

07 JAN -8 AM 11:48
ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of)
)
American Railcar Industries, Inc.) Docket No. RCRA-07-2006-0282
)
Respondent.)

**OPENING PREHEARING EXCHANGE OF RESPONDENT, AMERICAN
RAILCAR INDUSTRIES, INC.**

Respondent, American Railcar Industries, Inc. submits the following in compliance with the November 30, 2006 Order Setting Prehearing Procedures:

1. List of fact witnesses.

Respondent may call the following fact witnesses;

1. Joe Gaitens
2. Steve Kosa
3. Carl Smith

Mr. Gaitens may testify concerning the inspection that is the subject matter of this proceeding as well as the paint materials referenced in the NOV and Complaint, Compliance Order and Notice of Opportunity of Hearing. He may also testify concerning Respondent's Emergency and Disaster Plan and Spill Contingency Plan. Mr. Kosa may testify concerning the operations of Respondent, as well as the paint materials referenced in the Complaint, Compliance Order and Notice of Opportunity of Hearing. He may also testify concerning Respondent's Emergency and Disaster Plan and Spill Contingency Plan. Mr. Smith may testify concerning the operations at Respondent's North Kansas City facility. Respondent reserves the right to call Complainant's witnesses as its own witnesses.

2. Respondent does not expect to call any expert witnesses.
3. Respondent intends to introduce copies of its Emergency and Disaster Plan and

One Metropolitan Square, Suite 1000
St. Louis, Missouri 63102-2740
(314) 621-5070
(314) 621-5065 (facsimile)

ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was sent via first class mail, postage prepaid on this 3rd day of January, 2007 to Belinda Holmes, Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101.


