

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**In the Matter of:** )  
 ) **Docket No. RCRA-05-2011-0009**  
**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.** )

**RESPONDENTS CARBON INJECTION SYSTEMS LLC, SCOTT FORSTER  
AND ERIC LOFQUIST'S MOTION REGARDING THE  
CROSS EXAMINATION OF MR. BEEDLE**

Respondents Carbon Injection Systems LLC ("CIS"), Scott Forster and Eric Lofquist jointly move for an order regarding the cross-examination of U.S. EPA employee Mr. Michael Beedle as follows:

Complainant has identified Mr. Beedle as a witness on a wide variety of matters. (See Complainant's Prehearing Exchange, as Amended). As disclosed by Complainant, Mr. Beedle is expected to testify regarding his inspection of the CIS facility, his inspection of the WCI facility, Complainant's numerous requests for information and the voluminous responses received from numerous waste brokers, and the investigation of International Flavors & Fragrances Inc.'s shipments of Unitene AGR and Unitene LE. In addition, Mr. Beedle is expected to testify regarding Complainant's alleged instances of prior history of non-compliance. As well, Mr. Beedle is designated as an expert witness

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on penalty matters, including Complainant's proposed penalty calculations.<sup>1</sup> Mr. Beedle may cover other subjects in his testimony.

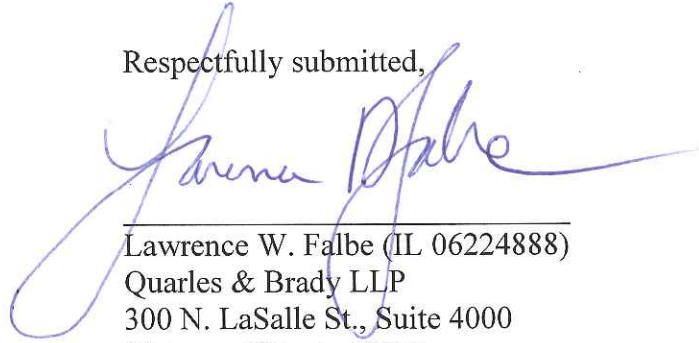
In order to more efficiently prepare for the hearing, Respondents request an advance ruling that Respondents' attorneys Eiber and Falbe both be permitted to cross examine Mr. Beedle. This case is extremely complex and involves many distinct issues. Respondents' counsel have allocated the various issues among themselves in order to more efficiently address the issues and to prepare for the hearing. Presumably, counsel for Complainant have done likewise. It would be appropriate for this reason to permit more than one attorney to cross examine Mr. Beedle, so long as the questioning is not duplicative. Complainant will not be prejudiced by such questioning, as it would not result in any different or longer cross-examination, but would be more efficient for the attorneys. Complainant does not agree with this request.

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<sup>1</sup> Respondents have moved *in limine* to bar or limit certain aspects of Mr. Beedle's anticipated testimony with respect to Complainant's use of Mr. Beedle as an expert witness.

WHEREFORE, for these reasons, Respondents request an advance ruling that both Attorney Eiber and Attorney Falbe be permitted to cross-examine Mr. Beedle with respect to the different issues to be covered by Mr. Beedle, without engaging in duplicative questioning.

Respectfully submitted,



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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, hereby certify that the foregoing Motion Regarding the Cross-Examination of Mr. Beedle was sent on May 30, 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:

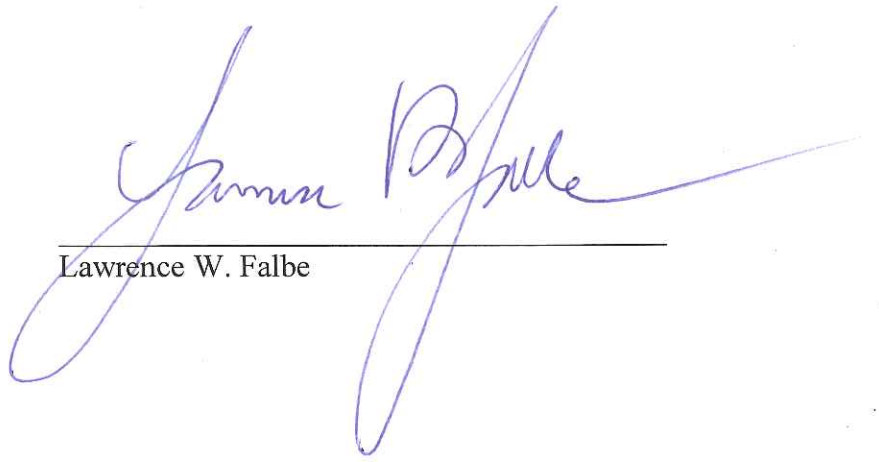
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May 30, 2012



Lawrence W. Falbe

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Lawrence W. Falbe