

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101

07 MAY 18 AM 9:41
ENVIRONMENTAL PROTECTION
AGENCY REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
University of Kansas Medical Center,)
Respondent.)
Proceedings Under Section 3008(a) and (g))
of the Resource Conservation and Recovery)
Act as amended, 42 U.S.C. 6928(a) and (g))
REPLY PREHEARING EXCHANGE
Docket No. RCRA-07-2006-0261

UNIVERSITY OF KANSAS MEDICAL CENTER'S REPLY PREHEARING EXCHANGE

Pursuant to the Prehearing Scheduling Order issued on March 17, 2007, as modified by the Order Granting Motions to Amend Complaint and Answer issued on April 20, 2007, and in accordance with the requirements of 40 C.F.R. §22.19, Respondent, University of Kansas Medical Center, ("KUMC") respectfully submits the following Reply Prehearing Exchange. This Reply Prehearing Exchange includes an additional fact witness and is in addition to KUMC's Prehearing Exchange submitted on April 13, 2007. The additional fact witness is necessary to respond to new allegations by EPA in Paragraph 11 of its Amended Complaint, dated April 12, 2007.

I. Respondent's Additional Fact Witness

1. Mr. Mike Smethers, Hospital Maintenance Supervisor

On March 15-17, 2006, Mr. Smethers had overall responsibility for the chemicals and items in the Hospital Maintenance Storage Room. Mr. Smethers will testify regarding the use and disposal of those chemicals and items.

2. KUMC reserves the right to call all witnesses named by Complainant.

Respondent further reserves the right to submit names of additional witnesses and to submit

additional exhibits before the hearing of this matter, upon timely notice to the Administrative Law Judge and the Complainant.

Respectfully submitted,

SPENCER FANE BRITT & BROWNE LLP

Date: 5/17/07

Michael P. Comodeca

Michael P. Comodeca Mo. Bar #52538
9401 Indian Creek Parkway, Suite 700
Overland Park, KS 66210-2005
Telephone: (913) 345-8100
Facsimile: (913) 345-0736

Sara S. Hertz (NPC)

Sara S. Hertz Mo. Bar #56863
1000 Walnut Street, Suite 1400
Kansas City, MO 64106
Telephone: (816) 474-8100
Facsimile: (913) 474-3216

**ATTORNEYS FOR RESPONDENT –
UNIVERSITY OF KANSAS MEDICAL
CENTER**

I hereby certify that on this 17th day of May 2007, a copy of this document was served by U.S. Mail (postage pre-paid) and/or by commercial delivery, upon:

Susan Biro (**via commercial delivery – FedEx**)
Administrative Law Judge
(202) 564-6281 or 564-6255
United States Environmental Protection Agency
Mail Code 1900L/Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Kathy Robinson (**via commercial delivery – FedEx**)
Regional Hearing Clerk
United States Environmental Protection Agency
Region VII
901 North 5th Street
Kansas City, KS 66101

Alex Chen, Esq. (**via U.S. Mail**)
Office of Regional Counsel
United States Environmental Protection Agency
Region VII
901 North 5th Street
Kansas City, KS 66101

Donald Toensing, Chief (**via U.S. Mail**)
RCRA Enforcement and State Programs Branch
United States Environmental Protection Agency
Region VII
901 North 5th Street
Kansas City, KS 66101



**ATTORNEY FOR RESPONDENT -
UNIVERSITY OF KANSAS MEDICAL
CENTER**