

12917 Zierick

Practice Limited to  
Labor, Employment,  
Benefits,  
Environmental Law, and  
Related Litigation

**JOSEPH P. CAREY, P.C.**

Attorney-at-Law  
1081 Main Street  
Suite E  
Fishkill, New York 12524  
(845) 896-0600  
Fax: (845) 896-0602  
E-Mail: attorneycarey@optonline.net

IRS ID # 06-1066056

**FACIMILE ONLY & FIRST CLASS MAIL**

Honorable Susan L. Biro  
Chief, Administrative Law Judge  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue  
NW Washington, DC 20460  
Fax: (202) 565-0044

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2008 MAR 11 PM 2:54  
REGIONAL HEARING  
CLERK

March 6<sup>th</sup> 2008

Re: In the Matter of Zierick Manufacturing Corporation  
Docket No. EPCRA-02-2007-4006

Dear Judge Biro,

I am Counsel to Respondent Zierick Manufacturing Corporation (ZMC) in the above matter. I have a copy of the Order of Designation dated January 9<sup>th</sup> 2008 naming you as the ALJ to preside in the trial of this matter.

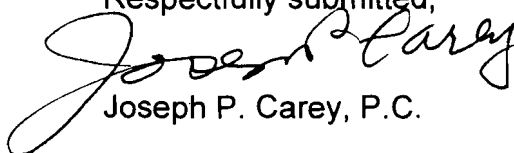
I have been served with an Initial Prehearing Exchange from Complainant, which arrived while I was on vacation.

This matter is draining the resources of my client who is a small manufacturer. ZMC's President is Gretchen A. Zierick, a third generation owner in severe financial difficulty with the obligation of approximately one hundred employees. ZMC's sole defense to this paper work violation is that of settlement, as set forth in detail in her Answer see ¶¶ 5, 6, and 7.

The alternative dispute proceedings were nearly successful and the parties are very close to a settlement. If the matter proceeds to trial Gretchen A. Zierick will be the only witness.

Request is made that ALJ John Moran be reassigned to this case, so that one more effort can be made to effect a settlement of this case, and conserve the resources of ZMC, and of course that of the Government.

Respectfully submitted,



Joseph P. Carey, P.C.

TJ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF:

)  
) DOCKET NO. EPCRA-02-2007-4006  
)

Zierick Manufacturing Corporation  
Mount Kisco, New York

) RESPONDENT'S INITIAL  
PREHEARING EXCHANGE

)  
) Respondent.  
)  
)

CERTIFICATE OF SERVICE

This will certify that Respondent's Initial Prehearing Exchange has been sent this day to the respective addresses below:

By fax and First Class Mail to:

Honorable Susan L. Biro  
Chief, Administrative Law Judge  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue  
NW Washington, DC 20460  
Fax: (202) 565-0044

By First Class Mail to:

Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency – Region II  
290 Broadway, 17<sup>th</sup> Floor  
New York, New York 10007

Andrew L. Prashak  
Associate Regional Counsel  
USEPA- Region II – ORC  
290 Broadway, 17<sup>th</sup> Floor  
New York, New York 10007