

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:) **Docket No. RCRA-05-2011-0009**
)
Carbon Injection Systems, LLC,)
Scott Forster,)
Eric Lofquist,)
)
Respondents.)

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COMPLAINANT'S FIRST SUPPLEMENTAL PREHEARING EXCHANGE

Comes now Complainant, the United States Environmental Protection Agency, Region 5 (Complainant or the Region), by and through its counsel, pursuant to Rules 22.16 and 22.19(f) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules or Rules), hereby files its First Supplemental Prehearing Exchange. 40 C.F.R. §§ 22.16 and 22.19(f)

I. Amended Witness Descriptions

Gail Coad

Gail Coad is a Principal at Industrial Economics Incorporated (Cambridge, Massachusetts). Ms. Coad has extensive experience in analyzing the financial condition of individuals and businesses in the context of regulatory or enforcement actions. Ms. Coad is expected to testify regarding the ability of CIS to pay the proposed penalty. Ms. Coad will explain the methods used to analyze the Respondent's financial information, as well as the results of her analysis. Ms. Coad also has extensive experience in calculating the economic benefit which has accrued to a business as a result of violating the law. Ms. Coad is expected to testify regarding the economic benefit which accrued to CIS as a result of the violations in the Complaint in this matter, and how that economic benefit was passed along to officers Lofquist and Forster. Ms. Coad's resume is attached as CX92.

Francis Awanya

Francis Awanya is a Chemist at the U.S. EPA Region 5 Central Regional Laboratory. Mr. Awanya has extensive experience performing flashpoint analysis on materials. Mr. Awanya is expected to testify regarding the flashpoint of materials, include the mixture of two materials with different flashpoints. Mr. Awanya also has extensive experience with analyzing materials

for carbon content. Mr. Awanya is also expected to testify regarding the carbon analysis techniques which were available to IFF and CIS. Mr. Awanya's resume is attached as CX90.

II. Additional Witnesses

David Clark

David Clark is a Senior Chemical Engineer at Eastern Research Group, Inc. (Arlington, Virginia). He has fifteen years of chemical process management experience as a process engineer and chemical plant manager. He has experience with distillations and chemical reactor operations to include the design and maintenance of their associated process control systems. Mr. Clark is expected to testify regarding chemical processing at the IFF Augusta plant, including but not limited to the production of Iso E Super. Mr. Clark is also expected to testify regarding by-products produced at the plant, including but not limited to Unitene AGR and Unitene LE. Mr. Clark's resume is attached as CX169.

III. Additional Exhibits¹

- CX160-Ohio Regulations Authorized by U.S. EPA 3745-51
- CX161-Thomas Guido 1/31/12 deposition – including exhibits (*CBI)
- CX162-David Shepherd 1/31/12-2/1/12 deposition - including exhibits (*CBI)
- CX163-Theresa Barry 2/1/12 deposition - including exhibits (*CBI)
- CX164-Donald DuRivage 2/22/12 deposition - including exhibits (*CBI)
- CX165-2005 RCRA Biennial Reports submitted by IFF to GAEPD
- CX166-2007 RCRA Biennial Reports submitted by IFF to GAEPD
- CX167-2009 RCRA Biennial Reports submitted by IFF to GAEPD
- CX168-IFF Cut Sheets
- CX169-Resume David Clark
- CX170-Revised Penalty Narrative [see CX115] (*CBI)
- CX171-"Beyond BEN" calculation (*CBI)

¹ The exhibits are being provided on discs.

Respectfully Submitted,

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Counsel for EPA:

3/15/12
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CERTIFICATE OF SERVICE

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

I certify that the foregoing "Complainant's First Supplemental Prehearing Exchange", dated March 15, 2012, was sent this day in the following manner to the addressees listed below:

Original and one copy hand-delivered to:

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

Copy via overnight mail to:

Attorneys for Respondents:

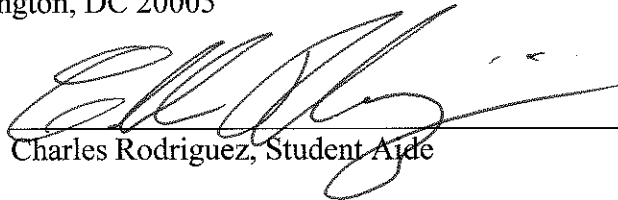
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Presiding Judge:

The Honorable Susan L. Biro, Chief Administrative Law Judge
U.S. EPA Office of the Hearing Clerk
1099 14th St. NW
Suite 350, Franklin Court
Washington, DC 20005

3-15-12
Date


Charles Rodriguez, Student Aide

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