

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

RECEIVED  
REGIONAL HEARING CLERK  
US EPA REGION V

2008 OCT -9 PM 12: 38


BEFORE THE ADMINISTRATOR

In the Matter of )  
 )  
John A. Biewer Company of Ohio, Inc. )  
 ) Docket No. RCRA-05-2008-0006  
 )  
Respondent )

**ORDER DENYING MOTION TO STRIKE RESPONDENT'S  
WITNESS DISCLOSURE**

On September 2, 2008, Complainant, U.S. Environmental Protection Agency ("Complainant") filed a Motion to Strike Respondent's Witness Disclosure ("Motion"), pursuant to 40 C.F.R. 22.16(a), requesting "to have stricken Respondent's 'Witness Disclosure,' and a limited time extension granted to Respondent to submit a Pre-Hearing Exchange in compliance with the Administrator's Rules and the Prehearing Order of the Presiding Officer, entered on June 27, 2008." On September 15, 2008, Respondent submitted a Supplemental Witness Disclosure ("Supplement"). The Court accepts Respondent's Supplement as addressing Complainant's concerns and deems Complainant's Motion to be moot. Accordingly, Complainant's Motion is **Denied**.

So Ordered.

  
\_\_\_\_\_  
William B. Moran  
United States Administrative Law Judge

Dated: October 7, 2008  
Washington, DC

**CERTIFICATE OF SERVICE**

I certify that the foregoing **Order Denying Motion to Strike Respondent's Witness Disclosure**, dated, October 7, 2008, was sent this day in the following manner to the addressees listed below:

Original by Regular Mail to: Tywana Green  
Acting Regional Hearing Clerk  
U.S. EPA - Region 5  
77 W. Jackson Blvd., E-13J  
Chicago, IL 60604-3590

Copy by Regular Mail and facsimile to:

Attorney for Complainant:

Richard Wagner, Esq.  
Office of Regional Counsel  
U.S. EPA - Region 5  
77 W. Jackson Blvd., E-13J  
Chicago, IL 60604-3590

Attorney for Respondent:

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

  
\_\_\_\_\_  
Knolyn R. Jones  
Legal Assistant

Dated: October 7, 2008

RECEIVED  
REGIONAL HEARING CLERK  
US EPA REGION 5  
2008 OCT -9 PM 12:38