



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

REGIONAL HEARING CLERK U.S. ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Carbon Injection Systems LLC,
Scott Forster,
and Eric Lofquist,
Respondents.

Docket No. RCRA-05-2011-0009

ORDER ON COMPLAINANT'S MOTION FOR LEAVE TO AMEND COMPLAINT

On March 15, 2012, Complainant filed a Motion for Leave to Amend Complaint ("Motion" or "Mot.") in which Complainant seeks leave to reduce the proposed penalty, correct certain factual details related to the sequence of events alleged in this matter, correct certain allegations related to corporate structure of the Respondents, and correct a typographical error. Mot. at 1. In its Motion, Complainant seeks leave to replace paragraph 5 of the original Complaint with corrected text addressing Respondent Carbon Injection Systems LLC's corporate status. Mot. at 2. Complainant also seeks to leave to replace paragraph 11 of the original Complaint with additional and corrected text addressing the sequence of events that Complainant alleges are relevant to this proceeding. Id. Finally, Complainant seeks leave to substitute new figures related to penalty and economic benefit, as set forth in the Motion at page 2. Id. The Motion does not specifically identify other proposed changes that correspond to correcting "a typographical error," thus this phrase is read to refer to the aforementioned changes to paragraphs 5 and 11, and the proposed penalty attachments.

Complainant argues that Respondents will not be prejudiced by these changes because Complainant "seeks to reduce the proposed penalty in this action and make other small changes to the Complaint." Mot. at 3. Complainant asserts that the Motion is not the product of undue delay, bad faith, or dilatory motive, citing additional information received after the filing of the Complaint as the basis for these proposed changes. Id. at 2. Importantly, Complainant states that the Motion is unopposed. Id. at 1. For good cause shown, the Motion is GRANTED.

Complainant is directed to file an Amended Complaint including the changes set forth in the Motion. Respondents will have 20 days from the date of service of the Amended Complaint to file an optional amended answer. 40 C.F.R. § 22.14(c). Should Respondents not file an amended answer, the original Answer will be read to respond to the Amended Complaint.

SO ORDERED.



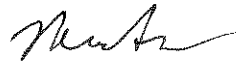
Susan L. Biro
Chief Administrative Law Judge

Dated: March 26, 2012
Washington, D.C.

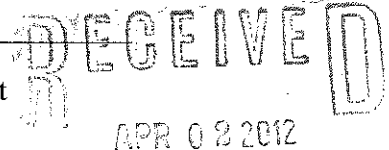
**In the Matter of Carbon Injection Systems, LLC, Scott Forster, and Eric Lofquist, Respondents.
Docket No. RCRA-05-2011-0009**

CERTIFICATE OF SERVICE

I hereby certify that true copies of this **Order On Complainant's Motion for Leave to Amend Complaint**, issued by Susan Biro, Chief Administrative Law Judge, in Docket No. RCRA-05-2011-0009, were sent to the following parties on this 26th day of March 2012, in the manner indicated:



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**Dated: March 26, 2012
Washington, DC**