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⁴New York
⁵Ohio
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February 8, 2010

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

REGIONAL HEARING CLERK
USEPA
REGION 5

Re: John A. Biewer of Ohio, Inc.; RCRA-05-2008-0007

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

Direct Dial/Fax: (616) 632-8035
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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:

DOCKET NO: RCRA-05-2008-0007

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

RESPONDENT'S MOTION FOR
IMMEDIATE CONSIDERATION

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

Respondent

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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.

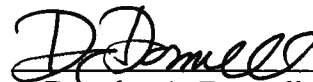
WHEREFORE, Respondent prays for the Presiding Officer's immediate consideration of the Motion for Entry of Decision filed herewith.

Respectfully submitted,

MIKA MEYERS BECKETT & JONES PLC
Attorneys for Respondents

Dated: February 8, 2010

By:



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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

DOCKET NO: RCRA-05-2008-0007

John A. Biewer Company of Ohio, Inc.
300 Oak Street
St. Clair, Michigan 48079-0497

CERTIFICATE OF SERVICE

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

Respondents
_____ /

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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