

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

08 JUL 30 AM 10:32

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF)
LOWELL VOS)
d/b/a LOWELL VOS FEEDLOT)
WOODBURY COUNTY, IOWA)
Respondent.)

Docket No. CWA-07-2007-0078

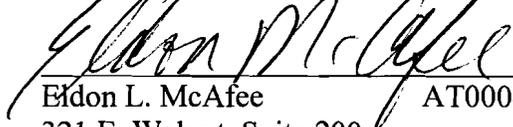
**RESPONDENT'S SUPPLEMENTAL
PREHEARING EXCHANGE
AND REPLY TO
COMPLAINANT'S MOTION
FOR DISCOVERY OR IN THE
ALTERNATIVE MOTION IN
LIMINE**

COMES NOW the Respondent, Lowell Vos d/b/a Lowell Vos Feedlot, by and through his attorney, Eldon L. McAfee, and submits the following Supplemental Prehearing Exchange and Reply to Complainant's Motion for Discovery or in the Alternative Motion in Limine regarding paragraph 4 of the Prehearing Order:

4. Respondent does not take the position that he is unable to pay the proposed penalty and does not take the position that the proposed penalty will have an adverse impact on the Respondent's ability to continue in business.

Dated this 28th day of July, 2008.

BEVING, SWANSON & FORREST, P.C.


Eldon L. McAfee AT0004987

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Des Moines, IA 50309
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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon each of the attorneys of record of all parties to the above-entitled cause herein at their respective addresses disclosed on the pleadings of record on the 28th day of July, 2009.

By: U.S. Mail FAX
 Hand Delivered Overnight Courier

Kathy Robinson
Regional Hearing Clerk
U.S. EPA
901 North 5th Street
Kansas City, KS 66101

A copy by regular U.S. Mail to:

Judge William B. Moran
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Ave., N.W.
Mail Code 1900L
Washington, D.C. 20005

A copy by regular U.S. mail to:

J. Daniel Breedlove
Asst. Regional Counsel
U.S. EPA
Region VII
901 North 5th Street
Kansas City, KS 66101

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