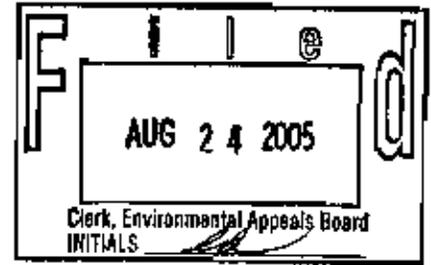


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



\_\_\_\_\_  
In re: \_\_\_\_\_ )  
Four Strong Builders, Inc. \_\_\_\_\_ )  
\_\_\_\_\_  
Docket No. CAA-03-2004-0400 \_\_\_\_\_ )  
\_\_\_\_\_ )

CAA Appeal No. 05-02

**ORDER DIRECTING RESPONDENT TO SERVE NOTICE OF APPEAL AND APPEAL BRIEF UPON COMPLAINANT**

On August 4, 2005, Appellant Four Strong Builders, Inc. ("FSBI"), filed a Notice of Appeal and Appeal Brief with the Environmental Appeals Board ("EAB") in the above-captioned proceeding. The Certificate of Service accompanying FSBI's appeal, however, does not indicate that FSBI served its appeal upon Complainant Region 3 ("Complainant" or "Region") in accordance with the Consolidated Rules of Practice, 40 C.F.R. part 22 ("CROP"), that govern this proceeding.

The CROP provides that parties filing appeals with the EAB "shall \* \* \* serve one copy of the notice and brief upon *all other parties* and non-party participants." 40 C.F.R. § 22.30(a)(1) (emphasis added). The Certificate of Service attached to FSBI's appeal does certify that FSBI served its appeal upon the EAB, the Presiding Officer, and the Regional Hearing Clerk, as elsewhere provided by the CROP, but does not certify that FSBI also effected service upon the Complainant.

If FSBI did serve Complainant, a corrected Certificate of Service should be filed with the EAB. If not, FSBI is hereby directed to serve a copy of its Notice of Appeal and Appeal

Brief upon the Region along with a certificate of service. FSBI is also directed to send to the Clerk of the EAB a copy of the certificate of service reflecting service of the Notice of Appeal and Appeal Brief upon the Region. The Region will have twenty days from the date of service of FSBI's Notice of Appeal and Appeal Brief to file a responsive brief and/or its own notice of appeal. *See* 40 C.F.R. § 22.30(a)(1) and (2).

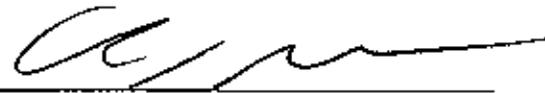
So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: \_\_\_\_\_

8/24/05

By: \_\_\_\_\_



Edward E. Reich  
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Directing Appellant to Serve Notice of Appeal and Appeal Brief Upon Complainant in the matter of Four Strong Builders, Inc., CAA Appeal No. 05-02, were sent to the following persons in the manner indicated:

By First Class Mail and Facsimile:

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Lydia A. Guy  
Regional Hearing Clerk  
U.S. EPA Region 3  
1650 Arch Street  
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Date: AUG 24 2005

  
Annette Duncan  
Secretary