



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
June 28, 2010

REPLY TO THE ATTENTION OF:
E-19J

Subject: Amended Main List for Documents for RCRA-05-2008-0006
and RCRA-05-2008-0007

From: La Dawn Whitehead *Whitehead*
Records Management Specialist
Office of Enforcement and Compliance Assurance

To: Eurika Durr
Clerk of the Board, Environmental Appeals Board
U.S. Environmental Protection Agency
Colorado Building
1341 G. Street NW, Suite 600
Washington, DC 20005

RECEIVED
JUN 28 2010

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

Karen Peaceman informed me that some documents were not listed. I did find the documents, however they are listed as one. So, number 32 is marked in red indentifying all documents.

Attachments

File Date	Description	Submitter
5/5/2008	Administrative Complaint	EPA/Region V
6/9/2008	Respondent's Answer to Complaint and Compliance Order	Douglas A. Donnell, for Respondent
6/10/2008	RHC Transmittal letter Forwarding Case Matter to Chief ALJ's Office for	Sonja Brooks-Woodard
6/12/2008	Offer of ADR Process to Facilitate Settlement	Susan L. Biro, Chief ALJ
6/20/2008	Forward Email of Complainant, Richard Wagner, Denying Alternative Dispute Resolution process.	Maria Whiting-Beale, ALJ Legal Asst
6/24/2008	Respondent Accepting Alternative Dispute Resolution Process	Douglas A. Donnell, for Respondent
6/25/2008	Order of Designation -- ALJ William B. Moran	Susan L. Biro, Chief ALJ
6/26/2008	Motion for Partial Accelerated Decision	Richard R. Wagner, for Complainant
6/27/2008	Respondent's Correction ADR Letter	Douglas A. Donnell, Respondent
6/30/2008	Prehearing Order	William B. Moran, ALJ
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9/2/2008	Motion to Strike Respondent's Witness Disclosure	Richard A. Wagner, Senior Attorney
9/17/2008	Respondent's Supplement Witness Disclosure	Douglas A. Donnell, Respondent's Attorneys
9/29/2008	Motion to Amend Complaint and Compliance Order & Memorandum in Support of Complainant's Motion to amend Complaint and Compliance Order (Attachments were to voluminous to scan)	EPA/Region V
10/8/2008	Certified Post Card	EPA, Region 5
10/9/2008	Order Denying Motion To Strike Respondent's Witness Disclosure	William B. Moran, ALJ
10/14/2008	Respondent's Unopposed Motion for Extension of Time to Respond	Douglas A. Donnell, Respondent's Attorney
10/21/2008	Certified Post Card	EPA, Region 5
10/24/2008	Order Granting Motion for Extension of Time	William B. Moran, ALJ

25	11/7/2008	Unopposed Motion for Additional Extension of Time to Respond	Douglas A. Donnell, Respondents Attorney
26	11/14/2008	Memorandum in Opposition to Complainant's Motion to Amend Complaint and Compliance Order	Douglas A. Donnell, Respondent's Attorney
27	11/21/2008	Respondent's Pre-Hearing Exchange	Douglas A. Donnell, Respondent's Attorney
28	11/24/2008	Notice of Hearing	William B. Moran, ALJ
29	11/26/2008	Reply to Respondent's Opposition to Complainant's Motion to Amend Complaint and Compliance Order	EPA/Region V
30	12/5/2008	Respondent's Surreply to Complainant's Reply to Respondent's Opposition to Complainant's Motion to Amend Complaint and Compliance Order	Douglas A. Donnell, Respondent's Attorney
31	12/9/2008	Motion to Strike Respondent's Sur-Reply	Richard R. Wagner, EPA Senior Attorney
32	12/12/2008	(1) Complainant's Motion to Strike, in Part, Respondent's Pre-Hearing Exchange and (2) Memorandum in Support of Complainant's Motion to Strike, in Part, Respondent's Pre-Hearing Exchange and (3) Complainant's Motion for Accelerated Decision on Liability and Penalty and (4) Memorandum in Support of Complainant's Motion for Accelerated Decision on Liability and Penalty and (5) Memorandum in Support of Penalty Amount Proposed	Richard Wagner, EPA Attorney
33	1/5/2009	Unopposed Motion for Extension of Time To Respond	Douglas Donnell, Respondents Attorney
34	1/13/2009	Joint Motion for Additional Extension of Time to Respond	Douglas A. Donnell, Respondent Attorney & Richard Wagner, Complainant Attorney
35	1/26/2009	Order on Unopposed Motion for Additional Extension of Time to Respond	William B. Moran, ALJ
36	1/26/2009	Order on EPA's Motion to Amend Complaint and Compliance Order and Notice of Hearing Postponement	William B. Moran, ALJ
37	1/30/2009	Amended Complaint and Compliance Order	EPA/Region V
38	2/24/2009	Answer to Amended Complaint and Compliance Order	Mika Meyers Beckett & Jones, Attorneys for Respondent

39	3/10/2009	RHC Transmittal Letter forwarding Case Matter to the Chief ALJ's Office for Assignment of an ALJ	Tywanna Greene
40	2/26/2009	Complainant's Motion for Discovery	Richard Wagner, EPA Attorney
41	3/16/2009	Unopposed Motion for Extension of Time to Respond	Douglas A. Donnell, Attorney for Respondents
42	3/27/2009	Respondent's Response to EPA's Discovery Requests (Attachments were too voluminous to scan)	Douglas A. Donnell & Amy L. VanDyke, Respondent's Attorney
43	4/6/2009	Complainant's Reply To Respondents' Response To Complainant's Motion For Discovery & Draft Discovery Order	Richard R. Wagner, EPA Attorney
44	4/21/2009	Respondent's Sur-Reply Brief	Douglas A. Donnell, Attorney at Law
45	4/27/2009	Complainant's Response To Respondent's Sur-Reply Brief	EPA, Region 5
46	4/30/2009	Respondent's Supplemental Responses To EPA's Discovery Requests	Amy L. VanDyke
47	5/7/2009	Order Regarding EPA's Motion for Discovery	William B. Moran, USALJ
48	5/18/2009	RESPONDENT'S SECOND SET OF SUPPLEMENTAL RESPONSES TO EPA'S DISCOVERY REQUESTS	Respondents
49	6/15/2009	Addendum To Memorandum In Support Of Complainants Motion For Accelerated Decision On Liability And Penalty	EPA, Region 5
50	6/15/2009	RESPONDENTS' THIRD SUPPLEMENTAL RESPONSES TO EPA'S DISCOVERY REQUESTS - 3rd General Objections	Amy L. VanDyke
51	6/23/2009	Order Regarding Scheduling	William B. Moran, USALJ
52	7/2/2009	Complainant's Motion For Accelerated Decision On Derivative Liability (Document Too Voluminous To Scan)	EPA, Region 5
53	7/2/2009	Complaint's Memorandum In Support Of Motion For Accelerated Decision On Derivative Liability (Too Voluminous To Scan; Only first and last page. BUSINESS CONFIDENTIALITY ASSERTED. THE TWO PAGES ARE REDACTED VERSION.	EPA, Region 5
54	7/6/2009	Corrected Table Of Contents for Complaint's Memorandum In Support Of Motion For Accelerated Decision On Derivative Liability	EPA, Region 5
55	7/6/2009	Respondents Motions for Accelerated Decision and Memorandum in Support of Respondents Motion for Accelerated Decision (Too Voluminous To Scan)	Respondent

56	7/13/2009	Complaint's Memo In Support Of Motion For Accelerated Decision on Derivative Liability (with CBI referenced material highlighted in bold type, and all attachments, including CBI)	EPA, Region 5
57	7/16/2009	Notice Of Postponement Of Hearing Date	William B. Moran, ALJ
58	7/31/2009	Complainant's Objection To Motion for Accelerated Decision Of Respondents John A. Biewer Company, Inc., And Biewer Lumber, LLC	EPA, REGION 5
59	7/31/2009	1) Respondent's Brief In Opposition To Complainant's Motion To Strike, In Part Respondent's Pre-Hearing Exchange; 2) Respondent's John A. Biewer Company, Inc., and Biewer Lumber LLC's Memorandum In Opposition To EPA's Motion For Accelerated Decision on Derivative Liability; and 3) Respondent's Motion For Extension Of Time	Douglas A. Donnell, Attorney at Law
60	8/5/2009	Motion For Extension Of Time	EPA, REGION 5
61	8/10/2009	Order Granting Extension	William B. Moran, U.S. ALJ
62	8/12/2009	Complainant's Reply To Respondent John A. Biewer Company of Ohio, Inc's, Memorandum in Opposition to Complainant's Motion for Accelerated Decision on Liability and Penalty, and Complainant's Response to Respondent's Brief in Opposition to Complainant's Motion to Strike, in Part Respondent's Pre-Hearing Exchange	EPA, REGION 5
63	8/12/2009	Respondents John A. Biewer Company, Inc. and Biewer Lumber, LLC's Reply to Complainant's Objection to Motion for Accelerated Decision of Respondents John A. Boewer Company, Inc. and Biewer Lumber, LLC	Amy L. VanDyke
64	8/19/2009	Complaint's Reply To Respondents John A. Biewer Company, Inc. and Biewer Lumber LLC'S Memorandum In Opposition To EPA's Motion For Accelerated Decision On Derivative Liability	EPA, REGION 5
65	10/16/2009	Order on Cross Motions for Accelerated Decision on Derivative Liability	EPA, REGION 5
66	10/16/2009	Respondents John A. Biewer Company, Inc. and Biewer Lumber LLC's Memorandum Advising The Court That No Material Differences Exist Between The Case Sub Judge And The Companion Case Decided By The Court On October 5, 2009	Respondent
67	10/27/2009	A Telephone Conference To Identify the Factual Differences Between The Cases	EPA, REGION 5
68	12/28/2009	Order On Cross Motions For Accelerated Decision On Derivative Liability	William B. Moran, U.S. ALJ

69	1/14/2010	Order On Complainant's Motion To Strike In Part, Respondent's Prehearing Exchange	William B. Moran, USALJ
70	1/14/2010	Order On Complainant's Motion For Accerated Decision On Liability and Penalty	William B. Moran, USALJ
71	1/15/2010	Notice of Hearing	William B. Moran, USALJ
72	1/21/2010	Confirmation Letter for the Notice of Hearing	La Dawn Whitehead
73	1/22/2010	SUPPLEMENTAL PRE-HEARING EXCHANGE OF THE ADMINISTRATOR'S DELEGATED COMPLAINANT	EPA, REGION 5
74	2/9/2010	Respondent's Motion for Entry of Decision	Respondent
75	2/9/2010	Respondent's Motion for Immediate Consideration	Respondent
76	2/12/2010	Complainant's Response To Respondent's Motion For Entry Of Decision And Motion For Immediate Consideration	EPA, REGION 5
77	2/22/2010	Complainant's Objection To Respondent's Motion To Amend Prehearing Disclosure	EPA, REGION 5
78	2/22/2010	Respondent's Motion To Amend Prehearing Disclosure	Respondent
79	2/22/2010	Certified Post Card	EPA, REGION 5
80	3/16/2010	Transcript	EPA, REGION 5
81	3/31/2010	Complainant's Post-Hearing Brief	EPA, REGION 5
82	4/5/2010	Respondent's Post-Hearing Brief and Affidavit of Douglas A. Donnell	Respondent
83	4/9/2010	Complainant's Reply Brief	EPA, REGION 5
84	4/13/2010	Respondent's Motion To Allow Late Filing of Post-Hearing Reply Brief	Respondent
85	4/13/2010	Respondent's Post-Hearing Reply Brief	Respondent's
86	5/4/2010	Initial Decision Regarding Penalty	William B. Moran, ALJ
87	5/21/2010	Complainant's Notice of Appeal and Motion for an Extension of Time within Which to File a Brief	EPA, REGION 5
88	6/3/2010	Complainant's Identification Of Issues On Appeal	EPA, REGION 5

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