

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

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U.S. ENVIRONMENTAL  
PROTECTION AGENCY

IN THE MATTER OF:

DOCKET NO: RCRA-05-2008-0006

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

**JOINT MOTION FOR ADDITIONAL  
EXTENSION OF TIME TO RESPOND**

U.S. EPA ID #: OHD 106 483 522

RESPONDENT  
\_\_\_\_\_ /


NOW COMES Complainant and Respondent, by and through their attorneys, Richard R. Wagner and Mika Meyers Beckett & Jones PLC respectively, and hereby move the Presiding Officer in this matter to hold Complainant's Motion For Accelerated Decision On Liability and Penalty and Motion To Strike, In Part, Respondent's Pre-Hearing Exchange (collectively referred to as "Motions") in abeyance until after the close of the discovery period. Complainant and Respondent make this request because since the filing of the Motions, the Presiding Officer has granted Complainant's Motion to Amend Complaint and Compliance Order in the case against John A. Biewer Company of Ohio, Inc. in which the Presiding Officer indicated that a similar result should be expected in this case. Such a decision may change the procedural status of this case. Given the anticipated change in the procedural status of this case, it is unclear to the Respondent how to respond to Complainant's Motions or on whose behalf the response should be submitted.

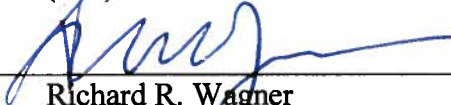
Complainant and Respondent agree that all parties will be best served by holding the Motions in abeyance, and therefore request that the Presiding Officer set a new briefing deadline after the close of discovery.

Respectfully submitted,

MIKA MEYERS BECKETT & JONES PLC  
Attorneys for Respondent

Dated: January 9, 2009

By:   
\_\_\_\_\_  
Douglas A. Donnell  
900 Monroe Avenue, NW  
Grand Rapids, MI 49503  
(616) 632-8000

By:   
\_\_\_\_\_  
Richard R. Wagner  
Senior Attorney and Counsel for  
the Administrator's Delegated Complainant  
U.S. Environmental Protection Agency  
77 West Jackson Blvd.  
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(312)886-7947

U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
JAN 14 2009  
OFFICE OF REGIONAL  
COUNSEL

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

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CERTIFICATE OF SERVICE

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PROTECTION AGENCY

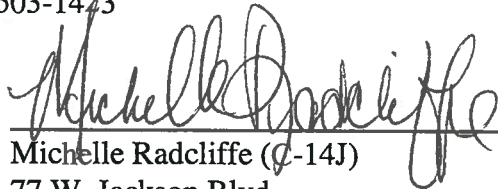
I hereby certify that today I filed the original of the **Joint Motion for Additional Extension of Time to Respond** in the office of the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604-3590, with this Certificate of Service.

I further certify that I then caused true and correct copies of the filed documents to be mailed to the following:

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

Douglas A. Donnell  
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January 13, 2009



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