



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
WISCONSIN PLATING WORKS) **Docket No. CAA-05-2008-0037**
OF RACINE, INC.,)
)
Respondent.)

**ORDER ON RESPONDENT'S MOTIONS TO
SUPPLEMENT PREHEARING EXCHANGE**

By Motion dated June 12, 2009, Respondent moved to supplement its prehearing exchange to add 18 additional group exhibits (#s 12-29), which it deemed Confidential Business Information (CBI), indicating that the Complainant had previously stipulated to the authenticity and admissibility of the documents. Before that Motion could be ruled upon, however, on June 16, 2009, Respondent moved to withdraw said supplement on the basis that inadvertently submitted with its June 12th Motion unredacted copies of the exhibits. It submitted therewith another Motion to Supplement accompanied by a set of redacted and unredacted exhibits.

The Respondent's Motions to Supplement and Withdraw are hereby, **GRANTED**, as set forth below:

Good cause exists for the granting of the Motion to Supplement: Respondent submitted its initial prehearing exchange in this case in a timely manner and the Motion indicates that the additional documents were provided to Complainant on May 19, 2009, over a month ago. As Complainant has stipulated to the authenticity and admissibility of the documents it will suffer no prejudice as a result of the inclusion of the supplemental documents. Rule 22.19(f), of the Consolidated Rules of Practice (40 C.F.R. § 22.19(f)) permits just this type of supplementation and 40 C.F.R. §§ 2.209(e) and 2.211(b) provides for the treatment of business records as CBI. Therefore, the Respondent's Motion to Supplement and Motion to Withdraw are well-founded.

Susan L. Biro
Chief Administrative Law Judge

Dated: June 29, 2009
Washington, D.C.