

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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U.S. ENVIRONMENTAL
PROTECTION AGENCY

IN THE MATTER OF:

John A. Biewer Company of Ohio, Inc.
300 Oak Street
St. Clair, Michigan 48079-0497
(Washington Courthouse Facility)

DOCKET NO: RCRA-05-2008-0007

**RESPONDENT'S PRE-HEARING
EXCHANGE**

U.S. EPA ID #: OHD 081 281 412

RESPONDENT
_____ /

Pursuant to the Prehearing Order of the Administrative Law Judge dated June 27, 2008, Respondent John A. Biewer Company of Ohio, Inc. submits the following prehearing exchange:

1. Respondent has disclosed its proposed witnesses, a summary of their expected testimony on August 27, 2008, and supplemented that witness disclosure on September 15, 2008, together with copies of documents intended to be used as exhibits. Respondent further reserves the right to use as exhibits documents identified as possible exhibits by Complainant. To the extent Respondent will rely on additional exhibits, this disclosure will be supplemented as provided in the Administrative Law Judge's Prehearing Order. In addition, Respondent reserves the right to cross-examine the author of the "Penalty Rationale" provided by Complainant dated August 15, 2008.

2. Not applicable to Respondent.

3. Not applicable to Respondent.

4. Not applicable to Respondent.

5. As discussed on the conference call of November 19, 2008, Respondent believes that Toledo, Ohio is an appropriate venue for the hearing. Respondent is satisfied with the

scheduling of the hearing beginning on February 24, and continuing to February 25, if necessary.

Respondent believes that two hearing days are sufficient.

Respectfully submitted,

MIKA MEYERS BECKETT & JONES PLC
Attorneys for Respondent

Dated: November 20, 2008

By: 

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

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CERTIFICATE OF SERVICE

U.S. EPA ID #: OHD 081 281 412

RESPONDENT
_____ /

I, Jane E. Blakemore, hereby state that I am the secretary for Douglas A. Donnell, and that on November 20, 2008, I served a copy of:

Respondent's Pre-Hearing Exchange

upon the following individuals by the method indicated, postage prepaid:

Hon. William B. Moran
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Franklin Court Building
1099 - 14th Street, NW, Suite 350
Washington, DC 20460
via Federal Express 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
via first-class U.S. mail

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

Dated: November 20, 2008



Jane E. Blakemore