



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

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REPLY TO THE ATTENTION OF:

July 6, 2009

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

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

Dear Judge Moran:

After filing on July 2, 2009, Complainant's Memorandum in Support of Motion for Accelerated Decision on Derivative Liability, I became aware of errors in the page numbers in the Table of Contents of that memorandum. Consequently, I am having filed today a Corrected Table of Contents for the memorandum, a copy of which is enclosed.

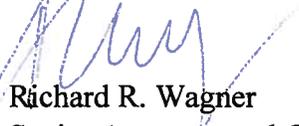
Also enclosed is a disc containing electronic editions of the following memoranda, filed with motions pending in this matter --

- (1) Memorandum in Support of Complainant's Motion to Strike, in Part, Respondent's Pre-Hearing Exchange;
- (2) Memorandum in Support of Complainant's Motion for Accelerated Decision on Liability and Penalty;
- (3) Memorandum in Support of the Penalty Amount Proposed; and,

- (4) Complainant's Memorandum in Support of Motion for Accelerated Decision on Derivative Liability. [Includes Corrected Table of Contents]

Thank you very much.

Very truly yours,



Richard R. Wagner
Senior Attorney, and Counsel for the
Administrator's Delegated Complainant

cc: Region 5 Hearing Clerk

Douglas A. Donnell
Mika Meyers Beckett & Jones, PLC
900 Monroe Avenue, NW
Grand Rapids, MI 49503-1423

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

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CERTIFICATE OF SERVICE

I hereby certify that today I filed the original, and one copy, of each of the following:

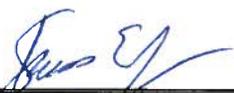
- (1) **Corrected Table of Contents for Complainant's Memorandum in Support of Motion for Accelerated Decision on Derivative Liability; and**
- (2) **Letter from Richard R. Wagner to the Honorable William B. Moran, dated July 2, 2006,**

in the office of the Regional Hearing Clerk (E-19J), 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
Mika Meyers Beckett & Jones, PLC
900 Monroe Avenue, NW
Grand Rapids, MI 49503-1423

July 6, 2009



Donald E. Ayres (C-14J)
Paralegal Specialist
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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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))
)
)
 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)
)
)

**COMPLAINANT'S MEMORANDUM IN SUPPORT OF MOTION FOR
ACCELERATED DECISION ON DERIVATIVE LIABILITY**

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