



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

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

Docket No. RCRA-05-2011-0009

RECEIVED JUN 15 2012

ORDER ON COMPLAINANT'S SECOND MOTION FOR LEAVE TO AMEND COMPLAINT

REGIONAL HEARING CLERK U.S. ENVIRONMENTAL PROTECTION AGENCY

On June 8, 2012, Complainant filed a Second Motion for Leave to Amend Complaint ("Motion" or "Mot.") in which Complainant seeks leave to reduce the proposed penalty. Mot. at 1. Specifically, Complainant seeks leave to change the penalty amount in paragraph 97 from "\$1,791,810" to "\$1,579,173" and, correspondingly, to decrease the "Beyond BEN" economic benefit figure in Count 1 by \$212,637. Mot. at 2. Complainant argues that Respondents will not be prejudiced by these changes and that the Motion is not the product of undue delay, bad faith, or dilatory motive, citing the undersigned's Order on Motions for Accelerated Decision 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.

The proposed Second Amended Complaint has been signed by Complainant and will be deemed filed as of June 8, 2012. Respondents may, but are not required to, file a second amended answer within 20 days. 40 C.F.R. § 22.14(c). Should Respondents not file another amended answer, the current Amended Answer will be read to respond to the Second Amended Complaint.

SO ORDERED.

[Handwritten signature]

Susan L. Biro Chief Administrative Law Judge

Dated: June 11, 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 certify that the foregoing **Order On Complainant's Second Motion For Leave To Amend Complaint**, dated June 11, 2012, was sent this day in the following manner to the addressees listed below.

Maria Whiting-Beale

Maria Whiting-Beale
Staff Assistant

Dated: June 11, 2012

Original and One Copy By Regular To:

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