

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

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In the Matter of: )  
)  
) **Docket No. RCRA-05-2011-0009**  
)  
**Carbon Injection Systems LLC;** )  
**Scott Forster, President;** )  
**Eric Lofquist, Vice President** )  
**Gate #4 Blast Furnace Main Ave** )  
**Warren Township, OH 44483** )  
)  
**EPA ID No. OHR000127910** )  
)  
**Respondents.** )

**MOTION FOR LEAVE TO FILE CORRECTED MEMORANDUM**

Respondents Carbon Injection Systems LLC, Scott Forster and Eric Lofquist, by and through their undersigned counsel, move for leave to file their Corrected Memorandum In Opposition to Complainant's Motion for Partial Accelerated Decision as to Liability. In support of this Motion, Respondents state as follows:

1. Respondents timely filed their Memorandum in Opposition to Complainant's Motion for Partial Accelerated Decision as to Liability on April 2, 2012. The Memorandum contains multiple subsections, which were drafted by different attorneys and assembled into the final document. After filing the Memorandum, counsel realized that two subsections of the Memorandum, which are a portion of the argument regarding whether Unitene is a co-product, were inadvertently omitted from the final assembled document.

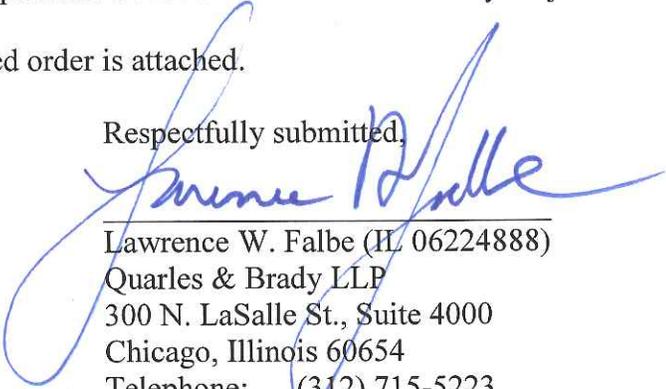
2. Counsel for Respondents consulted with Jeffrey Cahn, counsel for U.S. EPA, explained the mistake that was made and Mr. Cahn consented, on behalf of U.S.

EPA, to Respondents filing a corrected Memorandum to include the omitted subsections.

3. Respondents are submitting the corrected Memorandum (which also corrects several typographical errors and/or misspellings) contemporaneously with this motion, and are serving this motion and the corrected Memorandum upon U.S. EPA by hand delivery this same day.

WHEREFORE, Respondents request that this motion for leave to file a corrected Memorandum in Opposition to Complainant's Motion for Partial Summary Adjudication as to Liability be granted. A proposed order is attached.

Respectfully submitted,



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Systems LLC, Scott Forster, and Eric  
Lofquist*

**In the Matter of Carbon Injection Systems LLC, Scott Forster, and Eric Lofquist,  
Respondents, Docket No. RCRA-05-2011-0009**

**CERTIFICATE OF SERVICE**

I, Lawrence W. Falbe, an attorney, hereby certify that the foregoing Motion for Leave to File Corrected Memorandum was sent on April 3, 2012, in the manner indicated, to the following:

Original and One Copy by hand delivery to:

LaDawn Whitehead, Regional Hearing Clerk  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Copy by Overnight Delivery to:

The Honorable Susan L. Biro, Chief Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14th Street, N.W., Suite 350  
Washington, DC 20005

Steven Sarno (sarno.steven@epamail.epa.gov)  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14th Street, N.W., Suite 350  
Washington, DC 20005

Copy by hand delivery to:

Catherine Garypie, Esq.  
Jeffrey Cahn, Esq.  
Matthew Moore, Esq.  
Office of Regional Counsel  
U.S. EPA Region 5  
77 West Jackson Blvd.  
Chicago, IL 60622

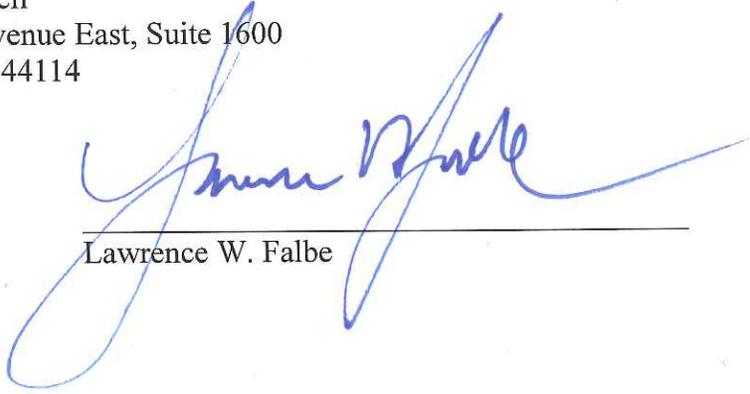
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April 3, 2012



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