



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
Chem-Solv, Inc., formerly trading as)
Chemicals and Solvents, Inc.)
and) DOCKET NO. RCRA-03-2011-0068
Austin Holdings-VA, L.L.C.,)
RESPONDENTS.)

ORDER ON MOTIONS TO CONFORM THE TRANSCRIPT

The hearing in this matter was held in Roanoke, Virginia from March 20, 2012, through March 24, 2012. The transcript of that hearing was received by the Regional Hearing Clerk on April 19, 2012, and copies were sent to counsel for the parties and to the undersigned on April 23, 2012. Pursuant to 40 C.F.R. § 22.25 and the undersigned's May 10, 2012, Post-Hearing Scheduling Order, the parties each filed separate motions to conform the hearing transcript. Complainant's Motion to Conform the Hearing Transcript ("Complainant's Motion") was filed on May 23, 2012. Respondents' Motion to Conform Hearing Transcript and Exhibit A, which is a list of their proposed corrections ("Respondents' Motion") was received by this Tribunal on May 25, 2012.

After review, the undersigned ACCEPTS each proposed correction in Complainant's Motion and Respondents' Motion, except for the following rejections, modifications and additions:

A. March 20, 2012 Testimony

- 1. Page 23, line 1 -> the word "RCRA" is added before the word "sub"
2. Page 65, line 22 -> Complainant's proposal to change "the" to "and" is rejected
3. Page 118, line 20 -> Complainant's proposed correction is rejected
4. Page 137, line 22 -> Complainant's proposed correction is rejected

5. Page 138, line 16 → Complainant's proposal to change "two motors" to "forklift" is rejected; "two motors" is corrected to read, "tow motors"
6. Page 210, line 24 → Complainant's proposal to change "corrosive" to "corrosivity" is rejected¹
7. Page 223, line 16 → Complainant's proposed correction is rejected
8. Page 229, line 18 → Complainant's proposed correction is rejected
9. Page 236, line 20 → Complainant's proposal to change "and" to "wanted" is rejected
10. Page 236, line 21 → the line is corrected to read, "split or duplicate samples would be provided"
11. Page 255, line 13 → Complainant's proposed corrections are rejected
12. Page 266, line 10 → Respondents' proposed corrections are rejected

B. March 21, 2012 Testimony

1. Page 12, line 19 → Complainant's proposed correction is rejected
2. Page 20, line 13 → Respondents' proposed correction is accepted in part; the word "Ahead" is corrected to read, "ahead"
3. Page 21, line 2 → Respondents' proposed corrections are accepted in part; the phrase "drives the bubbles out of" is corrected to read, "drives the volatiles out of"
4. Page 98, lines 5-6 → Complainant's proposed corrections are rejected
5. Page 172, line 14 → Complainant's proposed correction is rejected
6. Page 207, line 15 → Respondents' proposed corrections are rejected

C. March 22, 2012 Testimony

1. Page 34, line 25 → Complainant's proposed correction is rejected
2. Page 39, line 5 → Complainant's proposed correction is rejected
3. Page 40, line 3 → Complainant's proposed correction is rejected
4. Page 71, line 23 → Complainant's proposed correction is rejected
5. Page 87, line 10 → Complainant's proposed correction is rejected
6. Page 97, line 15 → Complainant's proposed correction is rejected
7. Page 97, lines 16-17 → Complainant's proposed corrections are accepted in part; the lines are corrected to read, "ask you: on cross-examination, Mr. Cox, you were asked about sampling that CHEM-SOLV INC may have done of the"
8. Page 137, line 18 → Respondents' proposed corrections are accepted in part; line is corrected to read, "Q. Let's look . . . with me, if you would, just"
9. Page 137, line 24 → line is corrected to read, "Q. What is it?"
10. Page 149, line 10 → Complainant's proposed correction is rejected; Respondents' proposed correction is accepted in part; line is corrected to read, "for the

¹ The word in the transcript is actually "corrosion," not "corrosive."

Complainant's gonna ask you some questions--"

11. Page 159, line 10 → Respondents' proposed corrections are accepted in part; line is corrected to read, "some of the stuff on the pad, when they were using it"
12. Page 192, line 3 → Respondents' proposed corrections are accepted in part; the word "your" is corrected to "you're"
13. Page 196, lines 25 → Respondents' proposed corrections are accepted in part; the line is corrected to read, "waste circle if it doesn't penetrate the outer rings on"
14. Page 199, lines 12-13 → Respondents' proposed corrections are accepted in part; the lines are corrected to read, "organic content, an organic component to it. Mr. Sexton's pollen floating on the top, leaves that may get blown"
15. Page 201, lines 12-13 → Respondents' proposed corrections are accepted in part; the phrase "would have listed in reference" is corrected to "which most people reference"
16. Page 201, lines 14, 17 → Complainant's proposed corrections are rejected
17. Page 206, line 12 → Complainant's proposed correction is rejected
18. Page 220, line 9 → Respondents' proposed corrections are rejected; the phrase "tool, used for" is corrected to "tool that's used for"

D. March 23, 2012 Testimony

1. Page 13, line 12 → Complainant's proposed correction is rejected
2. Page 23, lines 22-24 → Respondents' proposed corrections are accepted in part; the lines are corrected to read, "when you are concerned about volatile organics, which they were in this case because that was one of the two analyses that they were sending it for is losing"
3. Page 63, line 12 → Respondents' proposed corrections are accepted in part; the phrase "suppose it in two ways" is corrected to read, "view it I suppose two ways"
4. Page 74, lines 8-10 → Complainant's proposed corrections are rejected
5. Page 74, line 12 → Respondents' proposed correction is rejected
6. Page 79, line 2 → Complainant's proposed correction is rejected
7. Page 103, line 9 → Complainant's proposed correction is rejected
8. Page 106, lines 10-11 → Complainant's proposed correction is rejected; the phrase is corrected to read, "you will agree that, oh,"
9. Page 127, line 6 → Complainant's proposed correction is rejected
10. Page 281, line 5 → Complainant's proposed correction is rejected

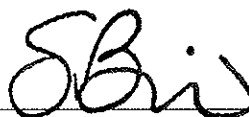
E. March 24, 2012 Testimony

1. Page 7, line 7 → Respondents' proposed correction is rejected
2. Page 15, line 16 → Complainant's proposed corrections are rejected

The above corrections, modifications and rejections to the transcript of the hearing in this matter comport with this Tribunal's recollection and notes from the hearing, as well as logic. When necessary to resolve a conflict between proposed corrections in Complainant's Motion and Respondents' Motion, the parties' proposals and the original transcript text were checked against an audio recording of the hearing provided by the court reporter.

In accordance with the above, Complainant's Motion and Respondents' Motion are **GRANTED IN PART.**

SO ORDERED.

A handwritten signature in black ink, appearing to read "S. Biro", is written over a horizontal line.

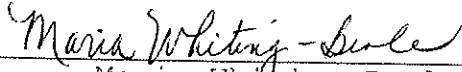
Susan L. Biro
Chief Administrative Law Judge

Dated: June 26, 2012
Washington, DC

In the Matter of Chem-Solv, Inc., formerly trading as Chemicals and Solvents, Inc., and Austin Holdings-VA, L.L.C., Respondents
Docket No. RCRA-03-2011-0068

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Motion To Conform The Transcript**, dated June 26, 2012 was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: June 26, 2012

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