

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:

**Wisconsin Plating Works of Racine, Inc.
Racine, Wisconsin**

Respondent.

) Docket No. CAA-05-2008-0037
)

) Proceeding to Assess a Civil
) Penalty Under Section 113(d) of
) the Clean Air Act, 42 U.S.C. §
) 7413(d)
)
)

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JUN 16 2009

**REGIONAL HEARING CLERK
USEPA
REGION 5**

**RESPONDENT'S MOTION TO WITHDRAW ITS JUNE 12, 2009 MOTION TO
SUPPLEMENT PREHEARING EXCHANGE**

Respondent files this Motion to Withdraw its June 12, 2009 Motion to Supplement Prehearing Exchange. Respondent, by and through its undersigned attorney, moves this Honorable Court to allow Respondent to withdraw its June 12, 2009 Motion to Supplement Prehearing Exchange. Respondent's attorney has contacted Complainant's counsel concerning this motion and Complainant's counsel has no objection to the Court granting this motion.

Respondent requests that this Honorable Court allow it to withdraw its June 12, 2009 Motion to Supplement Prehearing Exchange, as such Motion was inadvertently filed only in its original version, and not also in redacted form, thus jeopardizing the CBI nature of the documents attached as exhibits thereto (Respondent's intent was to maintain such exhibits as CBI materials under 40 CFR Part 2, as stated in the June 12, 2009 Motion.).

Respondent has refilled its Motion to Supplement Prehearing Exchange concurrent herewith, in both original and redacted form, thus maintaining the CBI nature of the exhibits. Complainant will suffer no prejudice from the withdrawal of Respondent's June 12, 2009 Motion. Respondent, however, will suffer if the instant Motion is not granted, as its confidential business information will become public record.

WHEREFORE, Respondent respectfully requests that its Motion to Withdraw its June 12, 2009 Motion to Supplement Prehearing Exchange be granted.

Respectfully submitted,

Wisconsin Plating Works of Racine, Inc.

By: 
One of its attorneys

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Stuart M. Sheldon
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CERTIFICATE OF SERVICE

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

I hereby certify that today I caused to be filed with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard (E-13J), Chicago, Illinois, 60604-3590, the original document entitled Respondent's Motion to Withdraw its June 12, 2009 Motion to Supplement Prehearing Exchange for this civil administrative action, and that I issued to the Court and Complainant's Counsel by first class mail a copy of the original document:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Padmavati G. Bending
Associate Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604-3590


Stuart M. Sheldon

6/16/09
Dated

Christopher T. Nowotarski
Stuart M. Sheldon
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