

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

DOCKET NO: RCRA-05-2008-0007

John A. Biewer Company of Ohio, Inc.
300 Oak Street
St. Clair, Michigan 48079-0497
(Washington Courthouse Facility)

**RESPONDENTS' RESPONSES TO EPA'S
DISCOVERY REQUESTS**

U.S. EPA ID #: OHD 081 281 412

RECEIVED
MAR 27 2009

and

John A. Biewer Company, Inc.
812 South Riverside Street
St. Clair, Michigan 48079

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

and

Biewer Lumber LLC
812 Riverside Street
St. Clair, Michigan 48079

Respondents

GENERAL OBJECTIONS

Respondents John A. Biewer Company of Ohio, Inc. ("JAB Ohio"), John A. Biewer Company of Toledo, Inc. ("JAB Toledo"), John A. Biewer Company, Inc. ("JAB Company"), and Biewer Lumber LLC ("Biewer Lumber") object to the EPA's Discovery Requests dated February 26, 2009 ("Discovery Requests"), as follows:

1. By responding to any discovery request, the Respondents do not concede the relevance, materiality, admissibility or discoverability of the subject matter of the discovery request or of the information requested in response to the discovery request. Rather, the responses to each discovery request are made expressly subject to, and without in any way

waiving, any question or questions as to the competency, relevancy, privilege or admissibility of the responses given.

2. Respondents object to each request to the extent that it would require Respondents to prepare documents, lists or compilations not already in existence.

3. Respondents object to all discovery requests which purport to require responses going beyond those required by the Federal Rules of Civil Procedure.

4. Respondents object to each request to the extent that it seeks information which is not relevant to the subject matter of the pending action or seeks information which is not admissible and not reasonably calculated to lead to the discovery of admissible evidence.

5. Respondents object to each discovery request to the extent that it requests Respondents to conduct electronic searches for emails or other electronic data that were deleted or removed from active files (by archive, back-up or otherwise) in the ordinary course of business prior to receipt of these discovery requests, for the reason that it would be unreasonable, oppressive and unduly burdensome.

6. Respondents object to each discovery request to the extent that it requests Respondents to obtain information and/or documents which are not in the possession, custody or control of any of the Respondents.

7. Respondents object to each discovery request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product immunity or any other applicable privilege or immunity ("Privileged" documents), and will not produce Privileged documents.

8. Respondents object to each discovery request to the extent that it seeks a trade secret or other confidential research, development or commercial information. Respondents will

not produce or disclose any information or documents disclosing trade secret or other confidential research, development or commercial information until a Protective Order has been entered in this matter.

9. Respondents object to each Discovery Request to the extent that it seeks confidential and personal information related to individual employees.

RESPONSES TO EPA'S DISCOVERY REQUEST

Subject to and without waiving the foregoing General Objections, Respondents respond to EPA's Discovery Requests dated February 26, 2009, as follows:

1. For John A. Biewer Co., Inc. and Biewer Lumber LLC, complete tax returns including all schedules and attachments for January 1, 1997 through the present.

RESPONSE: As Respondent Biewer Lumber did not exist until February 9, 2006, (see Attachment A), Respondent Biewer Lumber objects to this Discovery Request to the extent it requests Biewer Lumber to produce documents created prior to its existence. Moreover, Biewer Lumber further objects that the requested information, as it pertains to Biewer Lumber, is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. To the extent that these documents exist and are in the possession of Respondent JAB Company, they have already been produced to the EPA.

2. For John A. Biewer Co., Inc. and Biewer Lumber LLC, complete year-end financial statements, including the auditor's letter, balance sheet, income statement, statement of cash flows and notes, for January 1, 1997 through the present.

RESPONSE: As Respondent Biewer Lumber did not exist until February 9, 2006, (see Attachment A), Respondent Biewer Lumber objects to this Discovery Request to the extent it requests Biewer Lumber to produce documents created prior to its existence. Moreover, Biewer Lumber further objects that the requested information, as it pertains to Biewer Lumber, is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. To the extent that these documents exist and are in the possession of Respondent JAB Company, they have already been produced.

3. For John A. Biewer Company of Ohio and John A. Biewer Company of Toledo, complete year-end financial statements, including the auditor's letter, balance sheet, income statement, statement of cash flows and notes for FY 1997 (the oldest financial statements that you provided are dated November 1998, according to a hand-written note on the Income Statements).

RESPONSE: The requested documents are attached as Attachment B.

4. Ownership and corporate management information:

a. For the Ohio and Toledo companies, John A. Biewer Company Inc., and Biewer Lumber LLC, a current corporate map, including detailed information on corporate ownership and officers, for all levels of corporate relationship. A corporate map showing the relationship of Toledo and Ohio Companies with John A. Biewer Co., Inc, Biewer Lumber LLC and other related entities.

RESPONSE: Respondent Biewer Lumber objects that, to the extent the requested information is about its ownership and relationships to various entities, such information is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. To the extent that these documents exist and are in the possession of Respondent JAB Company, JAB Toledo, or JAB Ohio, they have already been produced to the EPA.

- b. A history of the ownership of the Toledo and Ohio Companies, John A. Biewer Co., Inc. and Biewer Lumber LLC from January 1, 1997 to present, including percentages of ownership if more than one shareholder, member or partner.

RESPONSE: As Respondent Biewer Lumber did not exist until February 9, 2006, (see Attachment A), Respondent Biewer Lumber objects to this Discovery Request to the extent it requests Biewer Lumber to produce documents created prior to its existence. Moreover, Respondent Biewer Lumber further objects that any requested information regarding its ownership is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. To the extent that these documents exist and are in the possession of Respondents JAB Company, JAB Toledo, or JAB Ohio, they have already been produced to the EPA.

- c. A history of the officers of the Toledo and Ohio companies, John A. Biewer Co., Inc. and Biewer Lumber LLC from January 1, 1997 to the present.

RESPONSE: As Respondent Biewer Lumber did not exist until February 9, 2006, (see Attachment A), Respondent Biewer Lumber objects to this Discovery Request to the extent it requests Biewer Lumber to produce documents created prior to its existence. Moreover, Biewer Lumber further objects that the requested information, as it pertains to Biewer Lumber, is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. To the extent that these documents exist and are in the possession of Respondents JAB Company, JAB Toledo, or JAB Ohio, they have already been produced to the EPA.

- d. A history of the Board of Directors of the Toledo and Ohio Companies, John A. Biewer Co., Inc. and Biewer Lumber LLC from January 1, 1997 to the present.

RESPONSE: As Respondent Biewer Lumber did not exist until February 9, 2006, (see Attachment A), Respondent Biewer Lumber objects to this Discovery Request to the extent it requests Biewer Lumber to produce documents created prior to its existence. Moreover, Biewer Lumber further objects that the requested information, as it pertains to Biewer Lumber, is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. To the extent that these documents exist and are in the possession of Respondents JAB Company, JAB Toledo, or JAB Ohio, they have already been produced to the EPA.

- e. Copies of the Board of Directors' Meeting Minutes, Resolutions, or any other records of the Board for the four companies from January 1, 1997 to present.

RESPONSE: As Respondent Biewer Lumber did not exist until February 9, 2006, (see Attachment A), Respondent Biewer Lumber objects to this Discovery Request to the extent it requests Biewer Lumber to produce documents created prior to its existence. Moreover, Biewer Lumber further objects that the requested information, as it pertains to Biewer Lumber, is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. To the extent that these documents exist, are in the possession of and have been located by Respondent JAB Company, Respondent JAB Toledo, or Respondent JAB Ohio, they are attached as Attachment C. Said Respondents will continue to search for the requested documents and produce said documents to the EPA as they are found.

5. For the Toledo company, a description of all related party transactions for the period of January 1, 1997 to the present. For the Ohio company, a description of all related party transactions for the period of January 1, 2001 to the present. A related party transaction includes, but is not limited to, sales, purchases, and transfers of realty and personal property; services received or furnished, for example, accounting management, engineering, and legal services; use of property and equipment by lease or otherwise; borrowings and lendings; guarantees; maintenance of bank balances as compensating balances for the benefit of another; intercompany billings based on allocations of common costs; and filings of consolidated tax returns.

Statement No. 57 of the Financial Accounting Standards Board defines related parties as the following:

- Affiliates of the enterprise. An affiliate is a party that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with an enterprise.
- Entities for which investments are accounted for by the equity method by the enterprise.
- Trusts for the benefit of employees, such as pension and profit-sharing trusts that are managed by or under the trusteeship of management.
- Principal owners of the enterprise. Principal owners are owners of record or known beneficial owners of more than 10 percent of the voting interests of the enterprise.
- Management of the enterprise. Management includes persons who are responsible for achieving the objectives of the enterprise and who have the authority to establish policies and make decisions by which those objectives are to be pursued. Management normally includes members of the board of directors, the chief executive officer, chief operating officer, vice presidents in charge of principal business functions (such as sales, administration, or finance), and other persons who perform similar policymaking functions. Persons without formal titles also may be members of management.
- Members of the immediate families of principal owners of the enterprise and its management. Immediate family includes family members whom a principal owner or a member of management might control or influence or by whom they might be controlled or influenced because of the family relationship.
- Other parties with which the enterprise may deal if one party controls or can significantly influence the management or operating policies of the other to an extent that one of the transacting parties might be prevented from fully pursuing its own separate interests.
- Other parties that can significantly influence the management or operating policies of the transacting parties or that have an ownership interest in one of the transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests.

For each transaction, the description should include, but not be limited to, the specific nature of the transaction, the related parties' names, the date of the transaction, and the dollar amount of the transaction.

RESPONSE: To the extent this Discovery Request requires Respondents JAB Toledo and JAB Ohio to create documents not in existence and extensively search through every transaction occurring during the last eight or twelve years, said Respondents object to the Discovery Request for the reason that it would be unreasonable, oppressive and unduly burdensome. Subject to and without waiving the foregoing objection, to the extent that the requested information exists, it is attached as Attachment D.

- a. For all transactions of \$5,000 or more involving transfer or sale of an item or asset from Toledo or Ohio company to a related party, provide all documentation developed by Toledo or Ohio company to assure that the asset transfer or sale was consistent with a third-party market transaction.

RESPONSE: To the extent this Discovery Request requires Respondents JAB Toledo and JAB Ohio to create documents not in existence and extensively search through every transaction occurring during the last eight or twelve years, said Respondents object to the Discovery Request for the reason that it would be unreasonable, oppressive and unduly burdensome. Subject to and without waiving the foregoing objection, to the extent that the requested information exists, it is attached as Attachment D.

- b. For all loans or other financing transactions between Toledo and Ohio companies and related parties, provide copies of the agreements between the parties.

RESPONSE: There are no loans or other financing transactions between Respondent JAB Toledo, Respondent JAB Ohio, or a related party.

6. Provide an explanation of the companies' treatment of dividends on the balance sheet. Both companies show negative dividends (\$150,000 for the Toledo company and \$300,000 for the Ohio company) on their 1998 and 1999 balance sheets. Starting in 2000, these

values are removed from the balance sheet. Please clarify the nature of these balance sheet entries, whether they represent actual cash in or out, and the reason for their disappearance in 2000. Also identify with which entity these dividend transactions occurred.

RESPONSE: The dividend amounts carried on the balance sheets of the respective companies are dividends that were paid to John A. Biewer Co., Inc. at some point prior to 1996. The amounts were carried in a “dividends” general ledger account which is a contra-retained earnings account. During fiscal 2000, the “dividends” general ledger account was closed out to retained earnings. This explains why “dividends” do not appear in the 2000 balance sheet. When the dividends were paid in prior years, no actual exchange of cash took place between the subsidiary and parent. The transaction was recorded through intercompany accounts receivable and accounts payable between the subsidiaries and the parent.

7. Provide all documents related in any way to the detail of the “Accounts Receivable Intercompany” and “Accounts Payable Intercompany” entries appearing on the Toledo company’s balance sheets. The documentation should include, but not be limited to, the related parties associated with these transactions, the date of the transaction, and the services that were provided and received in association with these transactions. List the year end balances for these accounts for each related party for the years ending 1997 to present.

RESPONSE: To the extent this Discovery Request requires Respondent JAB Toledo to create documents not in existence and extensively search through every transaction occurring during the last twelve years, Respondents object to the Discovery Request for the reason that it would be unreasonable, oppressive and unduly burdensome. Subject to and

without waiving the foregoing objection, to the extent that the requested information exists and is in the possession of JAB Toledo, it is attached as Attachment D.

8. Provide all documents related to in any way to the detail of the “Accounts Receivable Intercompany” and “Accounts Payable Intercompany” entries appearing on the Ohio company’s balance sheets. The documentation should include, but not be limited to, the related parties associated with these transactions, the date of the transaction, and the services that were provided and received in association with these transactions. List the year end balances for these accounts for each related party for the years ending 2001 to present.

RESPONSE: To the extent this Discovery Request requires Respondents to create documents not in existence and extensively search through every transaction occurring during the last eight years, Respondents object to the Discovery Request for the reason that it would be unreasonable, oppressive and unduly burdensome. Subject to and without waiving the foregoing objection, to the extent that the requested information exists and is in the possession of JAB Ohio, it is attached as Attachment D.

9. For the Ohio company, describe in detail the transaction or transactions that occurred when \$1.4 million in inventory appearing on the company’s balance sheet in November 2001, became \$0 on the November 2002 balance sheet. Provide detailed information on the items included in the inventory as of November 2001, including, but not limited to, their book value and their estimated market value at the time. If the inventory was sold, provide the contract of sale of the inventory, the parties to which it was sold, and the value the company received from the sale, and whether this consideration was in the form of a note receivable or cash payment. Provide all documentation related to the reduction of the inventory from \$1.4 million to 0, including, but not limited to, any contracts, checks, and bank transfers.

RESPONSE: Respondent JAB Ohio did sell the inventory it had on hand at the time it ceased operations, but the related financial statements are the only documentation of this sale that appears to still exist. Respondent JAB Ohio is currently searching for the requested documents and to the extent they exist and are in the possession of JAB Ohio, Respondent JAB Ohio will produce said documents to the EPA.

10. Did the Toledo company sell inventory or other assets after it stopped operating? If so, provide detail on the transaction similar to that provided in Request 8 above.

RESPONSE: Respondent JAB Toledo did sell the inventory it had on hand at the time it ceased operations, but the related financial statements are the only documentation of this sale that appears to still exist. Respondent JAB Toledo is currently searching for the requested documents and to the extent they exist and are in the possession of JAB Toledo, Respondent JAB Toledo will produce said documents to the EPA.

11. Provide an itemization of the fixed assets currently owned by the Ohio and Toledo companies (e.g. an asset ledger) that shows a brief description of the asset, the year it was put in service, the original cost, the accumulated depreciation and an estimate of the current market value.

RESPONSE: Respondents JAB Ohio and JAB Toledo have attached the requested documents as Attachment E. The totals of the attached detailed asset lists agree with the 12/31/08 general ledger. Please note, however, that for JAB Ohio, the detail list is not accurate as the office furniture and fixtures and the machinery and equipment listed are fully depreciated and have been scrapped or otherwise disposed of. The retirements have not been recorded on the books. This does not result in a material misstatement of the balance sheet because the assets are fully depreciated.

12. Provide estimates of the current market value for each parcel of land, improvements, and equipment owned by the Ohio and Toledo companies.

RESPONSE: Respondents JAB Ohio and JAB Toledo have already provided the EPA with the requested information.

13. Provide the general ledgers from January 1, 1997 to present for the Ohio and Toledo companies. Provide the chart of accounts for both companies.

RESPONSE: Respondents JAB Ohio and JAB Toledo are in the process of coordinating a monthly summary of general ledger transactions that will be produced to the EPA when complete. To the extent this Discovery Request requires Respondents to go beyond creating monthly summaries and list every transaction occurring during the last twelve years, Respondents JAB Ohio and JAB Toledo object to the Discovery Request for the reason that it would be unreasonable, oppressive and unduly burdensome.

14. Provide copies of contracts between Mannik & Smith Group and Toledo and Ohio companies (or a representing party). Provide all payment documents associated with this contract(s), including, but not limited to, copies of invoices, proof of bank transfers and all other payment documents with regard to payments made to Mannik & Smith Group by the parties for the services rendered by Mannik & Smith Group at the Ohio and Toledo sites (in particular, the Closure Plan prepared by Mannik & Smith Group).

RESPONSE: To the extent the requested documents exist, they have been attached as Attachment F.

15. Provide all documents in possession of the Ohio and Toledo companies, as well as Biewer Lumber and John A. Biewer Co. Inc., discussing the closure and closure costs at the Ohio and Toledo companies' facilities, as well as all documents discussing the extent of contamination

at each company and the associated decontamination activities required to remove the contamination.

RESPONSE: As Respondent Biewer Lumber did not exist until February 9, 2006, (see Attachment A), Respondent Biewer Lumber objects to this Discovery Request to the extent it requests Biewer Lumber to produce documents created prior to its existence. Moreover, Biewer Lumber further objects that the requested information, as it pertains to Biewer Lumber, is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. To the extent the requested documents exist and are in the possession of Respondents JAB Ohio, JAB Toledo, or JAB Company, they have been attached as Attachment F.

16. For the Ohio and Toledo companies, provide the number of officers and employees employed after the shut-down (2001 and 1997, respectively). For each officer and employee, provide name, position, a brief job description and annual gross pay. Provide copies of pay stubs and all other documentation confirming the payments made by the Ohio and Toledo companies to these officers and employees during the period since the closure and until the present.

RESPONSE: The requested information has already been provided to the EPA.

17. For the Ohio and Toledo companies, provide the names of any individual acting on behalf of each company after the shut-down (2001 and 1997, respectively). For each individual, provide name, corporate affiliation, position(s), and nature of compensation for work performed on behalf of Ohio or Toledo. Provide all documentation confirming the payments

made by the Ohio and Toledo companies to these individuals during the period since the closure and until the present.

RESPONSE: The requested information has already been provided to the EPA.

18. Provide the name and account number of the checking account(s) for Ohio and Toledo companies, as well as the name of the bank where this checking account is open, and the name of the primary holder of the account. If the checking account(s) have been closed, advise as to when the account was closed, and describe how the Ohio and/or Toledo companies make payments in the absence of a checking account.

RESPONSE: Respondents JAB Ohio and JAB Toledo are currently compiling the information that is responsive to this request and will produce said information to the EPA. As an initial response, Respondents JAB Ohio and JAB Toledo do not and did not have separate checking accounts. Instead said Respondents use a central bank account that allocates separately all receipts and disbursements for each of the wholly owned subsidiaries.

19. With regard to the Repair and Maintenance expense appearing on the Ohio and Toledo companies' income statements and the Legal and the Accounting expense appearing on the Toledo company's income statement since the closure (2001 and 1997, respectively), provide the following information:

- a. Identify the specific services associated with these expenses.

RESPONSE: Respondents JAB Ohio and JAB Toledo are currently attempting to locate documents that would provide the requested information. If such documents are located, said Respondents will produce the requested information to the EPA.

- b. Identify who performed the services associated with these expenses. If the services were performed by an Ohio or Toledo employee, provide name, position and brief job description of the employee, as well as the gross annual compensation and copies of the associated pay stubs. If the services were performed by a third party or a related entity, provide a service contract, the list of the services performed, and the associated payment information (any checks, payment stubs and other payment documentation).

RESPONSE: Respondents JAB Ohio and JAB Toledo are currently attempting to locate documents that would provide the requested information. If such documents are located, said Respondents will produce the requested information to the EPA.

20. Identify the individual and company that prepare the financial data for the Ohio and Toledo companies. If the financial data are prepared by an employee(s), provide the name(s), position and brief job description of the employee(s), as well as the gross annual compensation and copies of the associated pay stubs. If the services are performed by a third party or a related entity, provide all documentation regarding the services including any contract or agreement, the list of services performed, and the associated payment information, including, but not limited to, any checks, payment stubs and other payment documentation.

RESPONSE: Respondents JAB Ohio and JAB Toledo object to this Discovery Request to the extent it is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence. Further, Respondents JAB Ohio and JAB Toledo object to this Discovery Request as it is vague and ambiguous. Subject to the foregoing objection and without waiving said objection, the internal financial statements for Respondents JAB Ohio and JAB Toledo are not separately prepared, but are a part of consolidated financials

that are currently prepared by Gary Olmstead, who is the chief financial officer of Biewer Lumber, with the assistance of staff. The audit records are currently prepared by Plante Moran.

21. With regard to all that property, income or other tax and insurance payments made by the Ohio and Toledo companies since the closure, provide all documents confirming the payments made by the Ohio and Toledo companies (including, but not limited to, copies of the checks covering the tax and insurance payments, electronic transfer information, etc.).

RESPONSE: Respondents JAB Ohio and JAB Toledo are currently preparing the documents that are responsive to this request and will produce said documents to the EPA.

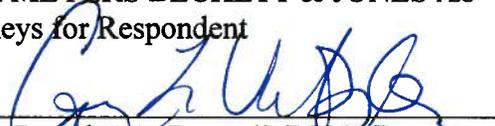
22. With regard to the rental income received by the Toledo company, provide all documents related to the rental, including but not limited to: rental agreement(s), and rent payments (i.e., copies of checks received by the Toledo company from the renter, electronic transfer documentation, etc.), documentation regarding the deposit of the rent payments (including the account number, holder of the account, and the name of the bank where the account is open), and any related correspondence.

RESPONSE: To the extent the requested documents exist and are in the possession of JAB Toledo, they have been attached as Attachment G.

Respectfully submitted,

MIKA MEYERS BECKETT & JONES PLC
Attorneys for Respondent

Dated: March 25, 2009

By: 
Douglas A. Donnell (P33187)
Amy L. VanDyke (P70333)
900 Monroe Avenue, NW
Grand Rapids, MI 49503
(616) 632-8000

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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MAR 27 2009

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

IN THE MATTER OF:

DOCKET NO: RCRA-05-2008-0007

John A. Biewer Company of Ohio, Inc.
300 Oak Street
St. Clair, Michigan 48079-0497
(Washington Courthouse Facility)

CERTIFICATE OF SERVICE

U.S. EPA ID #: OHD 081 281 412
and

John A. Biewer Company, Inc.
812 South Riverside Street
St. Clair, Michigan 48079

and

Biewer Lumber LLC
812 Riverside Street
St. Clair, Michigan 48079

Respondents
_____ /

I, Jane E. Blakemore, hereby state that I am the secretary for Douglas A. Donnell, and that on March 25, 2009, I served a copy of:

Respondents' Responses to EPA's Discovery Requests

upon the following individuals by Federal Express mail, postage prepaid:

Richard R. Wagner, Senior Attorney
Office of Regional Counsel (C-14J)
U. S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604-3590

I declare that the statements above are true to the best of my information, knowledge and belief.

Dated: March 25, 2009



Jane E. Blakemore

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

DOCKET NO: RCRA-05-2008-0007

John A. Biewer Company of Ohio, Inc.
300 Oak Street
St. Clair, Michigan 48079-0497
(Washington Courthouse Facility)

CERTIFICATE OF SERVICE

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St. Clair, Michigan 48079

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REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

and

Biewer Lumber LLC
812 Riverside Street
St. Clair, Michigan 48079

Respondents
_____ /

I, Jane E. Blakemore, hereby state that I am the secretary for Douglas A. Donnell, and that on March 25, 2009, I served a copy of:

Respondents' Responses to EPA's Discovery Requests

upon the following individuals by Federal Express mail, postage prepaid:

Richard R. Wagner, Senior Attorney
Office of Regional Counsel (C-14J)
U. S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604-3590

I declare that the statements above are true to the best of my information, knowledge and belief.

Dated: April 1, 2009


Jane E. Blakemore