

BEFORE THE ENVIRONMENTAL APPEALS BOARD
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. U.S. E.P.A.

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In the Matter of:

John P. Vidiksis

Appellant.

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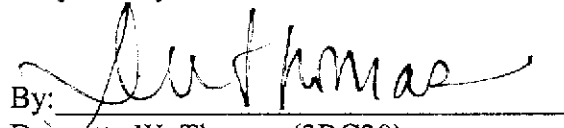
ENVI. APPEALS BOARD
Docket No.: TSCA-03-2005-0266
Appeal No.: TSCA 07-02

EPA, REGION III'S RESPONSE TO APPELLANT'S
NOTICE OF APPEAL AND MOTIONS

The U.S. Environmental Protection Agency, Region III (the "Region") does not oppose John P. Vidiksis's ("Appellant") request for an extension of time to file his appellate brief. Likewise, after reviewing Appellant's Brief, the Region may move for an appropriate extension of time to file its Responsive Brief. Further, Appellant's alternative request that the case be remanded to the Presiding Officer for certification of the record is without merit and should be denied¹.

Respectfully submitted,

Date: 11/20/07

By: 

Donzetta W. Thomas (3RC30)
Counsel for Appellee
EPA, Region III
1650 Arch Street
Philadelphia, PA 19103
(215) 814-2474

¹Contrary to Appellant's argument that the Presiding Officer did not rule on his Opposition to the consideration of the Region's Motion to Strike the affidavit of Leanna Beam, the Presiding Officer did in fact make such a determination. Specifically, in footnote 18 of the Initial Decision, the Presiding Officer discussed both the Region's Motion to Strike and Appellant's Opposition Letter, filed in response thereto. The Presiding Officer opined, "[a]s the Court has determined that, on this record, it was established that the EPA Pamphlet on lead poisoning prevention was provided to each tenant, the skirmish surrounding the Beam affidavit is now moot." Initial Decision at 9 - 10 (fn18).

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on the date provided below, I served the Environmental Protection Agency, Region III's Response to Appellant's Notice of Appeal and Motions in the above-captioned matter on the following persons in the manner set forth below:

Original and One Copy by FedEx Overnight Mail:

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

One Copy by FedEx Overnight Mail:

Keith Onsdorff
225 Windsor Avenue
Haddonfield, NJ 08033

One Copy by Pouch Mail:

Honorable William B. Moran
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mailcode 1900L
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

One Copy by Hand-Delivery:

Lydia Guy

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region III

1650 Arch Street

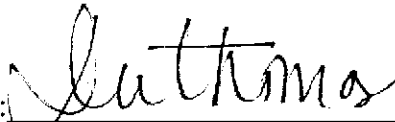
Philadelphia, PA 19103

Respectfully submitted,

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Donzetta W. Thomas (3RC30)

Counsel for Appellee

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