



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

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U.S. EPA REGION 5

2009 JUL 13 PM 3:53

REPLY TO THE ATTENTION OF:

July 13, 2009

Honorable William B. Moran  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Ariel Rios Building, Mailcode: 1900L  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

Re: In Re John A. Biewer Company of Ohio, Inc.  
No. RCRA-05-2008-0007

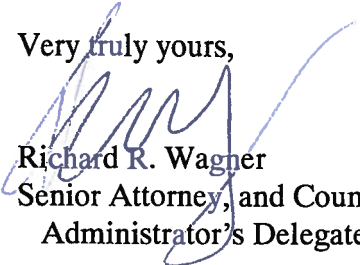
Dear Judge Moran:

On July 2, 2009, Complainant filed with the Region 5 Hearing Clerk Complainant's Motion for Accelerated Decision on Derivative Liability (Motion). Accompanying that motion were Complainant's Memorandum in Support of Motion for Accelerated Decision on Derivative Liability (Memorandum), and attachments. Some attachments contain confidential business information (CBI) of Respondents, and portions of the Memorandum contain references to those CBI attachments. Consequently, Complainant configured its filing in two separate binders.

One filed binder contained a copy of the Memorandum, including CBI material referenced therein. The second binder contained an edition of the Memorandum with CBI referenced material deleted. Attached to the CBI deleted edition of the Memorandum were only those attachments which did not contain CBI. Motivated by a desire to save on the Region 5 Hearing Clerk's limited CBI storage space, attached to the CBI included edition of the Memorandum were only those attachments which did contain CBI.

Unfortunately, the manner in which the filing was made has left the Presiding Officer and parties without one complete set of the attachments to the Motion in one binding. Consequently, Complainant is filing with this letter a binder including a copy of the Memorandum containing CBI referenced material referenced highlighted in bold type, with a complete set of attachments. As can be seen, the attachments included here are in all respects, including labeling, the exact attachments filed in two separate binders, with the Memorandum, on July 2, 2009. Also included with this letter to the Presiding Officer is a disc with an electronic version of the Memorandum filed today.

Very truly yours,



Richard R. Wagner  
Senior Attorney, and Counsel for the  
Administrator's Delegated Complainant

cc: Region 5 Hearing Clerk

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

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**In Re John A. Biewer Company of Ohio, Inc.  
No. RCRA-05-2008-0007**

**CERTIFICATE OF SERVICE**

I hereby certify that today I filed the original, and one copy, of each of the following:


- (1) **Letter from Richard R. Wagner to the Honorable William B. Moran, dated July 13, 2009, and**
- (2) **Complainant's Memorandum in Support of Motion for Accelerated Decision on Derivative Liability (with CBI referenced material highlighted in bold type, and all attachments, including CBI)**

in the office of the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604-3590, with this Certificate of Service. I further certify that I then caused true and correct copies of the filed documents to be mailed to the following:

Hon. William B. Moran  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Franklin Court, Suite 350  
1099 14th St. NW  
Washington, DC 20005

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

July 13, 2009

  
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