



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**June 17, 2010**

REPLY TO THE ATTENTION OF:  
E-19J


**CERTIFICATION OF ADMINISTRATION RECORD TRANSMITTED TO THE  
ENVIRONMENTAL APPEALS BOARD**

I, La Dawn Whitehead, am the Regional Hearing Clerk for U.S. Environmental Protection Agency (EPA) Region 5. My duties include maintenance of the official records for all administrative proceedings filed in EPA Region 5. My duties also include transmitting the official records from an administrative proceeding initiated in Region 5 to the Clerk of the EPA's Environmental Appeals Board.

I hereby certify that the attached document is true, correct and complete index of the administrative record that was before the Presiding Officer in the administrative proceeding for John A. Biewer Company of Toledo, Inc. – Perrysbury Facility (St. Clair, Michigan), Docket Number RCRA-05-2008-0006.

I declare under penalty of perjury that the foregoing is true and correct.

Date: June 17, 2010

  
La Dawn Whitehead  
Regional Hearing Clerk  
EPA Region 5

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JUN 17 2010  
REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

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JUN 17 2010

HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

File Date	Description	Submitter
1	5/5/2008 Administrative Complaint	EPA/Region V
2	6/9/2008 Respondent's Answer to Complaint and Compliance Order	Douglas A. Donnell, for Respondent
3	6/10/2008 RHC Transmittal letter Forwarding Case Matter to Chief ALJ's Office for	Sonja Brooks-Woodard
4	6/12/2008 Offer of ADR Process to Facilitate Settlement	Susan L. Biro, Chief ALJ
5	6/20/2008 Forward Email of Complainant, Richard Wagner, Denying Alternative Dispute Resolution process.	Maria Whiting-Beale, ALJ Legal Asst
6	6/24/2008 Respondent Accepting Alternative Dispute Resolution Process	Douglas A. Donnell, for Respondent
7	6/25/2008 Order of Designation -- ALJ William B. Moran	Susan L. Biro, Chief ALJ
8	6/26/2008 Motion for Partial Accelerated Decision	Richard R. Wagner, for Complainant
9	6/27/2008 Respondent's Correction ADR Letter	Douglas A. Donnell, Respondent
10	6/30/2008 Prehearing Order	William B. Moran, ALJ
11	7/18/2008 Unopposed Motion for Extension of Time to Respond.	Douglas A. Donnell, for Respondent
12	7/23/2008 Order Granting Motion	William B. Moran, ALJ
13	7/28/2008 Response to Motion for Partial Accelerated Decision	Douglas A. Donnell, for Respondent
14	8/8/2008 Order Granting Motion for Partial Accelerated Decision	William B. Moran, ALJ
15	8/25/2008 Pre-Hearing Exchange of the Administrator's Delegated Complainant	EPA/Region V
16	8/29/2008 Respondent's Witness Disclosure	Respondents
17	9/2/2008 Motion to Strike Respondent's Witness Disclosure	Richard A. Wagner, Senior Attorney
18	9/17/2008 Respondent's Supplement Witness Disclosure	Douglas A. Donnell, Respondent's Attorneys
19	9/29/2008 Motion to Amend Complaint and Compliance Order & Memorandum in Support of Complainant's Motion to amend Complaint and Compliance Order (Attachments were to voluminous to scan)	EPA/Region V
20	10/8/2008 Certified Post Card	EPA, Region 5
21	10/9/2008 Order Denying Motion To Strike Respondent's Witness Disclosure	William B. Moran, ALJ
22	10/14/2008 Respondent's Unopposed Motion for Extension of Time to Respond	Douglas A. Donnell, Respondent's Attorney
23	10/21/2008 Certified Post Card	EPA, Region 5
24	10/24/2008 Order Granting Motion for Extension of Time	William B. Moran, ALJ

25	11/7/2008	Unopposed Motion for Additional Extension of Time to Respond	Douglas A. Donnell, Respondents Attorney
26	11/14/2008	Memorandum in Opposition to Complainant's Motion to Amend Complaint and Compliance Order	Douglas A. Donnell, Respondent's Attorney
27	11/21/2008	Respondent's Pre-Hearing Exchange	Douglas A. Donnell, Respondent's Attorney
28	11/24/2008	Notice of Hearing	William B. Moran, ALJ
29	11/26/2008	Reply to Respondent's Opposition to Complainant's Motion to Amend Complaint and Compliance Order	EPA/Region V
30	12/5/2008	Respondent's Surreply to Complainant's Reply to Respondent's Opposition to Complainant's Motion to Amend Complaint and Compliance Order	Douglas A. Donnell, Respondent's Attorney
31	12/9/2008	Motion to Strike Respondent's Sur-Reply	Richard R. Wagner, EPA Senior Attorney
32	12/12/2008	Complainant's Motion to Strike, In Part, Respondent's Pre-Hearing Exchange	Richard Wagner, EPA Attorney
33	1/5/2009	Unopposed Motion for Extension of Time To Respond	Douglas Donnell, Respondents Attorney
34	1/13/2009	Joint Motion for Additional Extension of Time to Respond	Douglas A. Donnell, Respondent Attorney & Richard Wagner, Complainant Attorney
35	1/26/2009	Order on Unopposed Motion for Additional Extension of Time to Respond	William B. Moran, ALJ
36	1/26/2009	Order on EPA's Motion to Amend Complaint and Compliance Order and Notice of Hearing Postponement	William B. Moran, ALJ
37	1/30/2009	Amended Complaint and Compliance Order	EPA/Region V
38	2/24/2009	Answer to Amended Complaint and Compliance Order	Mika Meyers Beckett & Jones, Attorneys for Respondent
39	3/10/2009	RHC Transmittal Letter forwarding Case Matter to the Chief ALJ's Office for Assignment of an ALJ	Tywanna Greene
40	2/26/2009	Complainant's Motion for Discovery	Richard Wagner, EPA Attorney
41	3/16/2009	Unopposed Motion for Extension of Time to Respond	Douglas A. Donnell, Attorney for Respondents

42	3/27/2009	Respondent's Response to EPA's Discovery Requests (Attachments were too voluminous to scan)	Douglas A. Donnell & Amy L. VanDyke, Respondent's Attorney
43	4/6/2009	Complainant's Reply To Respondents' Response To Complainant's Motion For Discovery & Draft Discovery Order	Richard R. Wagner, EPA Attorney
44	4/21/2009	Respondent's Sur-Reply Brief	Douglas A. Donnell, Attorney at Law
45	4/27/2009	Complainant's Response To Respondent's Sur-Reply Brief	EPA, Region 5
46	4/30/2009	Respondent's Supplemental Responses To EPA's Discovery Requests	Amy L. VanDyke
47	5/7/2009	Order Regarding EPA's Motion for Discovery	William B. Moran, USALJ
48	5/18/2009	RESPONDENT'S SECOND SET OF SUPPLEMENTAL RESPONSES TO EPA'S DISCOVERY REQUESTS	Respondents
49	6/15/2009	Addendum To Memorandum In Support Of Complainants Motion For Accelerated Decision On Liability And Penalty	EPA, Region 5
50	6/15/2009	RESPONDENTS' THIRD SUPPLEMENTAL RESPONSES TO EPA'S DISCOVERY REQUESTS - 3rd General Objections	Amy L. VanDyke
51	6/23/2009	Order Regarding Scheduling	William B. Moran, USALJ
52	7/2/2009	Complainant's Motion For Accelerated Decision On Derivative Liability ( Document Too Voluminous To Scan)	EPA, Region 5
53	7/2/2009	Complaint's Memorandum In Support Of Motion For Accelerated Decision On Derivative Liability (Too Voluminous To Scan; Only first and last page. BUSINESS CONFIDENTIALITY ASSERTED. THE TWO PAGES ARE REDACTED VERSION.	EPA, Region 5
54	7/6/2009	Corrected Table Of Contents for Complaint's Memorandum In Support Of Motion For Accelerated Decision On Derivative Liability	EPA, Region 5
55	7/6/2009	Respondents Motions for Accelerated Decision and Memorandum in Support of Respondents Motion for Accelerated Decision (Too Voluminous To Scan)	Respondent
56	7/13/2009	Complaint's Memo In Support Of Motion For Accelerated Decision on Derivative Liability (with CBI referenced material highlighted in bold type, and all attachments, including CBI)	EPA, Region 5
57	7/16/2009	Notice Of Postponement Of Hearing Date	William B. Moran, ALJ
58	7/31/2009	Complaint's Objection To Motion for Accelerated Decision Of Respondents John A. Biewer Company, Inc., And Biewer Lumber, LLC	EPA, REGION 5

59	7/31/2009	1) Respondent's Brief In Opposition To Complainant's Motion To Strike, In Part Respondent's Pre-Hearing Exchange; 2) Respondent's John A. Biewer Company, Inc., and Biewer Lumber LLC's Memorandum In Opposition To EPA's Motion For Accelerated Decision On Derivative Liability; and 3) Respondent's Motion For Extension Of Time	Douglas A. Donnell, Attorney at Law
60	8/5/2009	Order Granting Extension	EPA, REGION 5
61	8/10/2009	Complainant's Reply To Respondent John A. Biewer Company of Ohio, Inc's, Memorandum in Opposition to Complainant's Motion for Accelerated Decision on Liability and Penalty, and Complainant's Response to Respondent's Brief in Opposition to Complainant's Motion to Strike, in Part Respondent's Pre-Hearing Exchange	William B. Moran, U.S. ALJ
62	8/12/2009	Respondents John A. Biewer Company, Inc. and Biewer Lumber, LLC's Reply to Complainant's Objection to Motion for Accelerated Decision of Respondents John A. Boewer Company, Inc. and Biewer Lumber, LCC	Amy L. VanDyke
63	8/12/2009	Complainant's Reply To Respondents John A. Biewer Company, Inc. and Biewer Lumber LLC'S Memorandum In Opposition To EPA's Motion For Accelerated Decision On Derivative Liability	EPA, REGION 5
64	8/19/2009	Order on Cross Motions for Accelerated Decision on Derivative Liability	EPA, REGION 5
65	10/16/2009	Respondents John A. Biewer Company, Inc. and Biewer Lumber LLC's Memorandum Advising The Court That No Material Differences Exist Between The Case Sub Justice And The Companion Case Decided By The Court On October 5, 2009	Respondent
66	10/16/2009	A Telephone Conference To Identify the Factual Differences Between The Cases	EPA, REGION 5
67	10/27/2009	Order On Cross Motions For Accelerated Decision On Derivative Liability	William B. Moran, U.S. ALJ
68	12/28/2009	Order On Complainant's Motion To Strike In Part, Respondent's Prehearing Exchange	William B. Moran, USALJ
69	1/14/2010	Order On Complainant's Motion For Accelerated Decision On Liability and Penalty	William B. Moran, USALJ
70	1/14/2010	Notice of Hearing	William B. Moran, USALJ
71	1/15/2010	Confirmation Letter for the Notice of Hearing	William B. Moran, USALJ
72	1/21/2010		La Dawn Whitehead

73	1/22/2010	SUPPLEMENTAL PRE-HEARING EXCHANGE OF THE ADMINISTRATOR'S DELEGATED COMPLAINANT	EPA, REGION 5
74	2/9/2010	Respondent's Motion for Entry of Decision	Respondent
75	2/9/2010	Respondent's Motion for Immediate Consideration	Respondent
76	2/12/2010	Complainant's Response To Respondent's Motion For Entry Of Decision And Motion For Immediate Consideration	EPA, REGION 5
77	2/22/2010	Complainant's Objection To Respondent's Motion To Amend Prehearing Disclosure	EPA, REGION 5
78	2/22/2010	Respondent's Motion To Amend Prehearing Disclosure	Respondent
79	2/22/2010	Certified Post Card	EPA, REGION 5
80	3/16/2010	Transcript	EPA, REGION 5
81	3/31/2010	Complainant's Post-Hearing Brief	EPA, REGION 5
82	4/5/2010	Respondent's Post-Hearing Brief and Affidavit of Douglas A. Donnell	Respondent
83	4/9/2010	Complainant's Reply Brief	EPA, REGION 5
84	4/13/2010	Respondent's Motion To Allow Late Filing of Post-Hearing Reply Brief	Respondent
85	4/13/2010	Respondent's Post-Hearing Reply Brief	Respondent's
86	5/4/2010	Initial Decision Regarding Penalty	William B. Moran, ALJ
87	5/21/2010	Complainant's Notice of Appeal and Motion for an Extension of Time within Which to File a Brief	EPA, REGION 5
88	6/3/2010	Complainant's Identification Of Issues On Appeal	EPA, REGION 5



6/18/2010

CBI  
RCRA-05-2008-0006

File Date	Description	Submitter
7/2/2009	Complainant's Memorandum In Support Of Motion For Accelerated Decision On Derivative Liability	EPA, Region 5
7/13/2009	Complainant's Memorandum In Support Of Motion For Accelerated Decision On Derivative Liability	EPA, Region 5

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