

ORIGINAL

1 Brendan W. Brandt, California Bar No. 150603
Erika Bailey Drake, California Bar No. 248034
2 **VARNER & BRANDT LLP**
3750 University Avenue, Suite 610
3 Riverside, CA 92501
(951) 274-7777

RECEIVED
U.S. E.P.A.

2008 MAR 13 AM 10:28

ENVIR. APPEALS BOARD

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

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)
Respondent.)
14

Docket No. CAA-09-2005-0018

**RESPONDENT'S MOTION TO
WITHDRAW APPEAL**

15
16 **TO ALL PARTIES AND THEIR COUNSEL:**

17 Now comes Respondent, Liston Brick Company of Corona and files this motion to
18 withdraw its appeal in accordance with the Order Requiring Response filed on February 29, 2008.
19 This motion to withdraw its appeal is being submitted concurrently with Respondent's response
20 to the non-opposition submitted by the EPA.

21 DATED: March 12, 2008

Respectfully Submitted,

22
23 
24 Erika D. Bailey Drake, Esq.
of VARNER & BRANDT, LLP
25
26
27
28

1 CERTIFICATE OF SERVICE

2 I hereby certify that the original and copy of the foregoing **RESPONDENT'S MOTION**
3 **TO WITHDRAW APPEAL** was mailed via Federal Express Priority Mail to the Environmental
4 Appeals Board pursuant to 40 C.F.R. § 22.30 and that one copy of the same was sent via Federal
5 Express Priority Overnight to:

6 Clerk of the Board, Environmental Appeals Board
7 United States Environmental Protection Agency
8 1341 G. Street, N.W., Suite 600
9 Washington, D.C. 20005

10 Environmental Protection Agency
11 Regional Hearing Clerk, Ninth Region
12 ATTN: DANIELLE E. CARR
13 75 Hawthorne Street
14 San Francisco, CA 94105

15 Hon. Barbara A. Gunning
16 Office of Administrative Law Judges
17 U.S. Environmental Protection Agency
18 1200 Pennsylvania Avenue, N.W.
19 Mail Code 1900L
20 Washington, D.C. 20460

21 Daniel Reich, Esq.
22 Office of Regional Counsel
23 U.S. EPA, Ninth Region
24 75 Hawthorne Street
25 San Francisco, CA 94105

26 Date: March 12, 2008

27 
28 _____
Varner & Brandt, LLP

ORIGINAL

1 Brendan W. Brandt, California Bar No. 150603
Erika Bailey Drake, California Bar No. 248034
2 **VARNER & BRANDT LLP**
3750 University Avenue, Suite 610
3 Riverside, CA 92501
(951) 274-7777

RECEIVED
U.S. E.P.A.
2008 MAR 13 AM 10: 29
ENVIR. APPEALS BOARD

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

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
**RESPONDENT'S RESPONSE TO
REGION'S NON-OPPOSITION**

15
16 **TO ALL PARTIES AND THEIR COUNSEL:**

17 Now comes Respondent, Liston Brick Company of Corona and submits that it concurs
18 with the Region's Non-Opposition. The parties are in agreement regarding the amount of the
19 penalty and seek a final order. This response is being filed simultaneously with the Respondent's
20 Motion to Withdraw Appeal pursuant to the Order Requiring Response.

21 DATED: March 12, 2008

Respectfully Submitted,

22
23 
24 Erika D. Bailey Drake, Esq.
of VARNER & BRANDT, LLP
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the original and copy of the foregoing **RESPONDENT'S**
3 **RESPONSE TO REGION'S NON-OPPOSITION** was mailed via Federal Express Priority
4 Mail to the Environmental Appeals Board pursuant to 40 C.F.R. § 22.30 and that one copy of the
5 same was sent via Federal Express Priority Overnight to:

6 Clerk of the Board, Environmental Appeals Board
7 United States Environmental Protection Agency
8 1341 G. Street, N.W., Suite 600
9 Washington, D.C. 20005

10 Environmental Protection Agency
11 Regional Hearing Clerk, Ninth Region
12 ATTN: DANIELLE E. CARR
13 75 Hawthorne Street
14 San Francisco, CA 94105

15 Hon. Barbara A. Gunning
16 Office of Administrative Law Judges
17 U.S. Environmental Protection Agency
18 1200 Pennsylvania Avenue, N.W.
19 Mail Code 1900L
20 Washington, D.C. 20460

21 Daniel Reich, Esq.
22 Office of Regional Counsel
23 U.S. EPA, Ninth Region
24 75 Hawthorne Street
25 San Francisco, CA 94105

26 Date: March 12, 2008

27 
28 _____
Varner & Brandt, LLP