



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

October 27, 2011

C-14J

The Honorable Susan L. Biro  
Chief Administrative Law Judge  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
1200 Pennsylvania Avenue, N.W.,  
Mail Code 1900L  
Washington, D.C. 20460

RE: In the Matter of Carbon Injection Systems LLC, Scott Forster, and Eric Lofquist  
Docket No. RCRA-05-2011-0009

Dear Chief Judge Biro:

Please find enclosed a copy of Complainant's Motion to Replace Complainant's Exhibit 115, filed on October 27, 2011, in the above-captioned matter. Please note that because Exhibit 115 is comprised of Confidential Business Information, Complainant is filing the copy under seal. Also please note that after consultation with Staff Attorney Steven Sarno in your office and after receiving permission from opposing counsel, Complainant's Exhibit 115 is in CD-ROM format.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. Matthew Moore".

J. Matthew Moore  
Assistant Regional Counsel

Enclosures

cc: Keven D. Eiber (w/ enclosures)  
Lawrence M. Falbe (w/ enclosures)

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U.S. ENVIRONMENTAL PROTECTION AGENCY  
U.S. EPA REGION 5

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:

Carbon Injection Systems LLC,  
Scott Forster,  
and Eric Lofquist,

Respondents.

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OFFICE OF THE REGIONAL CLERK  
U.S. EPA REGION 5

**Complainant's Motion to Replace Complainant's Exhibit 115**

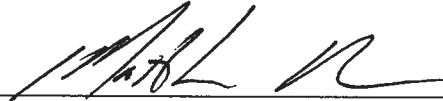
Comes now the U.S. Environmental Protection Agency, Region 5 (EPA or Complainant), through its undersigned attorney, pursuant to Section 22.16 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, codified at 40 C.F.R. Part 22, § 22.16 and respectfully requests that the Presiding Officer grant the instant Complainant's Motion to Replace Complainant's Exhibit 115.

Subsequent to the filing of Complainant's Initial Prehearing Exchange on October 14, 2011, Respondents brought to Complainant's attention a clerical error in Complainant's Exhibit 115. Due to the clerical error, a small portion of Complainant's Exhibit 115 was unintentionally omitted. The omitted portion gives the detailed output of EPA's BEN computer program, which was used by Complainant to calculate Respondents' economic benefit of noncompliance. Therefore, Complainant respectfully requests that the Court replace the incomplete Complainant's Exhibit 115, which was included in Complainant's Initial Prehearing Exchange, with Complainant's Exhibit 115 as attached hereto.

Prior to filing this Motion, the undersigned contacted the opposing parties as to the relief requested herein and said opponents indicated that they do not oppose the Motion.

Respectfully submitted,

Counsel for EPA:



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J. Matthew Moore, Assistant Regional Counsel  
Office of Regional Counsel  
U.S. EPA Region 5  
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Chicago, IL 60622  
PH (312) 886-5932  
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**In the Matter of Carbon Injection Systems LLC, Scott Forster, and Eric Lofquist  
Docket No. RCRA-05-2011-0009**

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U.S. EPA REGION 5

**CERTIFICATE OF SERVICE**

I certify that the foregoing "Complainant's Motion to Replace Complainant's Exhibit 115" dated October 27, 2011, was sent this day in the following manner to the addressees listed below:

Original and one copy hand-delivered to:

Regional Hearing Clerk  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Copy via Regular Mail to:

Attorneys for Respondents:

Carbon Injection Systems LLC, Scott Forster, Eric Lofquist  
c/o Lawrence W. Falbe  
Quarles & Brady LLP  
300 N. LaSalle Street, Suite 4000  
Chicago, IL 60654

Carbon Injection Systems LLC, Scott Forster, Eric Lofquist  
c/o Keven D. Eiber  
Brouse McDowell  
600 Superior Avenue East  
Suite 1600  
Cleveland, OH 44114

Presiding Judge:

The Honorable Susan L. Biro, Chief Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W., Mail Code 1900L  
Washington, DC 20460

10/27/11  
Date

  
\_\_\_\_\_  
J. Matthew Moore, Assistant Regional Counsel