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⁵Ohio
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February 8, 2010



Regional Hearing Clerk (E-19J)
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

Re: John A. Biewer Company of Toledo, Inc.; RCRA-05-2008-0006

Dear Clerk:

Enclosed for filing you will find the original and one copy of the Respondent's Motion for Entry of Decision, Motion for Immediate Consideration, and Proof of Service.

Sincerely,

Douglas A. Donnell

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jeb

Enclosures

cc: Hon. William B. Moran (by Fed Ex and e-mail)
Richard R. Wagner (by Fed Ex and e-mail)
Douglas S. Touma, Sr. (by First Class Mail)

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
(Perrysburg Facility)

U.S. EPA ID #: OHD 106 483 522

Respondents

DOCKET NO: RCRA-05-2008-0006

RESPONDENT'S MOTION FOR
IMMEDIATE CONSIDERATION

RECEIVED
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REGION 5

NOW COMES Respondent, by and through its attorneys, Mika Meyers Beckett & Jones, PLC, and hereby moves the Presiding Officer to grant immediate consideration of Respondent's Motion for Entry of Decision, filed herewith. The basis for this Motion for Immediate Consideration is the fact that trial in this matter is scheduled to begin on February 23, 2010, and the accompanying Motion for Entry of Decision, if granted, would eliminate the need for such trial.

WHEREFORE, Respondent prays for the Presiding Officer's immediate consideration of the Motion for Entry of Decision filed herewith.

Respectfully submitted,

MIKA MEYERS BECKETT & JONES PLC
Attorneys for Respondents

Dated: February 8, 2010

By: *D. Donnell*
Douglas A. Donnell (P33187)
900 Monroe Avenue, NW
Grand Rapids, MI 49503
(616) 632-8000

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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IN THE MATTER OF:

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U.S. EPA ID #: OHD 106 483 522

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CERTIFICATE OF SERVICE

RECEIVED
FEB 09 2010

REGIONAL HEARING CLERK
USEPA
REGION 5

I, Jane E. Blakemore, hereby state that I am an employee of Mika Meyers Beckett & Jones, PLC, and that on February 8, 2010, I served a copy of:

Respondent's Motion for Entry of Decision and Motion for Immediate Consideration

upon the following individual by Federal Express overnight mail:

Richard R. Wagner, Senior Attorney
Office of Regional Counsel (C-14J)
U. S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604-3590

I declare that the statements above are true to the best of my information, knowledge and belief.

Dated: February 8, 2010



Jane E. Blakemore

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USEPA
REGION 5