



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

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NOTES/COMMENTS: In Re John P. Viduksis, TSCA 07-02

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

In the Matter of  
John P. Vidiksis

Appellant.

Appeal No.: TSCA 07-02

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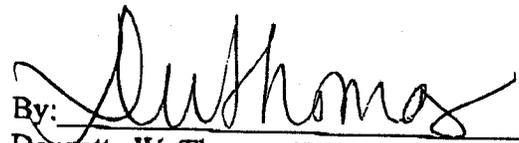
EPA, REGION III'S RESPONSE TO  
MOTION TO STAY FINAL DECISION

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The U.S. Environmental Protection Agency, Region III (the "Region") hereby responds to John P. Vidiksis's ("Appellant") Motion to Stay the Final Decision and Order of the Environmental Appeal Board ("EAB"). Mr. Vidiksis states that "[s]hould the E.A.B. not issue a Stay of its Final Decision and Order, Appellant could be made to defend an EPA trial court collection simultaneously with his prosecution of the appeal now pending in the Circuit Court of Appeals." This scenario contemplated by Appellant is precluded under Section 16(a)(4) of the Toxic Substances and Control Act ("TSCA"), 15 U.S.C.A. §2615(a)(4)<sup>1</sup>. Accordingly, the potential harm proffered by Appellant is nonexistent and the EAB does not need to take any additional action in order to preserve Appellant's statutory right to judicial review of the April 22, 2009 Final Decision. *See In Re John P. Vidiksis*, TSCA Appeal No. 07-02 (EAB April 22, 2009).

Respectfully submitted,

Date: 6/5/09

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

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<sup>1</sup> The Attorney General may recover the amount assessed plus interest after the 11th Circuit has entered a final judgment in favor of the Agency. *See* Section 16(a)(4)(B) of TSCA, 15 U.S.C.A. §2615(a)(4)(B).

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

In the Matter of:

John P. Vidiksis

Appellant.

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Appeal No.: TSCA 07-02

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 Motion To Stay Final Decision, in the above-captioned matter on the following persons in the manner set forth below:

**by facsimile and Pouch Mail:**

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

**by First Class Mail:**

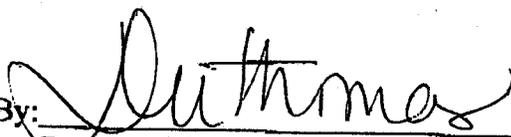
Keith Onsdorff  
225 Windsor Avenue  
Haddonfield, NJ 08033

**by Hand-Delivery:**

Lydia Guy, Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103

Respectfully submitted,

Date: 6/5/09

By: 

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