

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
KANSAS CITY, KANSAS

06 AUG 07 AM 9:36

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

In the Matter of)

ABLE MANUFACTURING &)
ASSEMBLY, LLC)

Respondent)

No. CAA-07-2006-0165

RESPONDENT'S PREHEARING EXCHANGE

Comes now, Respondent Able Manufacturing & Assembly, LLC, by and through its attorney, Michael P. Comodeca, and offers the following prehearing information exchange for the above-captioned matter, as required by 40 CFR 22.19:

1. List of Expert and Other Witnesses

- a. Jim Schwarz - President, Able Manufacturing & Assembly, LLC. Mr. Schwarz will testify that the company no longer produces jet ski hulls. He will testify that had there been sufficient orders, the company could have produced sufficient hulls in the compliance period to achieve compliance. Mr. Schwarz will also testify that the company's history demonstrates that it is a good corporate steward of the environment.
- b. Roger Dickey, Environmental and Safety Manager, Able Manufacturing & Assembly, LLC. Mr. Dickey will testify that the company only manufactured jet ski hulls for a portion of the compliance period and that manufacturing stopped due to a lack of orders. Mr. Dickey will testify that the harm to the environment is minimal because the amount of noncompliant air emissions is extremely small.
- c. Jessica Galindo, Product Development Manager, Able Manufacturing & Assembly, LLC. Ms. Galindo will testify concerning the history and details of the jet ski manufacturing process.
- d. Bob Lacovara, American Composites Manufacturers Association ("ACMA"), CCT Program, Director of Technical Services. Mr. Lacovara will testify concerning the details of the jet ski manufacturing process.
- e. Robert A. Haberlein, Engineering Environmental Consulting Services, Ph.D., QEP. Mr. Haberlein will testify that the 12-month rolling average calculation has a disproportionate adverse impact on small businesses such as the company.

- f. John Schweitzer, ACMA, Regulatory and Legislative Government Affairs Department. Mr. Schweitzer will testify concerning the details of the jet ski manufacturing process.

2. **Copies of Documents and Exhibits**

- a. List of Able employees who were trained and certified above and beyond regulatory requirements as “Certified Composites Technicians” (CCT);
- b. Certification from American Composites Manufactures Association for 2005/2006;
- c. Employee Headcount Totals dated January 2, 2005 through August 27, 2006;
- d. Boat Production Count from November, 2001 through February, 2005 (Schifferdecker Facility);
- e. Sales for January, 2005 through July, 2006;
- f. Boat Manufacturing HAP Emissions from August, 2004 through July 2005;
- g. Level II State Source Inspection Form dated June 27, 2005;
- h. Press Release dated August 30, 2006 regarding North American Composites Signs on as Sponsor of ACMA’s Certified Composites Technician (CCT) Program;
- i. Any document containing information relevant to the subject matter of this proceeding, and is hereinafter identified through the exercise of reasonable diligence and designated as a potential exhibit through an amended disclosure;
- j. Any and all exhibits provided by Complainant.

3. **Location of Hearing.** Respondent proposes as an appropriate place for the hearing as the Jasper County Courthouse in Carthage, Missouri. Courtroom facilities with all support services will which may be required for a hearing are readily available. Respondent is located in Joplin, Missouri which is nearby. Several of Respondent's witnesses are also located near Joplin.

4. **Availability for Hearing.** All of Respondent's witnesses and counsel are available beginning in mid-October. Specific dates and times will be coordinated with Respondent and Respondent's witnesses. Absent lengthy cross-examination, Respondent estimates that it will require approximately 1/2 day to present its case in chief. The length of time required for rebuttal testimony and cross-examination of Complainant's witnesses will depend on the numbers and substance of documents and witnesses disclosed in Complainant's Prehearing Exchange.

5. **Reservation of Rights.** Respondent respectfully reserves the right to call all witnesses called by the Complainant; to recall any of its witnesses in rebuttal; and to modify or supplement the names of witnesses and exhibits prior to the Adjudicatory Hearing, pursuant to 40 C.F.R. Part 22, and upon adequate notice to Complainant and the Presiding Officer.

Respectfully submitted,



Michael P. Comodeca
Spencer Fane Britt & Browne LLP
9401 Indian Creek Parkway, Suite 700
Overland Park, KS 66210
Telephone: (913) 345-8100
Facsimile: (913) 345-0736
Counsel for Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one true copy of the RESPONDENT'S PREHEARING INFORMATION EXCHANGE was filed and that a true copy of the same was sent, via first class U.S. mail, on this 30th day of August, 2006, to:

Kristi Denney, Esq.
Assist. Regional Counsel
U.S. Environmental Protection Agency
Region VII
901 N. 5th Street
Kansas City, KS 66101

Kathy Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region VII
901 N. 5th Street
Kansas City, KS 66101

Date: 8/30/06

By: Michael J. Condecca