UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

BEFORE THE ADMINISTATOR

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.	RECEIVEM
AND	MAR 1 9 2010
Randall Geist	REGIONAL HEARING CLERK U.S. ENVIRONMENTAL
Respondents.	PROTECTION AGENCY:

COMPLAINTANT'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

DATE: March / 2010

Attached to this <u>Complainant's First Supplemental Prehearing Exchange</u> 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 <u>Complainant' Prehearing Exchange</u> and <u>Complainant's Rebuttal</u>

<u>Prehearing Exchange</u>.

Respectfully submitted,

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

m F e F

MAR 1 9 2010

REGIONAL HEARING CLERK U.S. ENVIRONMENTAL PROTECTION AGENCY

Eximple Number	148	149		Š	55		151			152	153					154					100	156
Number	CX-0000631a-CX- 4/17/2006 0000631g	CX-0001500-CX-		CX-0001767-CX-	0001050	CX-0001826-CX-	0001829		CX-0001830-CX-	0001936	CX-0001937-CX- 0001938	,				0001940				CX-0001941-CX-	CX-0001946-CX-	0001962
147/2006	4/17/2006	2/27/2009	2/22/2007		1/3/2004	1/0/2007		6/23/2003			3/15/2004	1/26/2010					8/26/2005				5/6/1996	
Contact	Jan Jackson	Randall Geist	Randall Geist		Flite Enterprises	Inc. and Creative	Coatings, Inc.		Suarez, Assistant	Administrator							Creative	Randall Geist,	and Creative	Powder Coatings,	Phillin I Carson	and Randall Geist
						(#1		Various EPA	employees												Indiana	Secretary of
		Complete transcript of deposition	Complete transcript of	deposition, including Exhibits A and B	Series of agreements	between Creative and Elite		RCRA Civil Penalty Policy			RCRA Penalty Matrices		Printout from Indiana	Secretary of State's Website	showing Handall Geist as		Schedule 1.1(a) to Asset	and among, inter alia,	Creative Coatings, Inc.,	Randall Geist, and Creative	Creative Coatings, LLC	articles of incorporation
CX-0000631g	CX-0001500-CX- 2/27/2009 Randall Geist	CX-0001767-CX- 0001825	CX-0001767-CX- 0001825 CX-0001826-CX- CX-0001829 6/23/2003 CX-0001830-CX- 0001936 CX-0001938 CX-0001937-CX- 0001938 1/26/2010 CX-0001940 8/26/2005 Creative Creative Coatings, Inc. Coatings, Inc. Various EPA Coatings, Inc. Various EPA Coatings, Inc. Coatings, Inc. Coatings, Inc. Coatings, Inc. Coatings, Inc. Various EPA Coatings, Inc. Various EPA Coatings, Inc. Coatings, Inc. Various EPA Coatings, Inc. Coatings, Inc. Coatings, Inc. Various EPA Coatings Creative	CX-0001826-CX- CX-0001829 CX-0001829 6/23/2003 CX-0001830-CX- 0001936 CX-0001936 CX-0001937-CX- 0001938 1/26/2010 CX-0001939-CX- 0001940 8/26/2005 Creative	CX-0001826-CX- 0001829 CX-0001829 6/23/2003 John Peter CX-0001936 CX-0001937-CX- 0001938 1/26/2010 CX-0001939-CX- 0001940 8/26/2005 Creative Coatings, Inc. Coatings, Inc. Coatings, Inc. Coatings, Inc. Coatings, Inc. Various EPA Catious EPA Coatings, Inc. Various EPA Coatings, Inc. Coatings, Inc. Various EPA Coatings, Inc. Various EPA Coatings, Inc.	0001829 Coatings, Inc. Coatings, Inc. CX-0001830-CX- 0001936 John Peter Suarez, Assistant employees Administrator Various EPA Various EPA Suarez, Assistant employees Administrator CX-0001937-CX- 0001938 3/15/2004 1/26/2010 Employees Administrator CX-0001939-CX- 0001940 1/26/2010 Ereative	CX-0001830-CX- 0001936 CX-0001937-CX- 0001938 1/26/2010 CX-0001939-CX- 0001940 8/26/2005 Creative Various EPA Suarez, Assistant employees Administrator Administrator CT-0001939-CX- 0001940 CX-0001939-CX- 0001940 CY-0001940	CX-0001830-CX- 0001936 CX-0001936 CX-0001937-CX- 0001938 1/26/2010 CX-0001939-CX- 0001940 8/26/2005 Creative	0001936 Administrator CX-0001937-CX- 3/15/2004 0001938 1/26/2010 CX-0001939-CX- 0001940 8/26/2005 Creative	CX-0001937-CX- 3/15/2004 0001938 1/26/2010 1/26/2010 CX-0001939-CX- 0001940 8/26/2005 Creative	1/26/2010 CX-0001939-CX- 0001940 8/26/2005 Creative	CX-0001939-CX- 0001940 8/26/2005 Creative	CX-0001939-CX- 0001940 8/26/2005 Creative	CX-0001939-CX- 0001940 8/26/2005 Creative	0001940 8/26/2005 Creative	8/26/2005 Creative			<u>.</u>	and among, of Creative Coa	Randall Geist, and among, and among, and Creative Coatings, CX-0001941-CX- Powder Coatings, Randall Geist, and Creative Coatings, Randall Geist, a	Randall Geist, and among, and Creative Coa Powder Coatings, LLC Powder Coatings, Creative Coatings, Powder C
CX-0000631g	CX-0001500-CX- 2/27/2009 Randall Geist 0001766 2/22/2007 Randall Geist CX-0001767-CX- 0001825 1/3/2004 Elite Enterprises, Inc. and Creative CX-0001829 6/23/2003 John Peter Various EPA CX-0001936 Suarez, Assistant employees 0001938 1/26/2004 Administrator CX-0001939-CX- 0001940 8/26/2005 Creative CX-0001940 Randall Geist, and Creative CX-0001941-CX- 0001945 CX- 0001946-CX- 5/6/1996 Phillip L. Carson Indiana of Creativy of Phillip L. Carson Indiana and Randall Geist Secretary of	CX-0001767-CX- 0001825 CX-0001825 1/3/2004	CX-0001767-CX- 0001825 CX-0001825 1/3/2004	CX-0001826-CX- CX-0001829 CX-0001830-CX- 0001936 CX-0001937-CX- 0001938 CX-0001939-CX- 0001940 CX-0001941-CX- 0001946-CX- 0001962 CX-0001946-CX- 0001962 CX-0001826-CX- 1/3/2004 Inc. and Creative Coatings, Inc. Coatings, Inc. Coatings, Inc. Coatings, Inc. Coatings, Inc. Coatings, Inc. Carson Indiana Inc. and Creative Coatings, Inc. Coatings, Inc. Carson Indiana Inc. and Creative Carcon Inc. Carson Indiana Inc. and Creative Coatings, Inc. Carson In	CX-0001826-CX- CX-0001829 6/23/2003 John Peter CX-0001936 CX-0001937-CX- 0001938 1/26/2010 CX-0001939-CX- 0001940 CX-0001940 CX-0001940 CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 Rand Randall Geist Secretary of and Randall Geist Secretary of	Coatings, Inc. Coatings, Inc.	CX-0001830-CX- CX-0001936 CX-0001937-CX- 3/15/2004 Administrator CX-0001938 1/26/2010 CX-0001939-CX- 0001940 S/26/2005 Creative CX-0001941-CX- CX-0001945 CX-0001946-CX- 5/6/1996 Phillip L. Carson Indiana CX-0001962 CX-0001 CX-0001962 CX-0001962 CX-0001945 CX-0001946-CX- CX-0001962 CX-0001962	CX-0001830-CX- 0001936 CX-0001936 CX-0001937-CX- 0001938 1/26/2010 1/26/2010 CX-0001939-CX- 0001940 CX-0001940 8/26/2005 Creative Coatings, Inc., Randall Geist, and Creative Powder Coatings, LLC CX-0001945 CX-0001946-CX- 0001962 CX-0001962 CX-000186 CX-000186	O001936 Administrator	CX-0001937-CX- 3/15/2004 0001938	CX-0001939-CX- 0001940 8/26/2005 Creative Coatings, Inc., Randall Geist, and Creative CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 Phillip L. Carson Indiana and Randall Geist Secretary of	CX-0001939-CX- 0001940 8/26/2005 Creative Coatings, Inc., Randall Geist, and Creative CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 Phillip L. Carson Indiana and Randall Geist Secretary of	CX-0001939-CX- 0001940 8/26/2005 Creative Coatings, Inc., Randall Geist, and Creative CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 Phillip L. Carson Indiana and Randall Geist Secretary of	CX-0001939-CX- 0001940 8/26/2005 Creative CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 CX-0001962 CX-0001939-CX- Randall Geist, And Creative Powder Coatings, Inc., And Creative Powder Coatings, Inc., And Creative Powder Coatings, Inc., And Creative Creative Creative Coatings, Inc., And Creativ	CX-0001940 8/26/2005 Creative Coatings, Inc., Randall Geist, CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 Rife Enterprise Elite Enterprise Creative Coatings, Inc., Randall Geist, and Creative Powder Coatings, LLC CX-0001946-CX- CX-0001962 Phillip L. Carson Indiana Creative Coat articles of inc	8/26/2005 Creative Coatings, Inc., Coatings, Inc., Randall Geist, and Creative CX-0001941-CX- CX-0001945 CX-0001946-CX- CX-0001962 Creative CCX-0001946-CX- CX-0001962 CCX-0001945 CCX-0001946-CX- CX-0001946-CX- CX-000	CX-0001945-CX- CX-0001946-CX- CX-0001962 CCOatings, Inc., Randall Geist, and Creative Ag Creative Creative Coatings, LLC Powder Coatings, LLC Powder Coatings, And Randall Geist Secretary of Agricles of inc.	CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 And Creative Powder Coatings, LLC Powder Coatings, LLC Powder Coatings, Powder Coat Phillip L. Carson Indiana Creative Coat and Randall Geist Secretary of articles of inc	CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 Powder Coatings, LLC Powder Coat Powder Coat CLC Powder Coat Powder Coat CLC Powder Coat Powder Coat Powder Coat A Creative Coat and Randall Geist Secretary of articles of inc	CX-0001946-CX- 5/6/1996 Phillip L. Carson Indiana 0001962 and Randall Geist Secretary of	0001962 and Randall Geist Secretary of	
CX-0000631g	CX-0001500-CX- 2/27/2009 Randall Geist	CX-0001767-CX-	CX-0001767-CX- 0001825 CX-0001826-CX- CX-0001829 6/23/2003 CX-0001830-CX- 0001936 CX-0001937-CX- 0001938 CX-0001939-CX- 0001940 CX-0001940 8/26/2005 CX-0001945 CX-0001946-CX- 0001962 9/21/1992 Richard Lain and Indiana	CX-0001826-CX- CX-0001829 CX-0001829 CX-0001830-CX- CX-0001936 CX-0001938 CX-0001938 CX-0001939-CX- 0001940 CX-0001940 CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 Phillip L. Carson Indiana Indiana Inc. and Creative Cx-organization in Continuis EPA I/3/2004 Inc. and Creative Coatings, Inc. Randall Geist, and Creative Powder Coatings, Inc. ILC CX-0001946-CX- ILC Richard Lain and Indiana Indiana Inc. and Creative Powder Coatings, Inc. Indiana Indiana Inc. and Creative Powder Coatings, Inc. Indiana Indiana Inc. and Creative Powder Coatings, Inc. Indiana Indiana Indiana Inc. and Creative Powder Coatings, Inc. Indiana Inc. and Creative Powder Coatings, Indiana Indiana Inc. and Creative Cx-0001945 Inc. and Creative Powder Coatings, Indiana Indiana Inc. and Creative Powder Coatings, Indiana Indiana	CX-0001826-CX- CX-0001829 CX-0001829 6/23/2003 John Peter CX-0001936 CX-0001936 CX-0001937-CX- 0001938 1/26/2004 CX-0001939-CX- 0001940 CX-0001940 CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 9/21/1992 Richard Lain and Indiana	O001829	CX-0001830-CX- 0001936 CX-0001937-CX- 0001938 1/26/2010 CX-0001939-CX- 0001940 8/26/2005 CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 9/21/1992 Administrator Administrator Administrator Fandall Geist, and Creative Powder Coatings, Inc., Randall Geist, and Creative Powder Coatings, Inc., and Creative CX-0001945 CX-0001946-CX- 0001962 9/21/1996 Phillip L. Carson Indiana Indiana Indiana Indiana Indiana	CX-0001830-CX- 0001936 CX-0001936 CX-0001937-CX- 3/15/2004 0001938 1/26/2010 1/26/2010 CX-0001939-CX- 0001940 8/26/2005 Creative CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 9/21/1992 Richard Lain and Indiana Imployees Administrator Employees Administrator Cx-0001937-CX- 3/15/2004 Cx-0001939-CX- Cx-0001940 8/26/2005 Creative Coatings, Inc., Randall Geist, and Creative Powder Coatings, LLC CX-0001946-CX- 5/6/1996 Phillip L. Carson Indiana Indiana	O001936	CX-0001937-CX- 3/15/2004 0001938 1/26/2010 CX-0001939-CX- 0001940 8/26/2005 Creative Coatings, Inc., Randall Geist, and Creative CX-0001941-CX- 0001945 CX-0001946-CX- 5/6/1996 Phillip L. Carson Indiana 0001962 9/21/1992 Richard Lain and Indiana	CX-0001939-CX- 0001940 8/26/2005 Creative Coatings, Inc., Randall Geist, and Creative CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 9/21/1992 Richard Lain and Indiana	CX-0001939-CX- 0001940 8/26/2005 Creative Coatings, Inc., Randall Geist, and Creative CX-0001941-CX- 0001945 CX-0001946-CX- CX-0001946-CX- 0001962 9/21/1992 Richard Lain and Indiana	CX-0001939-CX- 0001940 8/26/2005 Creative Coatings, Inc., Randall Geist, and Creative CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 9/21/1992 Richard Lain and Indiana	CX-0001939-CX- 0001940 8/26/2005 Creative CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 9/21/1992 CX-0001939-CX- Ithe registered Elite Enterprise Creative Creative Coatings, Inc., And Andall Geist Creative Coatings, Inc., Creative Coatings, And Andall Geist Creative Coatings, Inc., Creative Coatings, And Creative Coatings, And Andall Geist Creative Coatings, Andall Creative Coatings, Andall Creative Coatings, Andall Creative Coatings, Andall	CX-0001940 8/26/2005 Creative Coatings, Inc., CX-0001941-CX- CX-0001941-CX- CX-0001945 CX-0001946-CX- CX-0001962 9/21/1992 Richard Lain and Indiana Elite Enterprit Elite Enterprit Interprit Inter	8/26/2005 Creative Coatings, Inc., Randall Geist, CCX-0001941-CX- 0001945 CX-0001946-CX- 0001962 Randall Geist, And Creative Powder Coatings, Inc., And Andall Geist Purchase Ag And Andall Geist Purchase Ag And Andall Geist Powder Coatings, Inc., Andall Geist	CX-0001941-CX- CX-0001946-CX- 0001962 CX-0001942 CX-0001945 CX-0001946-CX- CX-	CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 9/21/1992 And Creative Powder Coatings, Handall Geist Coat CX-0001946-CX- 0001962 And Randall Geist Secretary of Articles of inc Powder Coat Po	CX-0001941-CX- 0001945 CX-0001946-CX- 0001962 Powder Coatings, LLC Powder Coatings, LLC Powder Coatings,	0001945 LLC CX-0001946-CX- 5/6/1996 Phillip L. Carson Indiana 0001962 and Randall Geist Secretary of 9/21/1992 Richard Lain and Indiana	0001962 and Randall Geist Secretary of 9/21/1992 Richard Lain and Indiana	9/21/1992 Richard Lain and Indiana

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

CERTIFICATE OF SERVICE



I certify that the foregoing Complainant's First Supplemental Prehearing 19 2010

Exchange, dated March 17, 2010, including attachments, was filed with the Regional MEARING CLERK PROTECTION AGENCY.

Hearing Clerk and sent this day in the following manner to the addresses listed below:

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

Coatings, Inc. and Mr. Randall Geist

David L. Hatchett, Esq. Hatchett & Hauck LLP

111 Monument Circle, Suite 301 Indianapolis, IN 46204-5124

Mr. Randall Geist Registered Agent Elite Enterprises, Inc.

2701 S. Coliseum Blvd, Suite 1158

Fort Wayne, IN

DATE: March //, 2010

Dorothy Willis

United States EPA – ORC Region 5

77 W. Jackson Blvd. (C14-J)

Chicago, IL 60604