

UNITED STATES PROTECTION AGENCY
BEFORE THE ENVIRONMENTAL APPEALS BOARD

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ENVIR. APPEALS BOARD

In the Matter of:) FIFRA Appeal No.: 06-(02)
)
Rhee Bros., Inc.)
9505 Berger Road)
Columbia, MD 21046)
)
Docket No.: FIFRA-03-2005-0028)

JOINT STIPULATION ON PENALTY AMOUNT

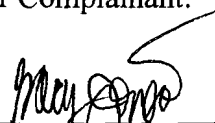
Rhee Bros., Inc. and the United States Environmental Protection Agency, Region III ("EPA" or "Complainant-Appellant"), while taking no position as to the appropriateness of the \$235,290 civil penalty assessed in Administrative Law Judge Susan L. Biro's Initial Decision, In the Matter of Rhee Bros., Inc. (Docket No. FIFRA-03-2005-0028), dated September 19, 2006, have conferred and agree that a stipulation as to the penalty portion of the Initial Decision is in each of their best interests, as well as in the interest of judicial economy. Accordingly, the parties, without reservation, hereby agree and stipulate to, and request the approval of, a total penalty of \$235,290 which Respondent has agreed to pay within 30 days after the Environmental Appeals Board files a Final Order in this matter.

Given this stipulation, Rhee Bros., Inc. anticipates that it will not file a substantive response to EPA's appeal brief. Nevertheless, Rhee Bros., Inc. desires to preserve its rights to participate fully in this appeal should the Board be disinclined to honor the stipulation in its Final Order. Should the Board be so disinclined, the parties jointly request that the Board notify the parties in sufficient time to allow Rhee Bros., Inc. to file a substantive response to EPA's appeal brief. If the normal time for filing such a response brief has

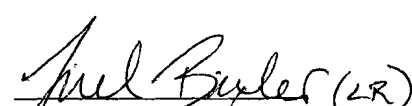
passed, the parties jointly request that the Board grant leave to Rhee Bros., Inc. to file such a response brief.

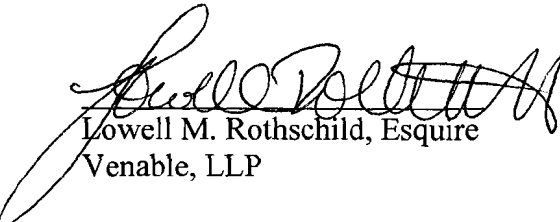
So agree and stipulated this 16 day of November, 2006.

For Complainant:


for Jennifer M. Abramson
Assistant Regional Counsel
U.S. EPA, Region III

For Respondent:


Neil J. Bixler, Esquire (LR)
Bae & Bixler, LLC


Lowell M. Rothschild, Esquire
Venable, LLP

CERTIFICATE OF SERVICE

I certify that the original and five copies of the foregoing Joint Stipulation on Penalty Amount was hand delivered to:

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

and that a true and correct copy of the said document was sent by First Class United States Mail, addressed to the following:

Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges, Mail Code 1900L
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Jennifer M. Abramson, Asst. Regional Counsel
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Dated: 11/20/06

By: 

Gary A. Jones
Office of Civil Enforcement (2241-A)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460