

**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)

**RESPONDENTS' SUPPLEMENTAL  
RESPONSES TO EPA'S DISCOVERY  
REQUESTS**

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

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U.S. ENVIRONMENTAL  
PROTECTION AGENCY.**

**GENERAL OBJECTIONS**

Respondents John A. Biewer Company of Ohio, Inc. ("JAB Ohio"), John A. Biewer Company of Toledo, Inc. ("JAB Toledo"), John A. Biewer Company, Inc. ("JAB Company"), and Biewer Lumber LLC object to the EPA's Discovery Requests dated February 26, 2009 ("Discovery Requests"), as follows:

1. By responding to any discovery request, the Respondents do not concede the relevance, materiality, admissibility or discoverability of the subject matter of the discovery request or of the information requested in response to the discovery request. Rather, the

responses to each discovery request are made expressly subject to, and without in any way waiving, any question or questions as to the competency, relevancy, privilege or admissibility of the responses given.

2. Respondents object to each request to the extent that it would require Respondents to prepare documents, lists or compilations not already in existence.

3. Respondents object to all discovery requests which purport to require responses going beyond those required by the Federal Rules of Civil Procedure.

4. Respondents object to each request to the extent that it seeks information which is not relevant to the subject matter of the pending action or seeks information which is not admissible and not reasonably calculated to lead to the discovery of admissible evidence.

5. Respondents object to each discovery request to the extent that it requests Respondents to conduct electronic searches for emails or other electronic data that were deleted or removed from active files (by archive, back-up or otherwise) in the ordinary course of business prior to receipt of these discovery requests, for the reason that it would be unreasonable, oppressive and unduly burdensome.

6. Respondents object to each discovery request to the extent that it requests Respondents to obtain information and/or documents which are not in the possession, custody or control of any of the Respondents.

7. Respondents object to each discovery request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product immunity or any other applicable privilege or immunity ("Privileged" documents), and will not produce Privileged documents.

8. Respondents object to each discovery request to the extent that it seeks a trade secret or other confidential research, development or commercial information. Respondents will not produce or disclose any information or documents disclosing trade secret or other confidential research, development or commercial information until a Protective Order has been entered in this matter.

9. Respondents object to each Discovery Request to the extent that it seeks confidential and personal information related to individual employees.

#### **SUPPLEMENTAL RESPONSES TO EPA'S DISCOVERY REQUEST**

Subject to and without waiving the foregoing General Objections, Respondents supplement their Responses to EPA's Discovery Requests dated March 25, 2009, as follows:

1. For John A. Biewer Co., Inc. and Biewer Lumber LLC, complete tax returns including all schedules and attachments for January 1, 1997 through the present.

**RESPONSE: As Respondent Biewer Lumber LLC did not exist until February 9, 2006, Respondent Biewer Lumber LLC objects to this Discovery Request to the extent it requests Biewer Lumber LLC to produce documents created prior to its existence. Moreover, Biewer Lumber LLC further objects that the requested information, as it pertains to Biewer Lumber LLC, is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. Subject to and without waiving the foregoing objections, there are no responsive documents for Biewer Lumber LLC prior to February 9, 2006, when it was formed. Respondent JAB Company has already produced the responsive documents to the EPA, to the extent these documents exist and are in the possession of Respondent JAB Company.**

2. For John A. Biewer Co., Inc. and Biewer Lumber LLC, complete year-end financial statements, including the auditor's letter, balance sheet, income statement, statement of cash flows and notes, for January 1, 1997 through the present.

**RESPONSE:** As Respondent Biewer Lumber LLC did not exist until February 9, 2006, (see Attachment A), Respondent Biewer Lumber LLC objects to this Discovery Request to the extent it requests Biewer Lumber LLC to produce documents created prior to its existence. Moreover, Biewer Lumber LLC further objects that the requested information, as it pertains to Biewer Lumber LLC, is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. Subject to and without waiving the foregoing objections, there are no responsive documents for Biewer Lumber LLC prior to February 9, 2006, when it was formed. Respondent JAB Company has already produced the requested documents to the EPA, to the extent that these documents exist and are in the possession of JAB Company.

4. Ownership and corporate management information:

- a. For the Ohio and Toledo companies, John A. Biewer Company Inc., and Biewer Lumber LLC, a current corporate map, including detailed information on corporate ownership and officers, for all levels of corporate relationship. A corporate map showing the relationship of Toledo and Ohio Companies with John A. Biewer Co., Inc, Biewer Lumber LLC and other related entities.

**RESPONSE:** Respondent Biewer Lumber LLC objects that, to the extent the requested information is about its ownership and relationships to various entities, such information is

**neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. Subject to and without waiving the foregoing objections, Exhibits E, F, and G of Respondents' Memorandum in Opposition to Complainant's Motion to Amend Complaint dated November 14, 2008 ("Memorandum") demonstrate that Biewer Lumber LLC is a limited liability company that was formed in February of 2006 and is neither owned by, nor does it own an interest in JAB Toledo, JAB Ohio, and JAB Company. Exhibit F clearly shows that BT Holdings, LLC is the only Member of Biewer Lumber, LLC and Exhibit G clearly shows that Brian Biewer and Timothy Biewer are the only members of BT Holdings, LLC. Exhibit A to the Memorandum filed in the respective cases against JAB Toledo and JAB Ohio is an Affidavit of Brian Biewer stating that JAB Company is the sole shareholder of JAB Toledo and JAB Ohio. Exhibit B to the Memorandum filed in the respective cases against JAB Toledo and JAB Ohio consists of the Articles of Incorporation of JAB Toledo and JAB Ohio demonstrating that JAB Company was the incorporator of each company. These documents delineate the corporate relationships between the Respondents: JAB Company is the parent company to the subsidiaries JAB Toledo and JAB Ohio and Biewer Lumber, LLC is entirely separately owned. Moreover, Respondents JAB Company, JAB Toledo, and JAB Ohio have previously informed the EPA that the President of each company is Richard Biewer, the Vice-President is Timothy J. Biewer, and the Secretary/Treasurer is Brian Biewer. These roles have been held by the above-named individuals at all times relevant to these proceedings.**

- b. A history of the ownership of the Toledo and Ohio Companies, John A. Biewer Co., Inc. and Biewer Lumber LLC from January 1, 1997 to present, including percentages of ownership if more than one shareholder, member or partner.

**RESPONSE: As Respondent Biewer Lumber LLC did not exist until February 9, 2006, Respondent Biewer Lumber LLC objects to this Discovery Request to the extent it requests Biewer Lumber LLC to produce documents created prior to its existence. Moreover, Respondent Biewer Lumber LLC further objects that any requested information regarding its ownership is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. Subject to and without waiving the foregoing objections, there are no responsive documents for Biewer Lumber LLC prior to February 9, 2006, when it was formed. Respondent JAB Company objects to the request of its ownership because its ownership is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, there are two shareholder of JAB Company. The non-voting common shareholders are Brian Biewer, Timothy Biewer, and John B. Biewer. The voting preferred shareholders are Richard Biewer, Brian Biewer, and Timothy Biewer. Respondents Biewer Lumber LLC, JAB Toledo and JAB Ohio direct Complainant to the response provided to Request 4(a).**

- c. A history of the officers of the Toledo and Ohio companies, John A. Biewer Co., Inc. and Biewer Lumber LLC from January 1, 1997 to the present.

**RESPONSE: As Respondent Biewer Lumber LLC did not exist until February 9, 2006, (see Attachment A), Respondent Biewer Lumber LLC objects to this Discovery Request to the extent it requests Biewer Lumber LLC to produce documents created prior to its existence. Moreover, Biewer Lumber LLC further objects that the requested information, as it pertains to Biewer Lumber LLC, is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. Subject to and without waiving the foregoing objections, there are no responsive documents for Biewer Lumber LLC prior to February 9, 2006, when it was formed. Respondents Biewer Lumber LLC, JAB Toledo and JAB Ohio direct Complainant to the response provided to Request 4(a).**

- d. A history of the Board of Directors of the Toledo and Ohio Companies, John A. Biewer Co., Inc. and Biewer Lumber LLC from January 1, 1997 to the present.

**RESPONSE: As Respondent Biewer Lumber LLC did not exist until February 9, 2006, Respondent Biewer Lumber LLC objects to this Discovery Request to the extent it requests Biewer Lumber LLC to produce documents created prior to its existence. Moreover, Biewer Lumber LLC further objects that the requested information, as it pertains to Biewer Lumber LLC, is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. Subject to and without waiving the foregoing objections, there are no responsive documents for Biewer Lumber LLC prior to February 9, 2006, when it was formed. In addition, as a limited liability company, Biewer Lumber LLC has never had a Board of Directors. Respondents JAB**

**Company, JAB Toledo, and JAB Ohio have already communicated to the EPA that the Board of Directors for all three companies currently, and at all times relevant to these proceedings, consisted of Richard Biewer, Timothy Biewer, and Brian Biewer.**

- e. Copies of the Board of Directors' Meeting Minutes, Resolutions, or any other records of the Board for the four companies from January 1, 1997 to present.

**RESPONSE: As Respondent Biewer Lumber LLC did not exist until February 9, 2006, (see Attachment A), Respondent Biewer Lumber LLC objects to this Discovery Request to the extent it requests Biewer Lumber LLC to produce documents created prior to its existence. Moreover, Biewer Lumber LLC further objects that the requested information, as it pertains to Biewer Lumber LLC, is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. Subject to and without waiving the foregoing objections, there are no responsive documents for Biewer Lumber LLC prior to February 9, 2006, when it was formed. In addition, as explained above, for the period following the formation of Biewer Lumber LLC, there are no responsive documents because Biewer Lumber LLC did not have a Board of Directors to create the requested documents. Respondent JAB Company objects to this request to the extent it requires JAB Company to provide documents that are neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, there are no other Board of Directors' Meeting Minutes, Resolutions, or any other records of the Board for the stated time period that pertain in any way to JAB Toledo, JAB Ohio, or Biewer**



**Lumber LLC that have not already been produced to the EPA. Respondents JAB Toledo and JAB Ohio have already produced all responsive documents to the EPA.**

5. For the Toledo company, a description of all related party transactions for the period of January 1, 1997 to the present. For the Ohio company, a description of all related party transactions for the period of January 1, 2001 to the present. A related party transaction includes, but is not limited to, sales, purchases, and transfers of realty and personal property; services received or furnished, for example, accounting management, engineering, and legal services; use of property and equipment by lease or otherwise; borrowings and lendings; guarantees; maintenance of bank balances as compensating balances for the benefit of another; intercompany billings based on allocations of common costs; and filings of consolidated tax returns.

Statement No. 57 of the Financial Accounting Standards Board defines related parties as the following:

- Affiliates of the enterprise. An affiliate is a party that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with an enterprise.
- Entities for which investments are accounted for by the equity method by the enterprise.
- Trusts for the benefit of employees, such as pension and profit-sharing trusts that are managed by or under the trusteeship of management.
- Principal owners of the enterprise. Principal owners are owners of record or known beneficial owners of more than 10 percent of the voting interests of the enterprise.
- Management of the enterprise. Management includes persons who are responsible for achieving the objectives of the enterprise and who have the authority to establish policies and make decisions by which those objectives are to be pursued. Management normally includes members of the board of directors, the chief executive officer, chief operating officer, vice presidents in charge of principal business functions (such as sales, administration, or finance), and other

persons who perform similar policymaking functions. Persons without formal titles also may be members of management.

- Members of the immediate families of principal owners of the enterprise and its management. Immediate family includes family members whom a principal owner or a member of management might control or influence or by whom they might be controlled or influenced because of the family relationship.
- Other parties with which the enterprise may deal if one party controls or can significantly influence the management or operating policies of the other to an extent that one of the transacting parties might be prevented from fully pursuing its own separate interests.
- Other parties that can significantly influence the management or operating policies of the transacting parties or that have an ownership interest in one of the transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests.

For each transaction, the description should include, but not be limited to, the specific nature of the transaction, the related parties' names, the date of the transaction, and the dollar amount of the transaction.

**RESPONSE: To the extent that the requested information exists, Respondents JAB Toledo and JAB Ohio attached the responsive information as Attachment D in Respondents' Responses to EPA Discovery Requests. Respondents JAB Toledo and JAB Ohio have again attached the same information as Attachment A and note that the information provided begins in fiscal year 1997 and goes through 2009.**

- a. For all transactions of \$5,000 or more involving transfer or sale of an item or asset from Toledo or Ohio company to a related party, provide all documentation developed by Toledo or Ohio company to assure that the asset transfer or sale was consistent with a third-party market transaction.

**RESPONSE: After a search for any such documents, it has been determined that the requested documentation does not exist.**

7. Provide all documents related in any way to the detail of the “Accounts Receivable Intercompany” and “Accounts Payable Intercompany” entries appearing on the Toledo company’s balance sheets. The documentation should include, but not be limited to, the related parties associated with these transactions, the date of the transaction, and the services that were provided and received in association with these transactions. List the year end balances for these accounts for each related party for the years ending 1997 to present.

**RESPONSE: Respondent JAB Toledo has been unable to locate any of the requested documents except for those included in Attachment A, and is currently continuing to search for responsive documents and will produce said documents, to the extent they exist, to the EPA by May 11, 2009. As noted above, some of the requested information is available in the documents attached as Attachment A because this request is somewhat duplicative of Request No. 5.**

8. Provide all documents related to in any way to the detail of the “Accounts Receivable Intercompany” and “Accounts Payable Intercompany” entries appearing on the Ohio company’s balance sheets. The documentation should include, but not be limited to, the related parties associated with these transactions, the date of the transaction, and the services that were provided and received in association with these transactions. List the year end balances for these accounts for each related party for the years ending 2001 to present.

**RESPONSE: Respondent JAB Ohio has been unable to locate any of the requested documents except for those included in Attachment A, and is currently continuing to search for responsive documents and will produce said documents, to the extent they exist, to the EPA by May 11, 2009. As noted above, some of the requested information is**

**available in the documents attached as Attachment A because this request is somewhat duplicative of Request No. 5.**

9. For the Ohio company, describe in detail the transaction or transactions that occurred when \$1.4 million in inventory appearing on the company's balance sheet in November 2001, became \$0 on the November 2002 balance sheet. Provide detailed information on the items included in the inventory as of November 2001, including, but not limited to, their book value and their estimated market value at the time. If the inventory was sold, provide the contract of sale of the inventory, the parties to which it was sold, and the value the company received from the sale, and whether this consideration was in the form of a note receivable or cash payment. Provide all documentation related to the reduction of the inventory from \$1.4 million to 0, including, but not limited to, any contracts, checks, and bank transfers.

**RESPONSE: Respondent JAB Ohio did sell the inventory it had on hand at the time it ceased operations. Respondent JAB Ohio has attached a detailed listing inventory as of November 30, 2000 as Attachment B. Between November 30, 2000 and November 30, 2001, the company's inventory was sold. JAB Ohio is identified as Branch 73. Detailed sales records for that period are no longer available. When operations were discontinued at the facility in 2001, any inventory that was not sold to customers was sold, at cost, to JAB Company, John A. Biewer Co. of Illinois, and Biewer of Lansing LLC and JAB Ohio's account was credited those amounts.**

10. Did the Toledo company sell inventory or other assets after it stopped operating? If so, provide detail on the transaction similar to that provided in Request 8 above.

**RESPONSE: Respondent JAB Ohio did sell the inventory it had on hand at the time it ceased operations. When operations were discontinued, any inventory that was not sold to**

**customers was sold to affiliated companies at cost. Detailed sales records for this period are no longer available.**

12. Provide estimates of the current market value for each parcel of land, improvements, and equipment owned by the Ohio and Toledo companies.

**RESPONSE: Respondents JAB Ohio and JAB Toledo have already provided the EPA with the tax assessment values for each parcel of land. Respondents JAB Ohio and JAB Toledo do not possess any other information related to the market value of the parcels of land, improvements, or equipment owned by each of them.**

13. Provide the general ledgers from January 1, 1997 to present for the Ohio and Toledo companies. Provide the chart of accounts for both companies.

**RESPONSE: Respondents JAB Ohio and JAB Toledo are in the process of compiling a monthly summary of general ledger transactions that will be produced to the EPA by May 11, 2009. There is no formal chart of accounts, but all accounts will be listed by providing the EPA with the general ledger.**

14. Provide copies of contracts between Mannik & Smith Group and Toledo and Ohio companies (or a representing party). Provide all payment documents associated with this contract(s), including, but not limited to, copies of invoices, proof of bank transfers and all other payment documents with regard to payments made to Mannik & Smith Group by the parties for the services rendered by Mannik & Smith Group at the Ohio and Toledo sites (in particular, the Closure Plan prepared by Mannik & Smith Group).

**RESPONSE: The requested contracts and Closure Plan were attached to Respondents' Responses to EPA's Discovery Requests as Attachment F. JAB Toledo and JAB Ohio is**

**currently compiling additional payment information and will provide the requested documents to the EPA by May 11, 2009.**

15. Provide all documents in possession of the Ohio and Toledo companies, as well as Biewer Lumber LLC and John A. Biewer Co. Inc., discussing the closure and closure costs at the Ohio and Toledo companies' facilities, as well as all documents discussing the extent of contamination at each company and the associated decontamination activities required to remove the contamination.

**RESPONSE: As Respondent Biewer Lumber LLC did not exist until February 9, 2006, (see Attachment A), Respondent Biewer Lumber LLC objects to this Discovery Request to the extent it requests Biewer Lumber LLC to produce documents created prior to its existence. Moreover, Biewer Lumber LLC further objects that the requested information, as it pertains to Biewer Lumber LLC, is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence because it is uncontested that Respondent did not even exist until two years after the alleged violations occurred. Subject to and without waiving the foregoing objections, there are no responsive documents for Biewer Lumber LLC prior to February 9, 2006, when it was formed. Respondent JAB Ohio does not believe that an estimate of closure costs pertaining to its facilities exists or that the extent of contamination has been fully defined. Respondents JAB Company and JAB Toledo have produced responsive documents, to the extent the requested documents exist and have been located, as Attachment F to the Responses to EPA's Discovery Requests dated March 25, 2009. Respondent JAB Toledo believes that more information existed at one time, and is currently still trying to locate said information Respondent JAB Toledo will provide the EPA with a response by May 11, 2009.**

16. For the Ohio and Toledo companies, provide the number of officers and employees employed after the shut-down (2001 and 1997, respectively). For each officer and employee, provide name, position, a brief job description and annual gross pay. Provide copies of pay stubs and all other documentation confirming the payments made by the Ohio and Toledo companies to these officers and employees during the period since the closure and until the present.

**RESPONSE: Respondents JAB Toledo and JAB Ohio have previously informed the EPA that there was no one employed at either company after each was shut-down. Brian Biewer was duly appointed to be the manager/director of each company and was not paid for his work at that position.**

17. For the Ohio and Toledo companies, provide the names of any individual acting on behalf of each company after the shut-down (2001 and 1997, respectively). For each individual, provide name, corporate affiliation, position(s), and nature of compensation for work performed on behalf of Ohio or Toledo. Provide all documentation confirming the payments made by the Ohio and Toledo companies to these individuals during the period since the closure and until the present.

**RESPONSE: Please see the response to Request No. 16.**

18. Provide the name and account number of the checking account(s) for Ohio and Toledo companies, as well as the name of the bank where this checking account is open, and the name of the primary holder of the account. If the checking account(s) have been closed, advise as to when the account was closed, and describe how the Ohio and/or Toledo companies make payments in the absence of a checking account.

**RESPONSE: Each subsidiary used a separate series of checks drawing from one bank account in the name of JAB Company. The bank account is with Bank of America and the account number is 2770706519. After JAB Toledo and JAB Ohio closed, the checks were no longer used and JAB Company paid all expenses and charged JAB Toledo or JAB Ohio through an intercompany payable.**

19. With regard to the Repair and Maintenance expense appearing on the Ohio and Toledo companies' income statements and the Legal and the Accounting expense appearing on the Toledo company's income statement since the closure (2001 and 1997, respectively), provide the following information:

- a. Identify the specific services associated with these expenses.

**RESPONSE: To date, Respondents JAB Toledo and JAB Ohio have been unable to locate information or documents responsive to this request. To the extent the information can be located, Respondents JAB Ohio and JAB Toledo will provide the requested information by May 11, 2009.**

- b. Identify who performed the services associated with these expenses. If the services were performed by an Ohio or Toledo employee, provide name, position and brief job description of the employee, as well as the gross annual compensation and copies of the associated pay stubs. If the services were performed by a third party or a related entity, provide a service contract, the list of the services performed, and the associated payment information (any checks, payment stubs and other payment documentation).



**RESPONSE: Respondents object to this request to the extent that it seeks confidential and personal information related to individual employees. Subject to and without waiving the foregoing objection, see the response to Request No. 19(a).**

20. Identify the individual and company that prepare the financial data for the Ohio and Toledo companies. If the financial data are prepared by an employee(s), provide the name(s), position and brief job description of the employee(s), as well as the gross annual compensation and copies of the associated pay stubs. If the services are performed by a third party or a related entity, provide all documentation regarding the services including any contract or agreement, the list of services performed, and the associated payment information, including, but not limited to, any checks, payment stubs and other payment documentation.

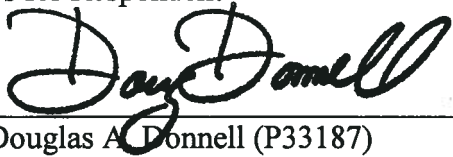
**RESPONSE: Respondents JAB Ohio and JAB Toledo object to this Discovery Request to the extent that it seeks confidential and personal information related to individual employees and is neither relevant to the issues at hand nor reasonably calculated to lead to the discovery of admissible evidence. Further, Respondents JAB Ohio and JAB Toledo object to this Discovery Request as it is vague and ambiguous. Subject to the foregoing objections and without waiving said objections, the internal financial statements for Respondents JAB Ohio and JAB Toledo are prepared separately by Gary Olmstead, who is the Chief Financial Officer of JAB Company, with the assistance of staff. The audit records are currently prepared by Plante & Moran. Historically, each subsidiary paid a management fee to JAB Company for performing the above services. Since JAB Toledo and JAB Ohio have discontinued operations, JAB Company has been performing the above services without collecting a management fee.**

21. With regard to all that property, income or other tax and insurance payments made by the Ohio and Toledo companies since the closure, provide all documents confirming the payments made by the Ohio and Toledo companies (including, but not limited to, copies of the checks covering the tax and insurance payments, electronic transfer information, etc.).

**RESPONSE: To date, Respondents JAB Toledo and JAB Ohio have been unable to locate information or documents responsive to this request. To the extent the information can be located, Respondents JAB Ohio and JAB Toledo will provide the requested information by May 11, 2009.**

Respectfully submitted,

MIKA MEYERS BECKETT & JONES PLC  
Attorneys for Respondent

By: 

Douglas A. Donnell (P33187)  
900 Monroe Avenue, NW  
Grand Rapids, MI 49503  
(616) 632-8000

Dated: April 28, 2009

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PROTECTION AGENCY

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)

**CERTIFICATE OF SERVICE**

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

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APR 30 2009

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY.

I, Nicole L. Infante, hereby state that I am an employee of Mika Meyers Beckett & Jones PLC, and that on April 28, 2009, I served a copy of:

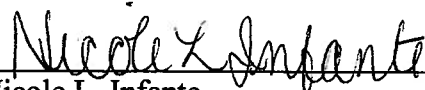
**Respondents' Supplemental Responses to EPA's Discovery Requests**

upon the following individuals by U.S. first-class mail, postage prepaid:

Richard R. Wagner, Senior Attorney  
Office of Regional Counsel (C-14J)  
U. S. Environmental Protection Agency  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

I declare that the statements above are true to the best of my information, knowledge and belief.

Dated: April 28, 2009

  
\_\_\_\_\_  
Nicole L. Infante

# Mika Meyers Beckett & Jones PLC

900 Monroe Avenue NW Grand Rapids, MI 49503 Tel 616-632-8000 Fax 616-632-8002 Web mmbjlaw.com

## Attorneys at Law

James R. Brown	James K. White	Neil P. Jansen	Ronald M. Redick	Of Counsel	Also Admitted In
Larry J. Gardner	Stephen J. Mulder	Eric S. Richards	James J. Rosloniec	James B. Beckett	<sup>1</sup> Colorado
Claude L. Vander Ploeg	Douglas A. Donnell <sup>5</sup>	Daniel J. Parmeter, Jr.	Brian M. Andrew	John C. Jones	<sup>2</sup> Delaware
John M. DeVries <sup>5</sup>	Scott E. Dwyer	Mark E. Nettleton <sup>3</sup>	Matthew E. Fink	Steven L. Dykema	<sup>3</sup> Illinois
Michael C. Haines	William A. Horn <sup>6</sup>	John C. Arndts	Kimberly M. Large <sup>2</sup>	Ronald J. Clark	<sup>4</sup> New York
Scott S. Brinkmeyer	Daniel R. Kubiak	Andrea D. Crumback	Nikole L. Canute <sup>4</sup>	Leonard M. Hoffius <sup>1</sup>	<sup>5</sup> Ohio
John T. Sperla	Mark A. Van Allsburg	Scott D. Broekstra	Steffany J. Dunker	Daniel J. Kozera, Jr.	<sup>6</sup> Wisconsin
David R. Fernstrum	Elizabeth K. Bransdorfer	Jennifer A. Pupilava	Amy L. VanDyke		
Mark A. Kehoe	Neil L. Kimball	Nathaniel R. Wolf			
Fredric N. Goldberg	Ross A. Leisman	Benjamin A. Zainea			

April 28, 2009

Regional Hearing Clerk (E-13J)  
United States Environmental Protection Agency  
Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

Re: John A. Biewer of Ohio, Inc.  
RCRA-05-2008-0007

Dear Clerk:

Enclosed are the original and one copy of Respondents' Supplemental Responses to EPA's Discovery Requests and Certificate of Service indicating mailing of the same to opposing counsel to be filed in the above-referenced matter.

Very truly yours,



Amy L. VanDyke

nli  
Enclosures

cc: Hon. William B. Moran (by Fed Ex and e-mail)  
Richard R. Wagner  
Douglas S. Touma, Sr.

*via U. S. first-class mail*

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