

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)
)
Carbon Injection Systems LLC;)
Scott Forster, President;)
Eric Lofquist, Vice President)
Gate #4 Blast Furnace Main Ave)
Warren Township, OH 44483)
)
EPA ID No. OHR000127910)
)
)
Respondents.)

Docket No. RCRA-05-2011-0009

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**REPLY TO COMPLAINANT'S RESPONSE TO RESPONDENTS' MOTION FOR
LEAVE TO FILE THEIR SECOND SUPPLEMENTAL JOINT PREHEARING
EXCHANGE**

Respondents Carbon Injection Systems LLC, Scott Forster and Eric Lofquist, for their Reply to Complainant's Response to Respondents' Motion for Leave to File Their Second Supplemental Prehearing Exchange, state as follows.

Complainant opposes Respondents' request to supplement their prehearing exchange with copies of CIS's 2005 invoices to the steel mill for oil injectants. CIS previously had included in its prehearing exchange the invoices for 2006, 2007 and 2008. The 2005 invoices would serve to provide more complete information for the time period the facility operated.

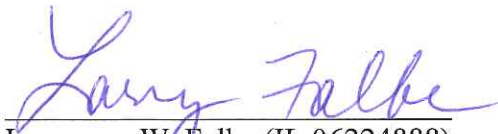
The original purpose for which the invoices were gathered was to supply financial information to U.S. EPA for a three-year period in connection with the parties' discussions, and in producing its first prehearing exchange, Respondents simply included all such information that had been gathered. In the process of assembling exhibits for the hearing, Respondents' realized that the information did not go back to 2005, and thus did

not provide a complete picture. Respondents' did not deliberately or selectively choose to omit the 2005 information for any purpose, and Complainant is not disadvantaged by its production now.

The invoices are maintained by CIS electronically, using a common financial accounting software program called QuickBooks. QuickBooks uses data fields for vendor and customer information. Once that information was changed from WCI to Severstal Warren in late 2008, every time an electronic document is printed which includes such information, it will print with the updated information. Another feature of Quickbooks is that once the books are closed, financial information cannot be altered. These features of QuickBooks are reflected in the printed copies of the invoices for all years, not just the 2005 invoices.

CIS, at Complainant's request, recently retrieved boxes of old files from off-site storage for another purpose (as a result of which, CIS produced certain documents as part of its first supplemental prehearing exchange). Those boxes also contain copies of these same invoices. Although CIS considers these to be duplicates of the invoices already produced, in the interest of addressing Complainant's concern over the authenticity of the information, and to alleviate Complainant's apparent alarm, Respondents offer copies of the "original" invoices as replacements for RX 21, RX 22, RX 23 and RX 116. Accordingly, Respondents move to supplement their prehearing exchange with these replacements, which are numbered RX-117 to RX-120. Copies of RX-117 through RX120 are attached hereto.

Respectfully submitted,



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**In the Matter of Carbon Injection Systems LLC, Scott Forster, and Eric Lofquist,
Respondents, Docket No. RCRA-05-2011-0009**

CERTIFICATE OF SERVICE

I, Lawrence W. Falbe, an attorney, hereby certify that the foregoing Reply was sent on June 7, 2012, in the manner indicated, to the following:

Original and One Copy by hand delivery to:

LaDawn Whitehead, Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Copy by Overnight Delivery to:

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, DC 20005

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June 7, 2012



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