

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

In the Matter of)
)
John A. Biewer Company of Ohio, Inc.)
) Docket No. RCRA-05-2008-0007
)
Respondent.)

**ORDER GRANTING MOTION FOR PARTIAL
ACCELERATED DECISION**

On June 26, 2008, Complainant U.S. Environmental Protection Agency ("Complainant") filed a Motion for Partial Accelerated Decision ("Motion"), pursuant to 40 C.F.R. 22.20, requesting that the Presiding Officer in this matter enter a finding that Respondent has waived any claim that it is unable to pay the penalty amount proposed for the violations it is alleged to have committed in the May 5, 2008 Complaint and Compliance Order. On July 16, 2008, Respondent requested an extension of time to respond to Complainant's Motion, which Motion was granted on July 21, 2008. Ultimately, Respondent chose not to object to Complainant's Motion in its July 22, 2008 Response. Accordingly, Complainant's Motion is **Granted** on the limited issue of ability to pay the penalty proposed by EPA.

So Ordered.


William B. Moran
United States Administrative Law Judge

Dated: August 6, 2008
Washington, DC

In the Matter of John Biewer
Docket No. RCRA-05-2008-0007

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CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion for Partial Accelerated Decision**, dated, August 6, 2008, was sent this day in the following manner to the addressees listed below:

Original by Regular Mail to: Sonja Brooks-Woodard
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:

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Knolyn R. Jones
Legal Assistant

Dated: August 6, 2008