



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

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REPLY TO THE ATTENTION OF:

**POUCH MAIL**

April 15, 2008

Honorable Barbara A. Gunning  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Re: *In the Matter of Behnke Lubricants, Inc.*  
Docket No. FIFRA-05-2007-0025

Dear Judge Gunning:

Enclosed, please find a true, accurate and complete copy of a Motion to Admit Complainant's Exhibits 6b and 68 Into Evidence.

The original and one copy of the Motion to Admit Complainant's Exhibits 6b and 68 Into Evidence was filed with the Regional Hearing Clerk, Region 5, U.S. EPA, on April 15, 2008. A true, accurate copy of the Motion to Admit Complainant's Exhibits 6b and 68 Into Evidence was delivered to Respondent's counsel via U.S. Mail on April 15, 2008.

Please do not hesitate to contact me at (312) 886-0568 if the Court has any questions.

Sincerely,

Nidhi K. O'Meara  
Associate Regional Counsel

cc: Mr. Bruce McInay, Esq.  
McInay, Schmitt & Button, Ltd.  
1150 Washington  
Grafton, Wisconsin 53024  
(via U.S. Mail)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	<b>Docket No. FIFRA-05-2007-0025</b>
	)	
<b>Behnke Lubricants, Inc.</b>	)	<b>Motion to Admit Complainant's</b>
<b>Menomonee Falls, Wisconsin</b>	)	<b>Exhibits 6b and 68 Into Evidence</b>
	)	
<b>Respondent.</b>	)	

**Motion to Admit Complainant's Exhibits 6b and 68 Into Evidence**

By this motion, Complainant, the United States Environmental Protection Agency, Region 5 (U.S. EPA or Complainant), moves to re-open the hearing record for the limited purpose of admitting into evidence Complainant's Exhibit 6b and 68. At the close of the hearing on April 3, 2008, the parties reviewed the Complainant's and Respondent's exhibits to ensure that the record accurately reflected the exhibits that were received during hearing. Upon review, Complainant discovered that Complainant's Exhibits 6b and 68 should have been received into the record. The Respondent does not object to allowing Complainant's Exhibits 6b and 68 into the record. At the close of the hearing, the court reporter was given a list of exhibits to be entered into the record which included Complainant's Exhibits 6b and 68. Upon mutual agreement of the parties, Complainant respectfully requests that Complainant's Exhibits 6b and 68 be admitted into the record.

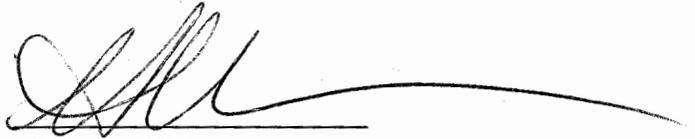
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*[Handwritten signature]*

Date: April 15, 2008

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Nidhi K. O'Meara', with a long horizontal flourish extending to the right.

Nidhi K. O'Meara  
Associate Regional Counsel  
Office of the Regional Counsel  
Mail Code C-14J  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604  
(312) 886-0813

**CERTIFICATE OF SERVICE**

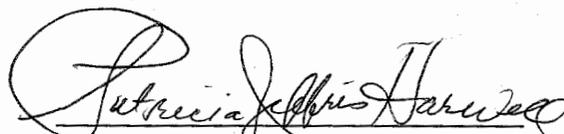
I hereby certify that on the 15<sup>th</sup> day of April, 2008, I filed the original and one copy of a Motion to Admit Complainant's Exhibits 6b and 68 Into Evidence with Sonja Brooks-Woodard, Regional Hearing Clerk, U.S. EPA, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604, and placed for pickup to be mailed a copy of the Motion to Admit Complainant's Exhibits 6b and 68 Into Evidence by Pouch Mail to:

Honorable Barbara Gunning  
Administrative Law Judge  
Office of the Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-2001

and placed in the custody of the U.S. mail a copy of Motion to Admit Complainant's Exhibits 6b and 68 Into Evidence to:

Mr. Bruce McInay, Esq.  
McInay, Schmitt & Button, Ltd.  
1150 Washington  
Grafton, Wisconsin 53024

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Patricia Jeffries-Harwell  
Legal Technician  
Office of Regional Counsel  
U.S. EPA, Region 5