

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

In the Matter of:)

John Rice, LLC)

Respondent.)
_____)

Docket No. TSCA-4-2012-2646

RESPONSE TO ORDER

Comes now Complainant, in response to the Regional Judicial Officer's Order filed with the Regional Hearing Clerk on July 8, 2014. Redacted documents are attached. Confidential documents were attached to a separate pleading and is being filed separately.


In response to the Regional Judicial Officer show cause order:

The extent level designations of "significant" for violations relating to the three leases identified in 2.a. and b. on page 2 of the Regional Judicial Officer's Order were erroneous. Complainant regrets the error. Based on the information in the leases the extent level designations should be "minor."

Regarding the fourth lease referenced in the Order, only one page is on file at the EPA office. The presumption for this lease is "significant" due to lack of any other details on the ages of the occupants for this property.

Counsel for Complainant intends to amend the previously filed default motion and request assessment of a different penalty amount due to the extent level change, within thirty days.

Respectfully submitted,



Michiko Kono
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303

Date: 8/4/2014

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CERTIFICATE OF SERVICE

I certify that the attached Response to Order, and a copy, were hand-delivered to the Regional Hearing Clerk and that a copy was sent in the manner indicated below, to the addressees below, on this 4th day of August, 2014.

Addressees:

John W. Rice
John Rice, LLC
930 Avenue A
Opelika, Alabama 36801

Via First Class Mail


Susan Schub, Regional Judicial Officer
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303

Via Intra-Office Mail

Michiko Kono
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61 Forsyth Street
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Via Intra-Office Mail

8/4/14
Date


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