

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

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U.S. EPA REGION 5

2011 DEC 23 PM 4:00

In the Matter of:)
)
Carbon Injection Systems LLC,)
Scott Forster,)
and Eric Lofquist,)
)
)
Respondents.)
_____)

Docket No. RCRA-05-2011-0009 DEC 13 2011

RECEIVED

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U.S. ENVIRONMENTAL
PROTECTION AGENCY

**COMPLAINANT'S RESPONSE TO RESPONDENTS' MOTION FOR A REVISED
CASE SCHEDULE AND RENEWED MOTION FOR THIRD-PARTY DISCOVERY**

In accordance with 40 C.F.R. § 22.16(a) and (b) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules" or "Rules"), Complainant offers this Response to Respondents' Motion for a Revised Case Schedule and Renewed Motion for Third-Party Discovery. For the reasons discussed below, Complainant respectfully requests that the Presiding Officer enter an order denying Respondents' request for a revised case schedule, denying Respondents' request for other discovery, and denying Respondents' request for bifurcation of the hearing in this case.

I. Background

On May 13, 2011, Complainant filed an Administrative Complaint ("Complaint") under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act, as amended (RCRA), 42 U.S.C. § 6928(a), against Respondents Carbon Injection Systems LLC, Scott Forster and Eric Lofquist ("Respondents"). The Complaint alleged in Count 1 that Respondents' stored and treated hazardous waste without a permit. Count 2 alleged that Respondents failed to hold a required public meeting. Count 3 alleged that Respondents did not develop and follow a sufficient written waste analysis plan.

Count 4 alleged that Respondents' facility personnel failed to successfully complete a program of classroom instruction or on-the-job training and failed to maintain documents and records related to this training. Count 5 alleged that Respondents failed to comply with several preparedness and prevention requirements. Count 6 alleged that Respondents accepted hazardous waste on various occasions without submitting an unmanifested waste report in the form of a letter to the director of OEPA within fifteen days after receiving the waste. Count 7 alleged that Respondents failed to have a written closure plan. Count 8 alleged that Respondents failed to have and maintain a detailed written estimate, in current dollars of the cost of closing hazardous waste management units and Respondents failed to comply with applicable financial assurance requirements. Count 9 alleged that Respondents failed to obtain and keep on file at the facility a written hazardous waste tank assessment. Count 10 alleged that Respondents failed to determine and provide land disposal notification and certification. Respondents filed an Answer to the Complaint on July 15, 2011. On July 26, 2011, Respondents' Filed a Motion for Administrative Subpoena to Compel Discovery Deposition of International Flavors and Fragrances, LLC. On August 5, 2011, this Court issued a Prehearing Order and Order on Respondents' Motion for an Administrative Decision. Among other things, the August 5 Order ruled that Respondents' motion was untimely and directed that the parties file prehearing exchanges, with dispositive motions regarding liability to be filed within thirty days after the due date for Complainant's Rebuttal Prehearing Exchange. The parties filed a Joint Motion for Stay of Proceedings on August 12, 2011. On August 15, 2011, this Court issued an Order on the Joint Motion for Stay of Proceedings, which, among other things, changed the due dates for the prehearing exchanges, and also therefore moved the due date for dispositive motions.

EPA's Initial Prehearing Exchange was filed on October 14, 2011. Respondents' Initial Joint Prehearing Exchange was filed on November 3, 2011. Complainant's Rebuttal Prehearing Exchange was filed on November 18, 2011. On November 28, 2011, an Order Scheduling Hearing was issued. The November 28 Order contained various deadlines, culminating in a hearing starting February 28, 2012.

On December 9, 2011, EPA received Respondents' Motion for a Revised Case Schedule and Renewed Motion for Third Party Discovery pursuant to 40 C.F.R. § 22.19(e). Respondents' motion requests: (1) a revised case schedule; (2) other discovery (specifically, the issuance of a subpoena for four non-party International Flavors & Fragrances, Inc. (IFF) employees to appear and testify for depositions and provide documents: Donald DuRivage (January 23, 2012 in Augusta, GA); Thomas Guido (January 24, 2012 in New York, NY); David Shepard (January 24, 2012 in New York, NY); Theresa Barry (January 25, 2012 in New York, NY)¹, and discovery regarding "other third party witnesses" as yet unnamed; and; (3) bifurcation of the hearing in this case. In an email dated December 12, 2011, a representative of this Court directed Complainant to file a Response to the Motion for a Revised Case Schedule with all deliberate speed. On December 13, 2011, this Court issued an Order Temporarily Suspending Prehearing Deadlines.²

¹ The proposed subpoenas are styled a "Subpoena Duces Tecum" although it should be noted that the subpoena requires testimony as well as production of documents.

² EPA notes that Respondents' Motion for a Revised Case Schedule and Renewed Motion for Third-Party Discovery was received by the Federal Protective Service at 77 West Jackson Blvd., Chicago, Illinois via hand-delivery on December 8, 2011, and arrived at the U.S. EPA Region 5

For the reasons set forth below, Respondents' motion should be denied.

II. Respondents' Motion for a Revised Case Schedule and Renewed Motion for Third Party Discovery Should Be Denied

A. Respondents' Request for a Revised Case Schedule Should Be Denied

The case schedule in this matter was set forth in Orders dated August 5 and November 29, 2011. EPA believes that although there was a relatively high volume of pages exchanged during prehearing exchange, the parties have adequate time to meet the schedule that was set in Orders dated August 5 and November 28.

Respondents nonetheless request a revised schedule for three reasons. First, Respondents indicate that there were a large number of pages in exhibits filed by EPA during the prehearing exchange. However, most of these pages are familiar to Respondents. Most of the pages in exhibits filed by EPA during the prehearing exchange are contained in information request responses which were either sent to EPA by Respondents themselves, prepared by others in consultation with Respondents, or provided to Respondents by EPA well in advance of filing the complaint (See Attachments A, B and C):

Office of Regional Counsel on December 9, 2011. Under the Consolidated Rules of Practice at 40 C.F.R. §22.16(b) a party's response to any written motion must be filed within 15 days after service of such motion. Thus, the EPA response to Respondents' Motion for a Revised Case Schedule and Renewed Motion for Third Party Discovery is not arguably due until December 24, 2012. However in the Order dated December 13, 2011, EPA must file a response as soon as possible, but no later than December 16, 2011.

- CX2 - 3/27/08 CIS Information Request response to EPA (***CBI**). Provided to EPA by Respondent CIS. Certified by Respondent Scott Forster. Respondents Scott Forster and Eric Lofquist consulted in compiling response. (3,163 pages)
- CX3 - 4/28/08 CIS Information Request response to EPA (***CBI**). Provided to EPA by Respondent CIS. (2,845 pages)
- CX21 – 6/8/09 Neville Information Request response to EPA (***CBI REDACTED**). Provided by EPA to counsel for Respondents on December 13, 2010. (594 pages)
- CX5 - 6/15/10 CIS Information Request response to EPA (***CBI**). Provided to EPA by Respondent CIS. Certified by Respondent Scott Forster. (660 pages)
- CX9 - 6/15/09 IFF Information Request response to EPA (***CBI**). Provided by EPA to counsel for Respondents (CBI redacted) on December 20, 2010. (992 pages)
- CX11 - 3/30/10 IFF Information Request response to EPA (***CBI**) Provided by EPA to counsel for Respondents (CBI redacted) on December 20, 2010. (2,166 pages)
- CX13 – 8/11/09 IWM Information Request response to EPA [NO COVER LETTER]. Provided by EPA to counsel for Respondents on December 10, 2010. (1,820 pages)
- CX24 - 1/20/06 WCI Information Request response to EPA (***CBI**). Respondents consulted prior to response, CIS provided most pages in response. (2,204 pages)
- CX26 - 6/26/08 WCI Information Request response to EPA. Respondents consulted prior to response (686 pages)

Furthermore, many of the other exhibits contain emails sent or received by Respondents, as well as correspondence sent or received by Respondents or their counsel.

Second, Respondents note that there have been eighteen fact witnesses (nine of whom are not affiliated with the parties), and nine expert witnesses. EPA does not believe that the number of witnesses is particularly large. Furthermore, the number may dwindle as prehearing motions are filed and decided. Finally, several of the names of EPA’s witnesses were known to Respondents well before the Complaint in this matter was filed, since they are contained in one or more of the information request responses listed above.

Finally, Respondents believe they should be granted leave to conduct “other discovery” pursuant to 40 C.F.R. § 22.19(e), and that the schedule should be adjusted to accommodate that

“other discovery”. EPA disagrees with this third basis for Respondents’ Motion for a Revised Case Schedule and Renewed Motion for Third Party Discovery, as discussed in II.B, below. If the “other discovery” is granted EPA currently believes that a tighter schedule than the one Respondents have proposed in their Motion would be attainable by the parties.

B. Issuance of a Subpoena Duces Tecum and Ad Testificandum for IFF Employees and Discovery of Unnamed “Other Third-Party Witnesses” Should be Denied Under 40 C.F.R. § 22.19(e)(1) and 22.19(e)(3)

Under the Consolidated Rules, the rules governing this proceeding, there are several procedures by which a party can obtain discovery of relevant information from another party. First, the rule at 40 C.F.R. § 22.19(a) directs the parties to exchange prehearing information in accordance with an order issued by the presiding officer. The prehearing exchange includes names of witnesses, copies of documents and exhibits, and an explanation of how the penalty was calculated. This prehearing exchange has occurred.

Second, the rule at 40 C.F.R. § 22.19(b) directs each party to make available to the other party at the prehearing conference a list of witnesses expected to be called at the hearing, a brief narrative summary of their expected testimony, and copies of all documents and exhibits that the party intends to introduce into evidence. The prehearing conference has not yet occurred.

Third, under 40 C.F.R. § 22.19(e), a party may be permitted to engage in further discovery if the party is able to demonstrate that the following requirements are met:

e) *Other discovery.* (1) After the information exchange provided for in paragraph (a) of this section, a party may move for additional discovery. The motion shall specify the method of discovery sought, provide the proposed discovery instruments, and describe in detail the nature of the information and/or documents sought (and, where relevant, the proposed time and place where discovery would be conducted). The Presiding Officer may order such other discovery only if it:

- (i) Will neither unreasonably delay the proceeding nor unreasonably burden the non-moving party;
- (ii) Seeks information that is most reasonably obtained from the non-moving party, and which the non-moving party has refused to provide voluntarily; and
- (iii) Seeks information that has significant probative value on a disputed issue of material fact relevant to liability or the relief sought.

With regard to depositions in cases subject to the Consolidated Rules, the rules provide as

follows:

- (3) The Presiding Officer may order depositions upon oral questions only in accordance with paragraph (e)(1) of this section and upon an additional finding that:
 - (i) The information sought cannot reasonably be obtained by alternative methods of discovery; or
 - (ii) There is a substantial reason to believe that relevant and probative evidence may otherwise not be preserved for presentation by a witness at the hearing.

It is worth noting that the Consolidated Rules were deliberately promulgated with less extensive discovery than those of the Federal courts. 64 Fed. Reg. 40138 (July 23, 1999).

“[U]nder the [Consolidated Rules], other discovery has always been limited in comparison to the extensive and time-consuming discovery typical in the Federal courts, and designed to discourage dilatory tactics and unnecessary and time-consuming motion practice.” *Id.* at 40160.

When promulgating the rules, EPA specifically found no merit to the contention that respondents cannot meaningfully respond to a complaint without broader discovery of documents relating to the basis for the Agency’s determination that a violation occurred and concerning how the Agency determined the proposed penalty. *Id.*

1. Respondents Have Failed to Meet the Requirements for the Issuing Proposed Subpoenas to IFF Employees³

As discussed above, the requirements for further discovery are set forth in Section 22.19(e) of the Consolidated Rules. First, in this case, the issuance of the proposed administrative subpoena may be burdensome to the non-moving party. 40 C.F.R. § 22.19(e)(1)(i). Respondents' proposed administrative subpoena will result in four depositions in two separate cities over the course of four days, which may be difficult for EPA. As the Staff Attorney for the Court noted in the preliminary prehearing conference on December 5, 2011, the federal government (including EPA) is currently operating under a continuing resolution which ends government funding on December 16, 2011, and the passage of a final budget by December 16, 2011 is unlikely. It is possible that EPA travel funds may be unavailable in January 2012, thus forcing EPA to participate via telephone or video conference, which will prevent EPA from observing the demeanor of the witness (certainly true in the case of participation via telephone, and likely true in the case of videoconferencing where, for example, eye contact cannot be readily observed).

Second, the issuance of the proposed administrative subpoena does not seek information that is most reasonably obtained from the non-moving party. As stated above, Respondents obtained copies of the information request responses from IFF to EPA well in advance of the Complaint being filed in this matter. In addition, EPA has contacted IFF regarding the regulatory status of the same materials, and IFF has addressed these issues in the following

³ EPA notes that if subpoenas for testimony do issue, it would assist the parties for this Court to state what rules will govern the depositions since the Consolidated Rules are silent on this issue.

letters (provided to CIS by EPA in advance of the Complaint and/or provided to CIS by EPA during prehearing exchange): a February 23, 2011 letter from IFF to CIS (CX56); a March 15, 2011 letter from IFF to CIS (CX57); a June 6, 2011 letter from IFF to EPA (CX58), and; the September 29, 2011, IFF response to EPA's Notice of Violation (CX60). These information request responses and letters address what CIS contends is the primary issue in this matter ("that the materials CIS purchased from IFF were co-products and not hazardous wastes") and cover in detail many of the topics Respondents seek in their proposed administrative depositions and would be the topic of many of the documents Respondents seek in their request for documents. In addition, documents sought in the proposed subpoenas largely mirror the information requests EPA sent to IFF and it is therefore unlikely that IFF employees would provide different documents at this time.⁴ Information regarding topics not covered by EPA's earlier Information Requests to IFF can readily be obtained from other sources. For example, trademark information can be obtained from the Department of Commerce United States Patent and Trademark Office (*see* CX61- CX65), and RCRA tank closure information can be obtained from the Georgia Environmental Protection Division and/or the EPA Region 4 office.

⁴ Compare proposed subpoena document categories 1-4 with the April 27, 2009 EPA Information Request to IFF (CX10) at #2 and the February 12, 2010 EPA Information Request to IFF (CX10) at #2 and #5; compare proposed subpoena document category 6 with the April 27, 2009 EPA Information Request to IFF (CX10) at #5 and the February 12, 2010 EPA Information Request to IFF (CX10) at #10.

Third, the proposed administrative subpoena does not seek information that has significant probative value on a disputed issue of material fact relevant to liability or the relief sought. The information sought is not probative because it is duplicative of what IFF has already provided directly to Respondents or what EPA has obtained from IFF and provided to Respondents. Furthermore, at this time the focus of Respondents appears to be on a disputed legal issue, “whether the products purchased from IFF were hazardous wastes” and not a disputed issue of material fact. Therefore, the information sought by Respondents is not a proper subject of discovery under Part 22.

Respondents have also not provided sufficient support for the Presiding Officer to make the necessary findings under 40 C.F.R. § 22.19(e)(3). Under 40 C.F.R. § 22.19(e)(3), before the Presiding Officer may order depositions upon oral questions, several burdens must be met by the requesting party. First, this Court must find that “The information sought cannot reasonably be obtained by alternative methods of discovery”. 40. C.F.R. 22.19(e)(3)(i). In this case, information sought in the subpoena can reasonably be obtained by alternative methods of discovery. As detailed above, Respondents are in possession of numerous documents on these topics from IFF. Non-EPA, government sources such as the Department of Commerce United States Patent and Trademark Office, the Georgia Environmental Protection Division and/or the EPA Region 4 office may also be fruitful. Furthermore, the information is otherwise obtainable through the hearing process. At the hearing, Respondents’ counsel will be free to directly examine their own witnesses and cross examine Complainant’s witnesses on all facts relevant to the case – and both Complainant and Respondents have named IFF representatives as witnesses

in their prehearing exchanges. Hence, the information sought by Respondents is otherwise obtainable.

Second, before ordering depositions upon oral questions, 40 C.F.R. 22.19(e)(3)(ii) requires that this Court find that “There is a *substantial* reason to believe that relevant and probative evidence may otherwise not be preserved for presentation by a witness at the hearing.” (emphasis added). In this matter, there is no such substantial reason. There is no indication that the witnesses will not be available at hearing (either voluntarily or via subpoena). As noted above, at the hearing, Respondents’ counsel will be free to present or cross examine witnesses Donald DuRivage, Thomas Guido, David Shepard and Theresa Barry on all facts relevant to the issue of Respondents’ liability and the appropriate penalty in this case. Respondents have failed to articulate any reason why the information sought through prehearing depositions would not be otherwise preserved through presentation by a witness at hearing. Without making such a showing, Respondents have failed to satisfy 40 C.F.R. 22.19(e)(3)(ii), and accordingly, this Court is unable to order depositions.

2. Respondents Have Failed to Meet the Requirements for Other Discovery Regarding Unnamed “Other Third-Party Witnesses” Should be Denied

In Section 2 of their Motion, Respondents also seek an order “permitting the discovery of other third-party witnesses.” However, Respondents’ motion does not specify the method of discovery sought, provide the proposed discovery instruments, and describe in detail the nature of the information and/or documents sought, as required by 40 C.F.R. § 22.19(e). It is even unclear which third-party witnesses will be the subject of the discovery – although Respondents do reference EPA/Respondents’ witness Ernie Willis, Respondents’ witness Rick Murray and

“broker witnesses”. EPA hereby contends that Respondents have barely begun to make their case for this “other discovery” under the standards of 40 C.F.R. § 22.19(e)(1) and 22.19(e)(3), and therefore there is no basis for granting the discovery.

Respondents also argue that taking the depositions of third-parties will enable the parties to “preserve the testimony in a form that could then be stipulated to and/or could either be submitted in lieu- of live testimony or presented in an appropriately edited (and presumably shortened) video format at hearing”. As indicated in the preliminary prehearing conference held via telephone on December 5, 2011, EPA is amenable to the submission of written testimony so long as witnesses are available live at hearing for cross examination. For the record, EPA hereby states that it opposes any editing and presentation of video testimony of witnesses at hearing in this matter except by agreement of the parties or by order of this Court.

C. Respondents’ Request to Bifurcate the Hearing should be Denied

Respondents request that the hearing be bifurcated into penalty and liability phases. EPA believes that such a bifurcation would prove to be a serious expense and inconvenience to EPA’s witnesses, most of whom are expected to testify on both liability and penalty issues. For example, many of the witnesses are expected to testify regarding communications they had with Respondent Scott Forster and/or Respondent Eric Lofquist – this information is expected to be relevant to both the direct operator liability of Respondent Scott Forster and/or Respondent Eric Lofquist as well as the following penalty factors: size and sophistication of violator; lack of good faith effort to comply with regulations; degree of willfulness, and; history of noncompliance. EPA believes that the issue of liability and penalty or penalty mitigation can readily be presented together in this action, and the expense and inconvenience of a second

hearing outweigh the burden of any prehearing preparation that may ultimately prove to be necessary. See *In the Matter of Stanchem, Inc.*, Docket No. CWA-2-1-95-1040, 1998 EPA ALJ LEXIS 11 at *16 (February 13, 1998).

III. Conclusion

For all of the reasons set forth above, Complainant respectfully requests that the Presiding Officer in this case DENY Respondents' Motion for a Revised Case Schedule and Renewed Motion for Third Party Discovery.

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Respectfully Submitted,

12/13/11
Date



Catherine Garypie, Associate Regional Counsel
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U.S. EPA Region 5
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Chicago, IL 60622
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Email: garypie.catherine@epa.gov

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ATTACHMENT A

December 10, 2010 letter from Garypie (EPA) to Falbe (Quarles & Brady)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

C-14J

December 10, 2010

Lawrence W. Falbe, Esq.
Quarles & Brady LLP
300 N. LaSalle Street, Suite 4000
Chicago, Illinois 60654

Re: Documentation related to Carbon Injection Systems LLC, Scott Forster, Eric Lofquist

Dear Mr. Falbe:

Per your request, the United States Environmental Protection Agency ("EPA") is providing you with copies of documents submitted to EPA by Innovative Waste Management (a/k/a Innovative Resource Management) ("IWM") on August 11, 2009. Please note that these documents were claimed as Confidential Business Information by IWM, but IWM agreed that EPA could release the information to you pursuant to 40 C.F.R. § 2.209(f). Please let me know if you have any questions regarding this matter. I can be reached at (312) 886-5825.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Catherine Garypie".

Catherine Garypie
Associate Regional Counsel

Attachments

cc: R. Lloyd, Innovative Waste Management (w/out attachments)

ATTACHMENT B

December 23, 2010 letter from Garypie (EPA) to Falbe (Quarles & Brady)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

C-14J

December 13, 2010

Lawrence W. Falbe, Esq.
Quarles & Brady LLP
300 N. LaSalle Street, Suite 4000
Chicago, Illinois 60654

Re: Documentation related to Carbon Injection Systems LLC, Scott Forster, Eric Lofquist

Dear Mr. Falbe:

Per your request, the United States Environmental Protection Agency ("EPA") is providing you with copies of documents submitted to EPA by Neville Chemical Company ("Neville") on June 8, 2009. Please be advised that this is not a complete copy – documents where were claimed as Confidential Business Information by Neville are not included. Please let me know if you have any questions regarding this matter. I can be reached at (312) 886-5825.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Catherine Garypie".

Catherine Garypie
Associate Regional Counsel

Attachments

ATTACHMENT C

December 20, 2010 letter from Garypie (EPA) to Falbe (Quarles & Brady)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

C-14J

December 20, 2010

Lawrence W. Falbe, Esq.
Quarles & Brady LLP
300 N. LaSalle Street, Suite 4000
Chicago, Illinois 60654

Re: Documentation related to Carbon Injection Systems LLC, Scott Forster, Eric Lofquist

Dear Mr. Falbe:

Per your request, the United States Environmental Protection Agency ("EPA") is providing you with copies of documents submitted to EPA by International Flavors & Fragrances, Inc. ("IFF"), on June 15, 2009, and March 30, 2010. Please be advised that this is not a complete copy – documents which were claimed as Confidential Business Information by IFF are not included (tab 6 in the June 15, 2009 response – with the exception of one page, and tab 5 in the March 30, 2010 response). Please let me know if you have any questions regarding this matter. I can be reached at (312) 886-5825.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Catherine Garypie".

Catherine Garypie
Associate Regional Counsel

Attachments

cc: Joseph Leightener, Esq.
Law Department
International Flavors & Fragrances, Inc.
521 W. 57th Street
New York, NY 10019

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U.S. ENVIRONMENTAL
PROTECTION AGENCY

CERTIFICATE OF SERVICE

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

I certify that the foregoing "Complainant's Response to Respondents' Motion for a Revised Case Schedule and Renewed Motion for Third Party Discovery", dated December 13, 2011, was sent this day in the following manner to the addressees listed below:

Original and one copy hand-delivered to:

Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

2011 DEC 23 PM 1:01
REGIONAL HEARING CLERK
U.S. EPA REGION 5

Copy via Regular Mail to:

Attorneys for Respondents:

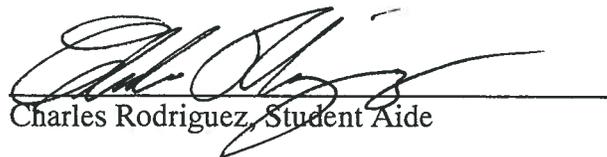
Carbon Injection Systems LLC, Scott Forster, Eric Lofquist
c/o Lawrence W. Falbe
Quarles & Brady LLP
300 N. LaSalle Street, Suite 4000
Chicago, IL 60654

Carbon Injection Systems LLC, Scott Forster, Eric Lofquist
c/o Keven D. Eiber
Brouse McDowell
600 Superior Avenue East
Suite 1600
Cleveland, OH 44114

Presiding Judge:

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Mail Code 1900L
Washington, DC 20460

12/13/11
Date


Charles Rodriguez, Student Aide