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²Delaware
³Illinois
⁴New York
⁵Ohio
⁶Wisconsin

April 12, 2010

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APR 13 2010

Regional Hearing Clerk (E-19J)
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Re: John A. Biewer of Ohio, Inc.; RCRA-05-2008-0007

Dear Clerk:

Enclosed for filing you will find the original and two copies of the Respondent's Motion to Allow Late Filing of Post-Hearing Reply Brief and Proof of Service.

Sincerely,



Douglas A. Donnell

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jeb
Enclosures
By Overnight Mail

cc: Hon. William B. Moran (by Fed Ex and e-mail)
Richard R. Wagner (by Fed Ex and e-mail)
Douglas S. Touma, Sr. (by First Class Mail)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

John A. Biewer Company of Ohio, Inc.
300 Oak Street
St. Clair, Michigan 48079-0497
(Washington Courthouse Facility)

U.S. EPA ID #: OHD 081 281 412

Respondent
_____ /

DOCKET NO: RCRA-05-2008-0007

**RESPONDENT'S MOTION TO ALLOW
LATE FILING OF POST-HEARING
REPLY BRIEF**

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U.S. ENVIRONMENTAL
PROTECTION AGENCY


NOW COMES Respondent, by and through its attorneys, Mika Meyers Beckett & Jones, PLC, and hereby moves this Court for an order allowing the late filing of Respondent's Post-Hearing Reply Brief for the reason that counsel for Respondent, when placing the reminder notice on his calendar for the deadlines to file Respondent's Post-Trial Brief and Post-Trial Reply Brief, inaccurately calendared the due date for the reply brief on April 12 instead of April 9, as ordered by the Court. Respondent respectfully submits that the one business day delay in filing the brief is not prejudicial to Complainant, and Respondent's counsel apologizes to the Court and to Complainant for his error in placing the wrong deadline on his calendar.

Respectfully submitted,

MIKA MEYERS BECKETT & JONES PLC
Attorneys for Respondents

Dated: April 9, 2010

By: _____


Douglas A. Donnell (P33187)
900 Monroe Avenue, NW
Grand Rapids, MI 49503
(616) 632-8000

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CERTIFICATE OF SERVICE

U.S. EPA ID #: OHD 081 281 412

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Respondent
_____ /

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U.S. ENVIRONMENTAL
PROTECTION AGENCY

I, Jane E. Blakemore, hereby state that I am an employee of Mike Meyers Beckett & Jones PLC, and that on April 12, 2010, I served a copy of:

Respondent's Motion to Allow Late Filing of Post-Hearing Reply Brief

upon the following individual by email and Federal Express overnight mail:

Richard R. Wagner, Senior Attorney
Office of Regional Counsel (C-14J)
U. S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604-3590

I declare that the statements above are true to the best of my information, knowledge and belief.

Dated: April 12, 2010



Jane E. Blakemore