

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of: )  
)  
Carbon Injection Systems LLC; )  
Scott Forster, President; )  
Eric Lofquist, Vice President )  
Gate #4 Blast Furnace Main Ave )  
Warren Township, OH 44483 )  
)  
EPA ID No. OHR000127910 )  
)  
Respondents. )  
)  
)

Docket No. RCRA-05-2011-0009

RECEIVED

DEC 8 2011

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

**RESPONDENTS CARBON INJECTION SYSTEMS LLC, SCOTT FORSTER  
AND ERIC LOFQUIST'S JOINT MOTION FOR  
ADMINISTRATIVE SUBPOENAS TO ISSUE FOR  
THE DISCOVERY DEPOSITIONS OF THIRD-PARTY WITNESSES**

Respondents Carbon Injection Systems LLC, Scott Forster and Eric Lofquist, by and through their undersigned counsel, pursuant to Rule 22.19(e) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties (40 C.F.R. 22.19(e)), respectfully request the Presiding Officer issue a subpoena for Theresa Barry, Tom Guido, Donald DuRivage and David Shepard, who are current or former employees of International Flavors & Fragrances, Inc., to appear and testify for depositions at the specified date, time and location noted in the attached subpoenas or at such other times and locations upon which the parties and IFF may agree. Respondents request the IFF witnesses produce certain documents as well, which are identified in the *duces tecum* request in the subpoenas. The depositions are intended for discovery and also for use at the hearing. The proposed subpoenas for the IFF witnesses are attached hereto as Exhibit A.

In support of this Motion, Respondents rely on the Consolidated Rules, the facts and law set forth in their July 26, 2011 Motion for Administrative Subpoena to Issue for the Deposition of International Flavors & Fragrances, Inc. and its accompanying Memorandum, and their Motion for A Revised Case Schedule and Renewed Motion for Third-party Discovery filed contemporaneously herewith.

Respectfully submitted,

Keven Drummond Eiber (OH 0043746)  
Meagan L. DeJohn (OH 0079429)  
Brouse McDowell, L.P.A.  
1001 Lakeside Ave., Suite 1600  
Cleveland, Ohio 44114  
Telephone: (216) 830-6830  
Facsimile: (216) 830-6807  
[keiber@brouse.com](mailto:keiber@brouse.com)  
[mdejohn@brouse.com](mailto:mdejohn@brouse.com)



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Lawrence W. Falbe (IL 06224888)  
Quarles & Brady LLP  
300 N. LaSalle St., Suite 4000  
Chicago, Illinois 60654  
Telephone: (312) 715-5223  
Facsimile: (312) 632-1792  
[larry.falbe@quarles.com](mailto:larry.falbe@quarles.com)

*Attorneys for Respondents Carbon Injection  
Systems LLC, Scott Forster, and Eric  
Lofquist*

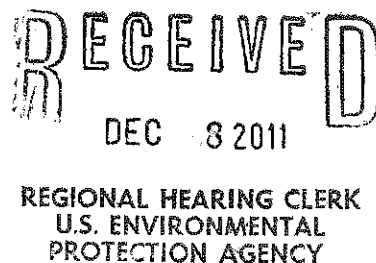
**In the Matter of: Carbon Injection Systems LLC, Scott Forster, and Eric Lofquist,  
Respondents, Docket No. RCRA-05-2011-0009**

**CERTIFICATE OF SERVICE**

I, Lawrence W. Falbe, an attorney, certify that the foregoing Respondents Carbon Injection Systems LLC, Scott Forster and Eric Lofquist's Joint Motion for Administrative Subpoenas to Issue for the Discovery Depositions of Third-Party Witnesses was sent on December 8, 2011, in the manner indicated, to the following:

Original and One Copy by hand delivery to:

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



Copy by Overnight Delivery to:

The Honorable Susan L. Biro, Chief Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14th Street, N.W., Suite 350  
Washington, DC 20005

Copy by hand-delivery to:

Catherine Garypie, Esq. (garypie.catherine@epamail.epa.gov)  
Matthew Moore, Esq. (moore.matthew@epamail.epa.gov)  
Office of Regional Counsel  
U.S. EPA Region 5  
77 West Jackson Blvd.  
Chicago, IL 60622

Copy by E-mail and Regular Mail to:

Steven Sarno (sarno.steven@epamail.epa.gov)  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Mail Code 1900L  
Washington, DC 20460

Keven Eiber, Esq. (keiber@brouse.com)  
Meagan Moore, Esq. (mmoore@brouse.com)  
Brouse McDowell  
600 Superior Avenue East  
Suite 1600  
Cleveland, OH 44114

December 8, 2011

A handwritten signature in cursive script that reads "Lawrence W. Falbe". The signature is written in black ink and is positioned above a horizontal line.

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Lawrence W. Falbe

# **EXHIBIT A**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	
	)	<b>Docket No. RCRA-05-2011-0009</b>
<b>Carbon Injection Systems LLC;</b>	)	
<b>Scott Forster, President;</b>	)	
<b>Eric Lofquist, Vice President</b>	)	<b>Under Section 3008(a) of the Resource</b>
<b>Gate #4 Blast Furnace Main Ave</b>	)	<b>Conservation and Recovery Act,</b>
<b>Warren Township, OH 44483</b>	)	<b>42 U.S.C. § 6928(a)</b>
	)	
<b>EPA ID No. OHR000127910</b>	)	
	)	
<b>Respondents.</b>	)	
	)	
	)	
	)	
	)	

**SUBPOENA DUCES TECUM**

To: Theresa Barry  
c/o International Flavors & Fragrances, Inc.  
World Headquarters  
521 West 57<sup>th</sup> Street  
New York, New York 10019

YOU ARE HEREBY COMMANDED, pursuant to Section 3008(b) of the Resources Conservation and Recovery Act, 42 U.S.C. § 6928(b), and Section 22.19(e) of the Consolidated Rules of Practice, 40 C.F.R. Part 22, TO APPEAR IN PERSON at the following place and times:

**DATES AND TIMES:** January 25, 2012, at 2:00 pm, and continuing as needed

**PLACE:** International Flavors & Fragrances, Inc.,  
World Headquarters  
521 West 57<sup>th</sup> Street  
New York, New York 10019

The deposition will be taken pursuant to Rule 30 of the Federal Rules of Civil Procedure, as applicable and may be continued from day to day until completed. The deposition will be recorded by stenographic means and may be recorded by sound and visual means.

YOU ARE FURTHER COMMANDED:

TO APPEAR IN PERSON at the above dates, time and place;

TO TESTIFY then and there under oath, make truthful response to all lawful inquiries and questions put to you by the Parties; and

TO REMAIN IN ATTENDANCE until excused.

YOU ARE FURTHER COMMANDED TO BRING WITH YOU AND PRODUCE at the earliest time and place identified above the following books, papers, letters or other documentary evidence related to the matters listed above:

1. Process diagrams that describe the manufacturing process at IFF's Augusta, GA, plant for Unitene AGR from 2005 to the present.
2. Process diagrams that describe the manufacturing process at IFF's Augusta, GA, plant for Unitene LE from 2005 to the present.
3. Documents sufficient to describe any process changes in the manufacture of Unitene AGR at IFF's Augusta, GA, plant from 2005 to the present.
4. Documents sufficient to describe any process changes in the manufacture of Unitene LE at IFF's Augusta, GA, plant from 2005 to the present.
5. All documents regarding the RCRA closure of any tank at IFF's Augusta, GA, plant used to store Unitene AGR and/or Unitene LE from 2005 to the present.
6. All documents consisting of or reflecting communications, whether written, oral or electronic, between IFF and any state or federal governmental agency, including U.S. EPA, regarding Unitene AGR and/or Unitene LE.
7. All documents that refer or relate to IFF's marketing and sale of Unitene AGR and/or Unitene LE.
8. All documents that refer or relate to IFF's undertaking to obtain trademark protection for its Unitene products.

PURSUANT TO THE AUTHORITY OF SECTION 3008(b) OF THE RESOURCE CONSERVATION AND RECOVERY ACT, 42 U.S.C. § 6928(b), FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN INITIATION OF COURT PROCEEDINGS IN A UNITED STATES DISTRICT COURT AGAINST THE RECIPIENT OF THE SUBPOENA TO COMPEL COMPLIANCE WITH THE SUBPOENA AND ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY SUCH COUTY AS COMTEMPT THEREOF.

ISSUED in Chicago, Illinois, this \_\_\_\_ date of \_\_\_\_\_, 201\_.

\_\_\_\_\_  
NAME

Administrative Law Judge

**This subpoena is to be served in accordance with Section 22.05(B)(1)(i) of the Consolidated Rules of Practice, 40 C.F.R. § 22.05(b)(1)(i).**

**Persons at whose request this Subpoena was issued:**

Keven Drummond Eiber  
Meagan L. DeJohn  
Brouse McDowell, L.P.A.  
1001 Lakeside Ave., Suite 1600  
Cleveland, Ohio 44114  
Telephone: (216) 830-6830  
Facsimile: (216) 830-6807

Lawrence W. Falbe  
Quarles & Brady LLP  
300 N. LaSalle St., Suite 4000  
Chicago, Illinois 60654  
Telephone: (312) 715-5223  
Facsimile: (312) 632-1792



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	
	)	<b>Docket No. RCRA-05-2011-0009</b>
<b>Carbon Injection Systems LLC;</b>	)	
<b>Scott Forster, President;</b>	)	
<b>Eric Lofquist, Vice President</b>	)	<b>Under Section 3008(a) of the Resource</b>
<b>Gate #4 Blast Furnace Main Ave</b>	)	<b>Conservation and Recovery Act,</b>
<b>Warren Township, OH 44483</b>	)	<b>42 U.S.C. § 6928(a)</b>
	)	
<b>EPA ID No. OHR000127910</b>	)	
	)	
<b>Respondents.</b>	)	
	)	
	)	
	)	
	)	

**SUBPOENA DUCES TECUM**

To: Donald DuRivage  
c/o International Flavors & Fragrances, Inc.  
World Headquarters  
521 West 57<sup>th</sup> Street  
New York, New York 10019

YOU ARE HEREBY COMMANDED, pursuant to Section 3008(b) of the Resources Conservation and Recovery Act, 42 U.S.C. § 6928(b), and Section 22.19(e) of the Consolidated Rules of Practice, 40 C.F.R. Part 22, TO APPEAR IN PERSON at the following place and times:

DATES AND TIMES: January 23, 2012, at 2:00 pm, and continuing as needed

PLACE: International Flavors & Fragrances, Inc.,  
3005 International Blvd.  
Augusta, GA 30903

The deposition will be taken pursuant to Rule 30 of the Federal Rules of Civil Procedure, as applicable and may be continued from day to day until completed. The deposition will be recorded by stenographic means and may be recorded by sound and visual means.

YOU ARE FURTHER COMMANDED:

TO APPEAR IN PERSON at the above dates, time and place;

TO TESTIFY then and there under oath, make truthful response to all lawful inquiries and questions put to you by the Parties; and

TO REMAIN IN ATTENDANCE until excused.

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2. Process diagrams that describe the manufacturing process at IFF's Augusta, GA, plant for Unitene LE from 2005 to the present.
3. Documents sufficient to describe any process changes in the manufacture of Unitene AGR at IFF's Augusta, GA, plant from 2005 to the present.
4. Documents sufficient to describe any process changes in the manufacture of Unitene LE at IFF's Augusta, GA, plant from 2005 to the present.
5. All documents regarding the RCRA closure of any tank at IFF's Augusta, GA, plant used to store Unitene AGR and/or Unitene LE from 2005 to the present.
6. All documents consisting of or reflecting communications, whether written, oral or electronic, between IFF and any state or federal governmental agency, including U.S. EPA, regarding Unitene AGR and/or Unitene LE.
7. All documents that refer or relate to IFF's marketing and sale of Unitene AGR and/or Unitene LE.
8. All documents that refer or relate to IFF's undertaking to obtain trademark protection for its Unitene products.

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ISSUED in \_\_\_\_\_, \_\_\_\_\_, this \_\_\_\_ date of \_\_\_\_\_, 201\_.

---

**NAME**

Administrative Law Judge

**This subpoena is to be served in accordance with Section 22.05(B)(1)(i) of the Consolidated Rules of Practice, 40 C.F.R. § 22.05(b)(1)(i).**

**Persons at whose request this Subpoena was issued:**

Keven Drummond Eiber  
Meagan L. DeJohn  
Brouse McDowell, L.P.A.  
1001 Lakeside Ave., Suite 1600  
Cleveland, Ohio 44114  
Telephone: (216) 830-6830  
Facsimile: (216) 830-6807

Lawrence W. Falbe  
Quarles & Brady LLP  
300 N. LaSalle St., Suite 4000  
Chicago, Illinois 60654  
Telephone: (312) 715-5223  
Facsimile: (312) 632-1792

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	
	)	<b>Docket No. RCRA-05-2011-0009</b>
<b>Carbon Injection Systems LLC;</b>	)	
<b>Scott Forster, President;</b>	)	
<b>Eric Lofquist, Vice President</b>	)	<b>Under Section 3008(a) of the Resource</b>
<b>Gate #4 Blast Furnace Main Ave</b>	)	<b>Conservation and Recovery Act,</b>
<b>Warren Township, OH 44483</b>	)	<b>42 U.S.C. § 6928(a)</b>
	)	
<b>EPA ID No. OHR000127910</b>	)	
	)	
<b>Respondents.</b>	)	
	)	
	)	
	)	
	)	

**SUBPOENA DUCES TECUM**

To: Thomas Guido  
c/o International Flavors & Fragrances, Inc.  
World Headquarters  
521 West 57<sup>th</sup> Street  
New York, New York 10019

YOU ARE HEREBY COMMANDED, pursuant to Section 3008(b) of the Resources Conservation and Recovery Act, 42 U.S.C. § 6928(b), and Section 22.19(e) of the Consolidated Rules of Practice, 40 C.F.R. Part 22, TO APPEAR IN PERSON at the following place and times:

DATES AND TIMES: January 24, 2012, at 9:30 am, and continuing as needed

PLACE: International Flavors & Fragrances, Inc.,  
3005 International Blvd.  
Augusta, GA 30903

The deposition will be taken pursuant to Rule 30 of the Federal Rules of Civil Procedure, as applicable and may be continued from day to day until completed. The deposition will be recorded by stenographic means and may be recorded by sound and visual means.

YOU ARE FURTHER COMMANDED:

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TO REMAIN IN ATTENDANCE until excused.

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2. Process diagrams that describe the manufacturing process at IFF's Augusta, GA, plant for Unitene LE from 2005 to the present.
3. Documents sufficient to describe any process changes in the manufacture of Unitene AGR at IFF's Augusta, GA, plant from 2005 to the present.
4. Documents sufficient to describe any process changes in the manufacture of Unitene LE at IFF's Augusta, GA, plant from 2005 to the present.
5. All documents regarding the RCRA closure of any tank at IFF's Augusta, GA, plant used to store Unitene AGR and/or Unitene LE from 2005 to the present.
6. All documents consisting of or reflecting communications, whether written, oral or electronic, between IFF and any state or federal governmental agency, including U.S. EPA, regarding Unitene AGR and/or Unitene LE.
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ISSUED in \_\_\_\_\_, \_\_\_\_\_, this \_\_\_\_ date of \_\_\_\_\_, 201\_\_.

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**NAME**

Administrative Law Judge

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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	)	<b>Docket No. RCRA-05-2011-0009</b>
<b>Carbon Injection Systems LLC;</b>	)	
<b>Scott Forster, President;</b>	)	
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<b>Gate #4 Blast Furnace Main Ave</b>	)	<b>Conservation and Recovery Act,</b>
<b>Warren Township, OH 44483</b>	)	<b>42 U.S.C. § 6928(a)</b>
	)	
<b>EPA ID No. OHR000127910</b>	)	
	)	
<b>Respondents.</b>	)	
	)	
	)	
	)	

**SUBPOENA DUCES TECUM**

To: David Shepard  
c/o International Flavors & Fragrances, Inc.  
World Headquarters  
521 West 57<sup>th</sup> Street  
New York, New York 10019

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Administrative Law Judge

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**Persons at whose request this Subpoena was issued:**

Keven Drummond Eiber  
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