

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**BEFORE THE ADMINISTRATOR**

IN THE MATTER OF:	)	
	)	
Creative Liquid Coatings, Inc.	)	
(formerly d/b/a Creative Coatings, Inc.)	)	
2701 S. Coliseum Blvd., Suite 1284	)	
Fort Wayne, IN 46803	)	Docket No. RCRA-05-2009-0012
	)	
U.S. EPA ID No. INR 000 109 322	)	
	)	
Elite Enterprises, Inc.	)	
	)	
AND	)	
	)	
Randall Geist	)	
	)	
Respondents.	)	

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U.S. ENVIRONMENTAL  
PROTECTION AGENCY

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**COMPLAINANT'S FIRST SUPPLEMENTAL PREHEARING EXCHANGE**

The United States Environmental Protection Agency, Region 5 ("Complainant"), hereby respectfully submits this First Supplemental Prehearing Exchange pursuant to Section 22.19(f) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Correction Action Orders, and the Revocation, Termination or Suspension of Permits ("Consolidated Rules"), codified at 40 C.F.R. § 22.19(f). Complainant respectfully reserves the right to add, modify, or supplement the witnesses and exhibits listed in its prehearing exchanges prior to the adjudicatory hearing in this matter upon adequate notice to the Respondents and the Presiding Administrative Law Judge. Complainant also respectfully reserves the right to request from Respondents additional discovery and, if necessary, move for any such additional discovery.

**1. B. Additional Exhibits**

Attached to this Complainant's First Supplemental Prehearing Exchange are exhibits that Complainant may use in rebuttal or as part of its case-in-chief. Complainant respectfully submits these exhibits in addition to those exhibits that were included with and attached to Complainant' Prehearing Exchange and Complainant's Rebuttal Prehearing Exchange.

Respectfully submitted,



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Richard J. Clarizio  
Karen Peaceman  
Associate Regional Counsels  
Gary E. Steinbauer  
Assistant Regional Counsel  
United States EPA – ORC Region 5  
77 W. Jackson Blvd. (C14-J)  
Chicago, IL 60604  
(312) 886-0559  
*Attorneys for Complainant*

DATE: March 19, 2010

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Complainant's Exhibit Number	Case Number	Stamp	Date	Author of Contact	Recipient	Subject
148	CX-0000631a-CX-0000631g		4/17/2006	Jan Jackson		Complete transcript of deposition
149	CX-0001500-CX-0001766		2/27/2009	Randall Geist		Complete transcript of deposition, including Exhibits A and B
150	CX-0001767-CX-0001825		2/22/2007	Randall Geist		Series of agreements between Creative and Elite
151	CX-0001826-CX-0001829		1/3/2004	Elite Enterprises, Inc. and Creative Coatings, Inc.		RCRA Civil Penalty Policy
152	CX-0001830-CX-0001936		6/23/2003	John Peter Suarez, Assistant Administrator	Various EPA employees	RCRA Penalty Matrices
153	CX-0001937-CX-0001938		3/15/2004			
154	CX-0001939-CX-0001940		1/26/2010			Printout from Indiana Secretary of State's website showing Randall Geist as the registered agent for Elite Enterprises, Inc.
155	CX-0001941-CX-0001945		8/26/2005	Creative Coatings, Inc., Randall Geist, and Creative Powder Coatings, LLC		Schedule 1.1(a) to Asset Purchase Agreement by and among, <i>Inter alia</i> , Creative Coatings, Inc., Randall Geist, and Creative Powder Coatings, LLC
156	CX-0001946-CX-0001962		5/6/1996	Phillip L. Carson and Randall Geist	Indiana Secretary of State	Creative Coatings, Inc.'s articles of incorporation
157	CX-0001963-CX-0001975		9/21/1992	Richard Lain and Michael Kreps	Indiana Secretary of State	Elite Enterprises, Inc.'s articles of incorporation

Complainant's Exhibit Number	Bates Stamp Number	Date	Author or Contact	Recipient	Subject
158	CX-0001976-CX-0001996	Various	Various authors		Certain documents related to Creative's, Elite's, and Mr. Geist's operations at Suites 1158 and 1284
159	CX-0001997-CX-0002052	2/23/2010 and 3/5/2010	Patrick Kemp	Derrick Samaranski	EPA's information request to K-Com Transport Services, Inc. and K-Corn's response to same
160	CX-0002053-CX-0002056	2/23/2010	Paul Little	Systemch	EPA's information request to Systemch Environmental Corporation
161	CX-0002057-CX-0002065	3/8/2010	Thomas E. Moore	Paul Little	Systemch Environmental Corporation's response to EPA's information request

**CERTIFICATE OF SERVICE**

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MAR 19 2010

I certify that the foregoing Complainant's First Supplemental Prehearing Exchange, dated March 19<sup>th</sup>, 2010, including attachments, was filed with the Regional Hearing Clerk and sent this day in the following manner to the addresses listed below:

REGIONAL HEARING CLERK  
ENVIRONMENTAL  
PROTECTION AGENCY

Original by Hand-Delivery to:

La Dawn Whitehead  
Regional Hearing Clerk  
United States EPA – ORC Region 5  
77 W. Jackson Blvd. (E-19J)  
Chicago, IL 60604-3590

Copy by Pouch Mail to:


The Honorable Barbara A. Gunning  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460-2001

Copy by Federal Express to:

Attorney for Respondents Creative Liquid  
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Mr. Randall Geist  
Registered Agent  
Elite Enterprises, Inc.  
2701 S. Coliseum Blvd, Suite 1158  
Fort Wayne, IN

DATE: March 19<sup>th</sup>, 2010

  
Dorothy Willis  
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