

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>Docket No.</b>
	)	
<b>Summit, Inc.</b>	)	<b>Proceeding to Assess a Civil Penalty</b>
<b>6901 West Chicago Avenue</b>	)	<b>Under Section 3008(a) of the Resource</b>
<b>Gary, Indiana</b>	)	<b>Conservation and Recovery Act,</b>
	)	<b>42 U.S.C. § 6928(a)</b>
<b>U.S. EPA 1D #: INX 000 028 902</b>	)	
	)	<b>RCRA-05-2014-0006</b>
<b>Respondent.</b>	)	

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Respondent's Prehearing Exchange

Respondent, by and through its counsel, in response to the June 10, 2014, Prehearing Order, as amended, respectfully submits Respondent's Prehearing Exchange as follows:

I. Prehearing Exchange Directed to All Parties.

A. Identification of Witnesses.

1. Environmental Process Technologies, Inc.

Patrick Gorman, Engineer. Fact and Expert Witness.

Respondent may call Patrick Gorman as a potential fact and expert witness. Mr. Gorman is an Engineer with a Bachelor's of Science in Engineering. Mr. Gorman has been employed as an Engineer by Environmental Process Technologies, Inc. from September 1993 to the present.

Patrick Gorman will testify regarding complaints with RCRA and used oil related to Summit, Inc. located at 6901 W. Chicago Avenue, Gary, Indiana (hereinafter referred to as the Summit Site or Site).

Joyce Casillas, Fact and Expert Witness.

Respondent may call Joyce Casillas as a potential fact and expert witness. Mrs. Casillas is an Environmental Professional with a Bachelor's of Science in Construction Technology. Mrs. Casillas has been employed by Environmental Process Technologies, Inc. from June 2004 to the present.

Joyce Casillas will testify regarding complaints with RCRA and used oil related to Summit.

2. Summit, Fact Witness.

Peter Coulopoulos, Manager, Fact Witness.

Respondent may call Peter Coulopoulos as a potential fact witness. Mr. Coulopoulos operates the Summit Site.

Peter Coulopoulos will testify regarding the complaint and that environmental improvements have been made to the Summit Site.

Employee Representatives, Fact Witness.

Respondent may call employees of Summit that live in Gary and are dependent on the jobs at the Summit Site.

The employees will testify the importance of the jobs created by Summit in the community and contributions to the community. The employees will testify that improvements have been made at Summit.

3. Indiana Department of Environmental Management (IDEM)

Office of Land Quality, Fact and Expert Witness

Respondent may call a representative of IDEM's Office of Land Quality as a fact and expert witness.

The representative will testify in regards to the inspection conducted by Dorel Hunt on October 7, 2011 that the facility has come into compliance.

4. City of Gary

Karen Freeman-Wilson, Mayor, Gary, Indiana, Fact Witness.

Respondent may call Karen Freeman-Wilson, City of Gary Mayor, or a designated mayor's representative, as a potential fact witness. Mrs. Freeman-Wilson is the elected Mayor for the City of Gary. Mrs. Freeman-Wilson or designated representative can testify that Summit is an economic contributor to the City of Gary.

Peter Julovich, Inspector. Fact Witness.

Respondent may call Peter Julovich as a potential fact witness. Mr. Julovich is employed by the City of Gary Department of Environmental Affairs as an Air Quality Control Manager and Code Enforcement Officer. Mr. Julovich has conducted inspections at the Summit Site.

Mr. Julovich will testify on Environmental Compliance and that Summit has made improvements to the site.

5. Other

Respondent reserves the right to call other witnesses identified by the Complainant or needed in response/rebuttal to Complainant's prosecution.

B. Exhibits.

Any and all documents referred to and listed in Summit's "30 Day Response" dated April 15, 2014 and previously submitted.

Respondent reserves the right to amend this response to add exhibits it may use at the hearing of this case.

C. Location of Hearing.

Pursuant to 40 C.F.R. §§ 22.21(d) and 22.19(d) Respondent requests that the hearing be located in Gary, Indiana where the Respondent conducts business in the community. The Administrative Law Judge may hold the hearing in the location where the Respondent conducts business.

Respondent believes that conducting the hearing in Gary is preferred since this is the area Summit conducts business within the community. Chicago is not convenient for the Respondent or its witnesses.

Respectfully Submitted,

Mark A. Thiros

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	)	42 U.S.C. § 6928(a)
U.S. EPA ID #: INX 000 028 902	)	
	)	RCRA-05-2014-0006
Respondent.	)	
_____	)	

**CERTIFICATE OF SERVICE**

I certify that the Respondent's Prehearing Submission was sent this day to the addresses as listed below:

PDF copy by e-mail:

[OALJfiling@epa.gov](mailto:OALJfiling@epa.gov)  
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Mark A. Thiros  
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Dated: September 9, 2014