

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)
)
Carbon Injection Systems LLC;)
Scott Forster, President;)
Eric Lofquist, Vice President)
Gate #4 Blast Furnace Main Ave)
Warren Township, OH 44483)
)
EPA ID No. OHR000127910)
)
Respondents.)

Docket No. RCRA-05-2011-0009

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**RESPONDENTS CARBON INJECTION SYSTEMS LLC,
SCOTT FORSTER AND ERIC LOFQUIST'S
MOTION TO FILE INSTANTER SUPPLEMENTAL DECLARATIONS TO
CERTAIN EXPERT REPORTS PREVIOUSLY FILED IN SUPPORT OF THEIR
MOTION FOR ACCELERATED DECISION**

Respondents Carbon Injection Systems LLC, Scott Forster and Eric Lofquist, by and through their undersigned counsel, pursuant to Rule 22.16 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties (40 C.F.R. Part 22), respectfully request leave to supplement three Expert Reports filed by Respondents in Support of their Motion for Accelerated Decision. In support thereof, Respondents state as follows:

1. On March 16, 2012, Respondents timely filed (under seal) their Motion for Accelerated Decision ("Motion"), pursuant to Rule 22.20 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties (40 C.F.R. Part 22).

2. Respondents' Motion was supported by, *inter alia*, three reports authored by experts retained by Respondents, specifically Fredrick C. Rorick, Christopher McClure, CPA, and Bruce M. Sass, Ph.D.

3. Each report was signed by the author, but none of the three reports contained a statement by the report's author under 28 U.S.C. § 1746 that the statements contained therein were true and correct under penalties of perjury.

4. While the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 CFR § 22.20 do not specifically require such a statement in order for such reports to be considered in support of a motion for accelerated decision, in an abundance of caution, Respondents wish to amend each report to include such statement by each report's respective author.

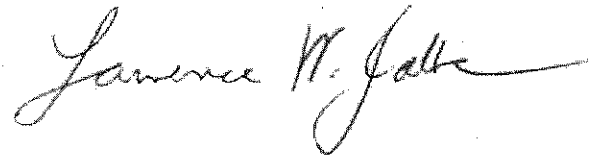
5. Respondents therefore attach a Supplemental Declaration from each expert as Exhibits A, B and C, to this Motion, and request leave to file such Supplemental Declarations instanter.

6. Respondents' request for leave to file the specified Supplemental Declarations is not the product of undue delay, bad faith or dilatory motive. Complainant will suffer no prejudice or delay if Respondents' Motion is granted, because no changes to the substance of each expert's testimony is proposed.

WHEREFORE, Respondents respectfully request leave to amend the above-referenced expert reports by means of the attached Supplemental Declarations of each expert, as attached hereto as Exhibits A, B and C, and to file such Supplemental Declarations instanter.

Respectfully submitted,

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*Attorneys for Respondents Carbon Injection
Systems LLC, Scott Forster, and Eric
Lofquist*

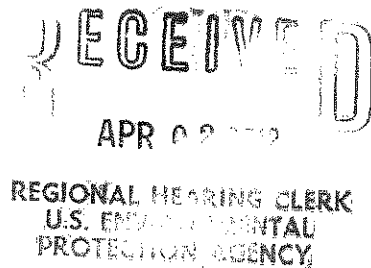
**In the Matter of: Carbon Injection Systems LLC, Scott Forster, and Eric Lofquist,
Respondents, Docket No. RCRA-05-2011-0009**

CERTIFICATE OF SERVICE

I, Lawrence W. Falbe, an attorney, certify that the foregoing Respondents Scott Forster's and Eric Lofquist's **MOTION TO FILE INSTANTER SUPPLEMENTAL DECLARATIONS TO CERTAIN EXPERT REPORTS PREEVIOUSLY FILED IN SUPPORT OF THEIR MOTION FOR ACCELERATED DECISION** was sent on April 2, 2012, in the manner indicated, to the following:

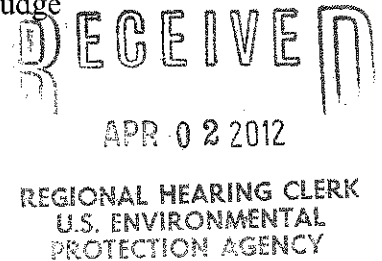
Original and one copy by hand delivery to:

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



Copy by overnight delivery to:

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, DC 20005



Copy by e-mail and hand-delivery to:

Catherine Garypie, Esq. (garypie.catherine@epamail.epa.gov)
Matthew Moore, Esq. (moore.matthew@epamail.epa.gov)
Jeffrey Cahn (cahn.jeffrey@epamail.epa.gov)
Office of Regional Counsel
U.S. EPA Region 5
77 West Jackson Blvd.
Chicago, IL 60622

Copy by e-mail and regular mail to:

Steven Sarno (sarno.steven@epamail.epa.gov)
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 1900L
Washington, DC 20460

Keven Eiber, Esq. (keiber@brouse.com)
Meagan Moore, Esq. (mmoore@brouse.com)
Brouse McDowell
600 Superior Avenue East
Suite 1600
Cleveland, OH 44114

April 2, 2012

A handwritten signature in cursive script that reads "Lawrence W. Falbe". The signature is written in black ink and is positioned above a horizontal line.

Lawrence W. Falbe

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

SUPPLEMENTAL DECLARATION OF FREDERICK C. RORICK

I, Frederick C. Rorick, declare and state as follows:

1. I have been retained on behalf of Respondents Carbon Injection Systems LLC, Eric Lofquist and Scott Forster to provide expert testimony in the above-captioned matter.
2. I provided an expert report containing my opinions to counsel for Respondents in March 2012.
3. Under penalty of perjury, I declare that all of the statements I made in my expert report were, and are, true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 2 April 2012 By: Frederick C. Rorick
Frederick C. Rorick

Subscribed to and sworn before me this 2nd day of April, 2012.

Danielle Susan Mallon
Notary Public

My Commission Expires:

Danielle Susan Mallon
Notary Public State of Maryland
My Commission Expires
November 29, 2014

EXHIBIT A

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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

SUPPLEMENTAL DECLARATION OF CHRISTOPHER MCCLURE

I, Christopher McClure, declare and state as follows:

1. I have been retained on behalf of Respondents Carbon Injection Systems LLC, Eric Lofquist and Scott Forster to provide expert testimony in the above-captioned matter.
2. I provided an expert report containing my opinions to counsel for Respondents, dated March 13, 2012.
3. Under penalty of perjury, I declare that all of the statements I made in my expert report were, and are, true and correct.

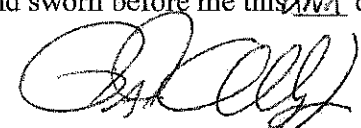
I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 4/2/12

By: 

Christopher McClure

Subscribed to and sworn before me this 2nd day of April, 2012.

Notary Public 

My Commission Expires:

10-21-2012



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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

SUPPLEMENTAL DECLARATION OF BRUCE M. SASS

I, Bruce M. Sass, declare and state as follows:

1. I have been retained on behalf of Respondents Carbon Injection Systems LLC, Eric Lofquist and Scott Forster to provide expert testimony in the above-captioned matter.
2. I provided an expert report containing my opinions to counsel for Respondents, dated March 15, 2012.
3. Under penalty of perjury, I declare that all of the statements I made in my expert report were, and are, true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 4/2/12 By: Bruce Sass
Bruce M. Sass

Subscribed to and sworn before me this 14 day of April, 2012.

Notary Public Thomas E. Baxter

My Commission Expires:



THOMAS E. BAXTER
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

EXHIBIT C