

U. S. ENVIRONMENTAL PROTECTION AGENCY

REGION 7

901 N. 5th STREET

KANSAS CITY, KANSAS 66101
BEFORE THE ADMINISTRATOR

10 JUN -1 PM 1:03

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

In the Matter of)

KASHFLO, INC.)
St. Louis, Missouri)

Respondent.)

Proceedings under Section 16(a) of the)
Toxic Substances Control Act,)
15 U.S.C. § 2615(a))

Docket No. TSCA-07-2010-0002

MOTION FOR LEAVE TO FILE
RESPONDENT'S SUPPLEMENTAL
FIRST AMENDED INITIAL
PREHEARING EXCHANGE

RESPONDENT'S MOTION TO FILE SUPPLEMENTAL

FIRST AMENDED INITIAL PREHEARING EXCHANGE

**Comes Now Attorney for Respondent and on behalf of Respondent
Moves for Leave to File Respondent's Supplemental First Amended Initial
Prehearing Exchange for the following Good Cause Shown:**

**1] Respondent incorporates by reference its May 28, 2010 Response to
the May 20, 2010 Order to Show Cause as though set out herein at length.**

**2] Pursuant to 40 CFR § 22.16 and Page 5 of the Prehearing Order
dated March 25, 2010 Attorney for Respondent as Moving Party has contacted
Robert W. Richards, Esq. as Attorney for Complainant and requested that he
advise if he has any objection to the granting of the relief sought in this Motion.
As of the time of filing of this Motion, No Response has been received.**

3] **As Grounds with Particularity, Respondent by Its Attorney states that the filing of Respondent's Initial Prehearing Exchange on May 17, 2010 requires Supplement by this Amendment in order to be complete and to comply fully with the Prehearing Order dated March 25, 2010. Further, any asserted non-compliance is the result of ongoing retina vision problems of Respondent's Attorney in reading and comprehending the Prehearing Order and the provisions of 40 CFR § 22.19 and not by conduct that is intentionally or recklessly designed to impede the Agency's judicial process.**

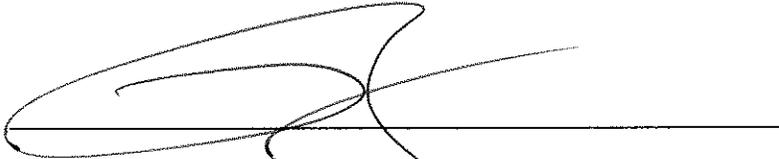
4] **Respondent Consents to such additional time for Complainant's Rebuttal Prehearing Exchange as determined just and fair by the Agency and the Chief Administrative Law Judge.**

5] **As Further good cause shown, Respondent has raised substantial defenses in Its Answer and Motions filed herein and requests fundamental fairness and substantive and procedural due process in order to present evidence to contest the Complaint and has not intended any disrespect to the Agency or the Chief Administrative Law Judge by filing of Its Supplemental First Amended Initial Prehearing Exchange in the interests of Justice.**

WHEREFORE, based upon the foregoing Respondent Respectfully Prays the Agency and the Chief Administrative Law Judge Find Good Cause Shown and allow Respondent to file Its Supplemental First Amended Initial Prehearing Exchange as Attached hereto with Exhibits, together with such other and further relief as determined just and proper.

RESPECTFULLY SUBMITTED,

KASHFLO, INC., A MISSOURI CORPORATION



ROBERT C. WITHINGTON # 31619 MBE #9903 E.D.MO.
ATTORNEY FOR RESPONDANT
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RICHMOND HEIGHTS, MO 63117
314.503.6757
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rcw@stllaw.com

CERTIFICATE OF SERVICE

Comes Now Robert C. Withington, Attorney for Respondent and Certifies that on the 28th Day of May, 2010 This Supplemental First Amended Initial Prehearing Compliance with Exhibits Was Filed and Served pursuant to 40 CFR § 22.5; 40 CFR § 22.7; 40 CFR § 22.16 and 40 CFR § 22.19 by Federal Express Overnight Delivery And was SERVED UPON:

ORIGINAL

The Honorable Susan L. Biro; Chief Administrative Law Judge, Suite 350
Office of Administrative Law Judges; U.S. Environmental Protection Agency
Mail Code: 1900L; USEPA Headquarters; Ariel Rios Building;
1200 Pennsylvania Avenue, N.W.; Washington, D.C. 20460

ORIGINAL AND ONE COPY TO:

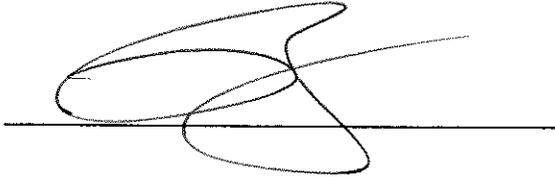
Sybil Anderson
Headquarters Hearing Clerk; Office of Administrative Law Judges, Suite 350
U. S. EPA; Mail Code 1900L; USEPA Headquarters; Ariel Rios Building;
1200 Pennsylvania Avenue, N.W.;; Washington, D.C. 20460-2001

ORIGINAL AND ONE COPY TO:

**Regional Hearing Clerk; U.S. Environmental Protection Agency, Region 7,
901 N. 5th Street Kansas City, Kansas 66101**

AND ONE ORIGINAL TO:

**Robert W. Richards, Attorney, Office of Regional Counsel, U.S. Environmental
Protection Agency, Region 7, 901 N. 5th Street Kansas City, Kansas 66101**

A handwritten signature in black ink, appearing to be "R. Richards", is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.