

RECEIVED
08 JUL 30 PM 3: 24
HEARINGS CLERK
EPA -- REGION 10

BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the matter of:)
)
)
)
)
ANTHONY W. LERMA)
)
Anchorage , Alaska,)
)
)
Respondent)
)
)
_____)

Docket No. CWA-10-2008-0009

COMPLAINANT'S REBUTTAL
PREHEARING INFORMATION
EXCHANGE

Pursuant to the Presiding Officer's March 14, 2008, Prehearing Order and Section 22.19(a) of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" ("Part 22 Rules"), the United States Environmental Protection Agency, Region 10 ("Complainant" or "EPA") hereby submits the following Rebuttal Prehearing Information Exchange, which supplements Complainant's Initial Prehearing Information Exchange, filed on June 17, 2008.

I. DOCUMENTS AND EXHIBITS


Complainant hereby supplements its initial submission of documents and exhibits with the following documents, which accompany this Rebuttal Prehearing Exchange.

- CX-26: Letter with attachments from Ankur Tohan to David Shoup requesting additional financial information (July 3, 2008);
- CX-27: Financial information received from David Shoup, on behalf of Anthony Lerma (July 17, 2008);
- CX-28: Expert Report of Lloyd B. Oatis (July 30, 2008).

II. RESERVATIONS

Complainant reserves the right to call all witnesses named or called at hearing by Respondents and to introduce as evidence at hearing any exhibit identified in Respondents' prehearing information exchange. Complainant further reserves the right to submit the names of additional witnesses and to submit additional exhibits prior to the hearing of this matter, upon timely notice to the Presiding Officer and to Respondent.

Respectfully submitted this 30th day of July, 2008.


JENNIFER L. BYRNE
Assistant Regional Counsel

CERTIFICATE OF SERVICE

I certify that the foregoing "COMPLAINANT'S REBUTTAL PREHEARING INFORMATION EXCHANGE" was filed and sent to the following person, in the manner specified, on the date below:

Original and one copy, hand-delivered:

Carol Kennedy, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Mail Stop ORC-158
Seattle, WA 98101

A true and correct copy, by first class mail:

David Shoup
Tindall Bennett & Shoup PC
508 W 2nd Ave, 3rd Floor
Anchorage, AK 99501

Judge Barbara A. Gunning
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., NW
Washington, DC 20460-2001

Dated:

7/31/08

Lisa Bringham

Office Manager
U.S. EPA Region 10

COMPLAINANT'S SPECIFICATION OF
PROPOSED PENALTY - 6

DOCKET NO. CWA 10-2008-0009

U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101
(206) 553-1796