

to make changes to the "Proposed Penalty" discussion to reflect: the fact that EPA is currently seeking a Class I penalty for the remaining Clean Water Act count (Count VIII of the First Amended Complaint), as opposed to a Class II penalty; and changes to some of the language of the narrative explanations of the proposed penalties to reflect a more accurate description of underlying facts and characterizations of the alleged violations. Both a clean signed copy and a compare version of the First Amended Complaint are attached hereto as Exhibits A and B. The Parties anticipate that they will be filing a Consent Agreement and Final Order which address the remaining counts shortly.

WHEREFORE, EPA requests, based upon this Motion and its accompanying Memorandum of Law, that the Court grant leave to amend the Complaint pursuant to 40 C.F.R. § 22.14(c) and deem the Complaint filed and served on the date of the order granting this Motion.

Respectfully submitted,

Dated: 1/26/2016



Natalie L. Katz
Senior Assistant Regional Counsel

ATTORNEY FOR THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF:

Brenntag Northeast, Inc.,

Respondent,

Brenntag Northeast, Inc.
81 West Huller Lane
Reading, PA 19605,

Facility.

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: Docket No. RCRA/CWA-03-2015-0240
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: Administrative Complaint and
: Notice of Opportunity for Hearing
: Under RCRA Section 3008(a) and (g) and
: 42 U.S.C. § 6928 (a) and (g), and
: CWA Section 311(b), 33 U.S.C. § 1321(b)
:
:
:

REGIONAL HEARING
EPA REGION III, PHILADELPHIA
2016 JAN 26 AM 11:36

RECEIVED

CERTIFICATE OF SERVICE

I certify that the foregoing Unopposed Motion to Amend the Complaint, along with the proposed Amended Complaint, was sent this day in the following manner to these addressees:

Original and one copy via Hand Delivery to:

Copy by UPS Next Day Delivery:

Lydia Guy (3RC00)
Regional Hearing Clerk
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2920

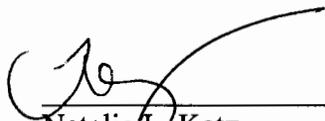
The Honorable Susan L. Biro
Chief Administrative Law Judge
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Rm. M1200
1300 Pennsylvania Ave., NW
Washington, DC 20460

Copy by UPS Next Day Delivery:

Timothy J. Bergère, Esquire
Montgomery McCracken
123 South Broad Street
Philadelphia, PA 19109

The Honorable Barbara A. Gunning
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Rm. M1200
1300 Pennsylvania Ave., NW
Washington, DC 20460

1/26/2016
Date



Natalie L. Katz
Senior Assistant Regional Counsel
U.S. EPA, Region III