



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

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ENVIR. APPEALS BOARD

VIA FEDERAL EXPRESS

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

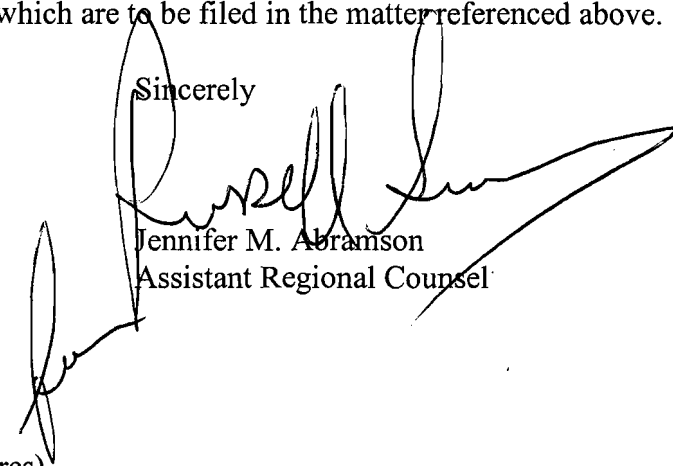
OCT 11 2006

Re: FIFRA Appeal No.: 06-(02)
Docket No.: FIFRA-03-2005-0028

To whom it may concern:

Enclosed please find originals and five copies of COMPLAINANT-APPELLANT'S NOTICE OF APPEAL and COMPLAINANT-APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE APPEAL BRIEF which are to be filed in the matter referenced above.

Sincerely


Jennifer M. Abramson
Assistant Regional Counsel

Enclosures

cc: Neil J. Bixler (w/o enclosures)
Lowell M. Rothschild (w/o enclosures)



**UNITED STATES PROTECTION AGENCY
BEFORE THE ENVIRONMENTAL 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)	

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below, originals and five copies of both of the foregoing COMPLAINANT-APPELLANT'S NOTICE OF APPEAL and COMPLAINANT-APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE APPEAL BRIEF in the matter of Rhee Bros, Inc., FIFRA Appeal No. 06-(02) were sent via FEDERAL EXPRESS to the Clerk of the Board, Colorado Building, 1341 G Street, NW, Suite 600, Washington, D.C. 20005, and that true and correct copies were sent to the following persons in the following manner:

HAND DELIVERY

Lydia A. Guy
Regional Hearing Clerk

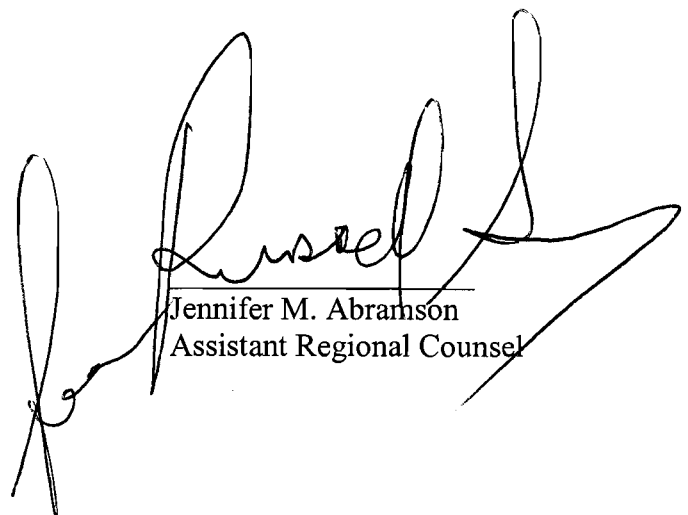
FEDERAL EXPRESS

Neil J. Bixler, esquire
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Lowell M. Rothschild, Esquire
Venable, LLP
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Washington, DC 20004-1601

Chief Administrative Law Judge Susan L. Biro
U.S. Environmental Protection Agency
Office of Administrative law Judges
Franklin Court, Suite 350
1099 14th Street, NW
Washington, DC 20005

10/11/06
Date



Jennifer M. Abramson
Assistant Regional Counsel

**UNITED STATES PROTECTION AGENCY
BEFORE THE ENVIRONMENTAL APPEALS BOARD**

In the Matter of:

Rhee Bros., Inc.
9505 Berger Road
Columbia, MD 21046

Docket No.: FIFRA-03-2005-0028

) FIFRA Appeal No.: 06-(02)

) COMPLAINANT-APPELLANT'S
) NOTICE OF APPEAL
)
)
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ENVIR. APPEALS BOARD

NOTICE OF APPEAL

1. Pursuant to Section 22.30(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. § 22.30(a), the United States Environmental Protection Agency ("EPA" or "Complainant-Appellant"), files this Notice of Appeal of the penalty assessment methodology employed by Chief Administrative Law Judge Susan L. Biro in her Initial Decision, In the Matter of Rhee Bros., Inc. (Docket No. FIFRA-03-2005-0028), dated September 19, 2006 ("Rhee Initial Decision").

2. The Rhee Initial Decision was served on the undersigned attorney for Complainant-Appellant on September 19, 2006 by Facsimile and Pouch Mail. Section 22.30(a) of the Consolidated Rules of Practice requires parties to file Notices of Appeal and accompanying appellate briefs with the Environmental Appeals Board with 30 days after the Initial Decision is served. Concurrent with the filing of this Notice of Appeal, EPA is filing a motion for an extension of time to file its appeal brief.

Respectfully Submitted,



Jennifer M. Abramson
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Of Counsel:

Gary Jones