

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

In re:)	
)	
)	TSCA APPEAL (11)-5
Willie P. Burrell and)	
The Willie P. Burrell Trust,)	
)	
Respondents below,)	
)	
Docket No. TSCA-05-2006-0012)	
)	
)	

NOTICE OF APPEAL

Appellants, Willie P. Burrell and The Willie P. Burrell Trust, pursuant to 40 C.F.R. Part 22, seek review of a Default Order and Initial Decision of the Presiding Officer, the Hon. Marcy A. Toney, issued on November 23, 2011, assessing a civil penalty in the amount of \$89,430.00, for six (6) alleged violations of Section 1018 of the Residential Lead Based Paint Hazard Reduction Act of 1992, 40 U.S.C. §§ 4851 et. seq.

ISSUES ON APPEAL

1. Whether appellants are entitled to relief from a default order for failure to timely file their answer when the government waited over 4 and one-half years to seek a default order.

2. Whether appellants are entitled to relief from a default

order when their attorney was grossly negligent and disappeared prior to filing appellants' answer.

3. Whether appellants demonstrated meritorious defenses and mitigating factors to the complaint.

4. Whether the \$89,430.00 civil penalty levied against the appellants exceeded their legal liability.

Respectfully submitted,

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Date

CERTIFICATE OF SERVICE

Appellants, Willie P. Burrell and The Willie Burrell Trust hereby certify that this **NOTICE OF APPEAL**, in the above-captioned matter was served upon the following, by U.S. Mail, postage pre-paid, this 28th day of December 2011, to:

The Environmental Appeals Board
[(Clerk of the Board) (Mail Code 1103B)]
United States Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

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