



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

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REPLY TO THE ATTENTION OF:

July 6, 2009

Honorable William B. Moran  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Ariel Rios Building, Mailcode: 1900L  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

Re: In Re John A. Biewer Company of Toledo, Inc.  
No. RCRA-05-2008-0006

Dear Judge Moran:

After filing on July 2, 2009, Complainant's Memorandum in Support of Motion for Accelerated Decision on Derivative Liability, I became aware of errors in the page numbers in the Table of Contents of that memorandum. Consequently, I am having filed today a Corrected Table of Contents for the memorandum, a copy of which is enclosed.

Also enclosed is a disc containing electronic editions of the following memoranda, filed with motions pending in this matter --

- (1) Memorandum in Support of Complainant's Motion to Strike, in Part, Respondent's Pre-Hearing Exchange;
- (2) Memorandum in Support of Complainant's Motion for Accelerated Decision on Liability and Penalty;
- (3) Memorandum in Support of the Penalty Amount Proposed; and,

- (4) Complainant's Memorandum in Support of Motion for Accelerated Decision on Derivative Liability. [Includes Corrected Table of Contents]

Thank you very much.

Very truly yours,



Richard R. Wagner  
Senior Attorney, and Counsel for the  
Administrator's Delegated Complainant

cc: Region 5 Hearing Clerk

Douglas A. Donnell  
Mika Meyers Beckett & Jones, PLC  
900 Monroe Avenue, NW  
Grand Rapids, MI 49503-1423

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

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IN THE MATTER OF: )  
 )  
 ) **DOCKET NO. RCRA-05-2008-0006**  
 )  
 **John A. Biewer Company of Toledo, Inc.** )  
 **300 Oak Street** )  
 **St. Clair, Michigan 48079-0497** )  
 **(Washington Courthouse Facility)** )  
 )  
 **U.S. EPA ID #: OHD 106 483 522; and** )  
 )  
 **John A. Biewer Company, Inc.** )  
 **812 South Riverside Street** )  
 **St. Clair, Michigan 48079; and** )  
 )  
 **Biewer Lumber LLC** )  
 **812 Riverside Street** )  
 **St. Clair, Michigan 48079** )  
 )  
 **Respondents** )  
 )  
 )

**COMPLAINANT'S MEMORANDUM IN SUPPORT OF MOTION FOR  
ACCELERATED DECISION ON DERIVATIVE LIABILITY**

**CORRECTED TALE OF CONTENTS**

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**In Re John A. Biewer Company of Toledo, Inc.  
No. RCRA-05-2008-0006**

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**CERTIFICATE OF SERVICE**

I hereby certify that today I filed the original, and one copy, of each of the following:


- (1) **Corrected Table of Contents for Complainant's Memorandum in Support of Motion for Accelerated Decision on Derivative Liability; and**
- (2) **Letter from Richard R. Wagner to the Honorable William B. Moran, dated July 2, 2006,**

in the office of the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604-3590, with this Certificate of Service. I further certify that I then caused true and correct copies of the filed documents to be mailed to the following:

Honorable William B. Moran  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Ariel Rios Building, Mailcode: 1900L  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

Douglas A. Donnell  
Mika Meyers Beckett & Jones, PLC  
900 Monroe Avenue, NW  
Grand Rapids, MI 49503-1423

July 6, 2009

  
\_\_\_\_\_  
Donald E. Ayres (C-14J)  
Paralegal Specialist  
77 W. Jackson Blvd.  
Chicago, IL 60604  
(312) 353-6719