UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of:)		复要
Carbon Injection Systems LLC, Scott Forster, and Eric Lofquist,)	Docket No. RCRA-05-2011-0009	EGION S
Respondents.)		32 EX
)		

NOTIFICATION REGARDING SUBMISSION OF WRITTEN TESTIMONY OF BRUCE M. SASS, Ph.D

Comes now Respondents Carbon Injection Systems LLC, Scott Forster and Eric Lofquist (hereinafter "Respondents"), through counsel, pursuant to Rule 22.22(c) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules or Rules) and the May 22, 2012, Prehearing Conference Call with the Court (the "Prehearing Conference Call"), and hereby file the instant Notification Regarding Submission of Written Testimony of Bruce M. Sass, Ph.D. 40 C.F.R. § 22.22(c).

On behalf of the Respondents, the undersigned counsel of record hereby notifies the court that Respondents intend to present written testimony of Bruce M. Sass, Ph.D. (attached as Exhibit 1 hereto), whom Respondents expect to qualify as an expert in the areas of physical and analytical chemistry, and terpenes. Dr. Sass was disclosed as an expert witness in Respondents' Initial Prehearing Exchange, filed on November 3, 2011. Pursuant to Rule 22.22(c), during its case in chief, Respondents intend to have Dr. Sass swear to or affirm the testimony, conduct a

brief direct examination of Dr. Sass, and make him available for appropriate cross-examination. 40 C.F.R. § 22.22(c).

During the aforementioned Prehearing Conference Call, Mr. Steve Sarno, attorney assistant for Judge Biro, stated that any written testimony to be submitted pursuant to 40 C.F.R. § 22.22(c), must be received by the Court by Thursday, June 14th, 2012. Respondents' submission is therefore timely.

June 11, 2012

Counsel for Respondents:

Keven Drummond Eiber
Meagan L. Moore
Brouse McDowell
600 Superior Avenue East, Suite 1600
Cleveland, OH 44114
PH (216) 830-6830
Email: keiber@brouse.com
mmoore@brouse.com

Lawrence W. Falbe

Quarles & Brady LLP

300 N. LaSalle St., Suite 4000

Chicago, Illinois 60654

PH (312) 715-5223

Email: larry.falbe@quarles.com

<u>In the Matter of Carbon Injection Systems LLC, Scott Forster, and Eric Lofquist,</u> Respondents, Docket No. RCRA-05-2011-0009

CERTIFICATE OF SERVICE

I, Lawrence W. Falbe, an attorney, hereby certify that the foregoing Respondents Carbon Injection Systems LLC, Scot Forster and Eric Lofquist's <u>Notification Regarding Submission of Written Testimony of Bruce M. Sass, Ph.D</u>, was sent on June 11, 2012, 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.
Jeffrey Cahn, Esq.
Matthew Moore, Esq.
Office of Regional Counsel
U.S. EPA Region 5
77 West Jackson Blvd.
Chicago, IL 60622

Copy by E-Mail to:

Keven Drummond Eiber, Esq. Meagan L. Moore, Esq.

Brouse McDowell 600 Superior Avenue East, Suite 1600 Cleveland, OH 44114

June 1, 2012

Lawrence W/Falbe