

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
John A. Biewer Company of Toledo, Inc.)
300 Oak Street)
St. Clair, Michigan 48079-0497)
(Washington Courthouse Facility))
)
U.S. EPA ID #: OHD 081 281 412; and)
)
John A. Biewer Company, Inc.)
812 South Riverside Street)
St. Clair, Michigan 48079; and)
)
Biewer Lumber LLC)
812 Riverside Street)
St. Clair, Michigan 48079)
)
Respondents)
_____)

DOCKET NO. RCRA-05-2008-0006

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ORDER REGARDING SCHEDULING

Pursuant to a conference call held with the parties on June 18, 2009, this Order memorializes certain agreed to matters of scheduling in this proceeding and the companion case, Docket Number, RCRA 05-2008-0007. As these two cases already have been delayed in order to accommodate discovery, further extensions will be disfavored.

Motions for Accelerated Decision will be filed by July 2, 2009, with Responses due by July 31st. Any Reply is to be filed by August 12th. The hearings will start on October 13 and continue as necessary through October 16th. Because the two cases have many common issues, the parties and the Court will fashion a procedure to streamline the evidentiary hearings. While it appears very unlikely that the hearings would last beyond October 16th, the parties agreed to leave their schedules open for the following week, should additional time be necessary. The hearings will be held in Toledo, Ohio, unless a suitable courtroom can not be secured. In that event, the Court will find a courtroom as near to Toledo as possible for the dates listed above

So ordered.

William B. Moran
William B. Moran
United States Administrative Law Judge

June 22, 2009
Washington, D.C.

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In the Matter of John Biewer
Docket No. RCRA-05-2008-0006

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Regarding Scheduling**, dated, June 22, 2009, was sent this day in the following manner to the addressees listed below:

Original by Regular Mail to: Ladawn Whitehead
Regional Hearing Clerk
U.S. EPA - Region 5
77 W. Jackson Blvd., E-13J
Chicago, IL 60604-3590

Copy by Regular Mail and facsimile to:

Attorney for Complainant:

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Office of Regional Counsel
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Chicago, IL 60604-3590

Attorney for Respondent:

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Mika Meyers Beckett & Jones, PLC
900 Monroe Avenue, NW
Grand Rapids, MI 49503-1423



Knolyn R. Jones
Legal Assistant

Dated: June 22, 2009

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