to 40 C.F.R. 22.7 (b). Specifically, Respondent respectfully requests an additional thirty  
19 (30) days from the date the notice of appeal is due to file its appellate brief. This request is made  
20 with good cause, in order to review the record and prepare the corresponding brief, an additional  
21 thirty days is hereby respectfully requested. Appellant represents there is no prejudice to any  
22 opposing party, as this request is not made to interject delay, or with the intent to harass or injure  
23 any party. See In re B Wrecking and Excavating, Inc. (EAB 1992) 4 E.A.D. 16, as cited within  
24 The EAB Practice Manual.

25 DATED: January 15, 2008  
26  
27 Respectfully Submitted,  
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Erika D. Bailey Drake, Esq.  
of VARNER & BRANDT, LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that the original and copy of the foregoing **Motion for Extension of Time to File Appellate Brief** was mailed via Federal Express Priority Mail to the Environmental Appeals Board pursuant to 40 C.F.R. § 22.30 and that one copy of the same was sent via Federal Express Priority Overnight to:

Clerk of the Board, Environmental Appeals Board  
United States Environmental Protection Agency  
1341 G. Street, N.W., Suite 600  
Washington, D.C. 20005

Environmental Protection Agency  
Regional Hearing Clerk, Ninth Region  
ATTN: DANIELLE E. CARR  
75 Hawthorne Street  
San Francisco, CA 94105

Hon. Barbara A. Gunning  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Mail Code 1900L  
Washington, D.C. 20460

Daniel Reich, Esq.  
Office of Regional Counsel  
U.S. EPA, Ninth Region  
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Date: January 15, 2008

  
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Varner & Brandt, LLP