

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)
)
Elite Enterprises, Inc.)
2701 S. Coliseum Blvd., Suite 1158)
Fort Wayne, IN 46803)
)
U.S. EPA ID No. INR 985 102 607)
)
Creative Liquid Coatings, Inc.)
(formerly d/b/a Creative Coatings, Inc.))
)
AND)
)
Randall Geist)
)
)
Respondents.)

Docket No. RCRA-05-2009-0013

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PROTECTION AGENCY

COMPLAINANT'S FIRST SUPPLEMENTAL PREHEARING EXCHANGE

The United States Environmental Protection Agency, Region 5 ("Complainant"), hereby respectfully submits this First Supplemental Prehearing Exchange pursuant to Section 22.19(f) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Correction Action Orders, and the Revocation, Termination or Suspension of Permits ("Consolidated Rules"), codified at 40 C.F.R. § 22.19(f). Complainant respectfully reserves the right to add, modify, or supplement the witnesses and exhibits listed in its prehearing exchanges prior to the adjudicatory hearing in this matter upon adequate notice to the Respondents and the Presiding Administrative Law Judge. Complainant also respectfully reserves the right to request from Respondents additional discovery and, if necessary, move for any such additional discovery.

1. B. Additional Exhibits

Attached to this Complainant's First Supplemental Prehearing Exchange are exhibits that Complainant may use in rebuttal or as part of its case-in-chief. Complainant respectfully submits these exhibits in addition to those exhibits that were included with and attached to Complainant' Prehearing Exchange and Complainant's Rebuttal Prehearing Exchange.

Respectfully submitted,



Richard J. Clarizio
Karen Peaceman
Associate Regional Counsels
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Assistant Regional Counsel
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(312) 886-0559
Attorneys for Complainant

DATE: March 19, 2010

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PROTECTION AGENCY

| Complainant's Exhibit Number | Dates Stamp Number | Date | Author or Contact | Recipient | Subject |
|------------------------------|--------------------------|-----------|---|----------------------------|---|
| 148 | CX-0000631-a-CX-0000631g | 4/17/2006 | Jan Jackson | | Complete transcript of deposition |
| 149 | CX-0001500-CX-0001766 | 2/27/2009 | Randall Geist | | Complete transcript of deposition, including Exhibits A and B |
| 150 | CX-0001767-CX-0001825 | 2/22/2007 | Randall Geist | | Series of agreements between Creative and Elite |
| 151 | CX-0001826-CX-0001829 | 1/3/2004 | Elite Enterprises, Inc. and Creative Coatings, Inc. | | RCRA Civil Penalty Policy |
| 152 | CX-0001830-CX-0001936 | 6/23/2003 | John Peter Suarez, Assistant Administrator | Various EPA employees | RCRA Penalty Matrices |
| 153 | CX-0001937-CX-0001938 | 3/15/2004 | | | |
| 154 | CX-0001939-CX-0001940 | 1/26/2010 | | | Printout from Indiana Secretary of State's website showing Randall Geist as the registered agent for Elite Enterprises, Inc. |
| 155 | CX-0001941-CX-0001945 | 8/26/2005 | Creative Coatings, Inc., Randall Geist, and Creative Powder Coatings, LLC | | Schedule 1.1(a) to Asset Purchase Agreement by and among, <i>inter alia</i> , Creative Coatings, Inc., Randall Geist, and Creative Powder Coatings, LLC |
| 156 | CX-0001946-CX-0001962 | 5/6/1996 | Phillip L. Carson and Randall Geist | Indiana Secretary of | Creative Coatings, Inc.'s articles of incorporation |
| 157 | CX-0001963-CX-0001975 | 9/21/1992 | Richard Lain and Michael Kreps | Indiana Secretary of State | Elite Enterprises, Inc.'s articles of incorporation |

| Complainant's Exhibit Number | Pages -Number | Stamp | Date | Author or Contact | Recipient | Subject |
|------------------------------|-----------------------|-------|------------------------|-------------------|--------------------|--|
| 158 | CX-0001976-CX-0001996 | | Various | Various authors | | Certain documents related to Creative's, Elite's, and Mr. Geist's operations at Suites 1158 and 1284 |
| 159 | CX-0001997-CX-0002052 | | 2/23/2010 and 3/5/2010 | Patrick Kemp | Derrick Samaranski | EPA's information request to K-Com Transport Services, Inc. and K-Com's response to same |
| 160 | CX-0002053-CX-0002056 | | 2/23/2010 | Paul Little | Systemch | EPA's information request to Systemch Environmental Corporation |
| 161 | CX-0002057-CX-0002065 | | 3/8/2010 | Thomas E. Moore | Paul Little | Systemch Environmental Corporation's response to EPA's information request |

CERTIFICATE OF SERVICE

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MAR 19 2010

I certify that the foregoing Complainant's First Supplemental Prehearing Exchange, dated March ^{19th}/~~7~~, 2010, including attachments, was filed with the Regional Hearing Clerk and sent this day in the following manner to the addresses listed below: REGIONAL HEARING CLERK U.S. ENVIRONMENTAL AGENCY

Original by Hand-Delivery to:

La Dawn Whitehead
Regional Hearing Clerk
United States EPA – ORC Region 5
77 W. Jackson Blvd. (E-19J)
Chicago, IL 60604-3590

Copy by Pouch Mail to:

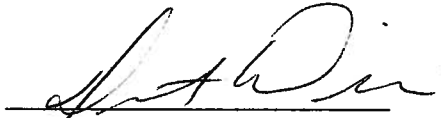
The Honorable Barbara A. Gunning
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., NW
Washington, D.C. 20460-2001

Copy by Federal Express to:

Attorney for Respondents Creative Liquid
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Mr. Randall Geist
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DATE: March ^{19th}/~~7~~, 2010


Dorothy Willis
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