

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:

VSS International, Inc.,

Respondent.

)
)
)
)
)
)
)

DOCKET NO. OPA 09-2018-0002

Joint Motion to Conform the Transcript of the Hearing to the Actual Testimony

Pursuant to 40 C.F.R. §§ 22.16(a) and 22.25, Complainant and Respondent file this Joint Motion to Conform the Transcript of the Hearing to the Actual Testimony. The administrative hearing in the above-captioned matter was held from May 16 - May 20, 2019 in San Francisco, California. On June 18, 2019, the Staff attorney for the Office of Administrative Law Judges provided electronic copies of the transcript of the testimony given at the hearing to counsel for the parties. On June 19, 2019, the Presiding Officer issued an Order Scheduling Post-Hearing Submissions. The Order provided that, pursuant to 40 C.F.R. § 22.25, the parties may file a motion to conform the transcript to the actual testimony no later than August 2, 2019.

Accordingly, the parties respectfully jointly move to conform the transcript to the actual testimony given during the hearing. The attached Exhibit A reflects the changes to the transcript jointly requested by the parties.

In the Matter of VSS International, Inc.

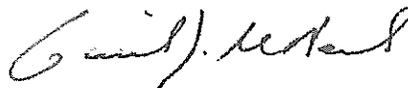
Docket No. OPA 09-2018-0002

Dated: July 24, 2019

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "R. Reynolds", positioned above a horizontal line.

Rebekah Reynolds
Assistant Regional Counsel
U.S. EPA, Region IX
Attorney for Complainant

A handwritten signature in cursive script, appearing to read "Richard J. McNeil", positioned above a horizontal line.

Richard J. McNeil
CROWELL & MORING LLP
Attorney for Respondent

Exhibit A

PAGE	LINE	CHANGE	REASON
Cover page	n/a	Delete the extra "0" in the docket number	Inaccurate
Cover Page	n/a	Replace "Rebecca Reynolds" with "Rebekah Reynolds"	Misspelling
6	19	Replace "Rebecca" with "Rebekah"	Misspelling
6	20	Replace "Rebecca" with "Rebekah"	Misspelling
7	23	Replace "she d" with "she'd"	Misspelling
9	13	Replace "respondent s" with "respondent's"	Misspelling
11	2	Add "a" between "Channel,"	Inaccurate
11	3	Add "," between "United States" and "that"	Inaccurate
11	23	Omit "the"	Inaccurate
17	9	Replace "FRPs" with "FRP"	Inaccurate
20	15	Add "A" to "GR"	Inaccurate
52	3	Delete "s" in "regionals"	Inaccurate
52	5	Delete "court"	Inaccurate
52	14-16	Replace "And I'm sorry if I missed it. Did you mention training within EPA? But how about training for non-EPA personnel?" with "And I'm sorry if I missed it, you did mention training within EPA, but how about training for non-EPA personnel?"	Mispunctuated
54	25	Replace "asphalt" with "asphaltic"	Inaccurate
55	7	Add "oil," to read, "Typically oil floating . . ."	Dropped word
56	10	Add "I," to read, "I was approached . . ."	Dropped word
61	7	Add "a" between "is" and "navigable"	Inaccurate
79	12	Replace "we vc" with "we've"	Misspelling
86	23	Replace "orders" with "holders:"	Inaccurate
87	21	Replace "tunneling (phonetic)" with "terminal"	Misspelling
91	13	Replace "exemption" with "and"	Inaccurate
98	13	Replace "congruent" with "concrete"	Misspelling
111	19	Should read, "question is really, is there..."	Mispunctuated
116	18	Replace "—" with "regulation"	Dropped word

117	25	Replace "equivalents" with "equivalence"	Misspelling
121	20 & 21	Replace "r, sum," with "resume"	Misspelling
122	14 & 15	Replace "Middletown" with "Oakland"	Inaccurate
126	20	Replace "Plan and" with "Planning"	Inaccurate
127	15	Replace "adjudged" with "judged"	Misspelling
133	19	Replace "managers" with "Agencies"	Inaccurate
134	1	Capitalize "a" in "agencies"	Misspelling
134	6	Replace "," with "or"	Inaccurate
135	11	Replace "oh" with "O"	Inaccurate
137	25	Replace "ST" with "STI"	Misspelling
146	5	Delete "s" between "there" and "seemed"	Misspelling
149	13	Replace "no" with "not"	Misspelling
158	21	Replace "20" with "40"	Inaccurate
159	6	Add "I" between "that" and "took"	Dropped word
162	2	Add "rack" between "loading" and "specifically"	Dropped word
173	5	Replace "What" with "Would"	Inaccurate
182	1	Replace second "of the" with "with"	Inaccurate
182	9-10	Replace "it –enforcement or inaction could" with "enforcement action could be taken"	Inaccurate/dropped word
184	25	Replace "can" with "cannot"	Inaccurate
193	12	Add "a" before "log"	Inaccurate
200	23	Replace "—" with "addressed"	Dropped word
203	22	Replace with "then management above in the enforcement division and ORC"	Dropped words
207	23	Replace "FRP and the FRP, beneficial or" with "and the FRP, gravity and"	Inaccurate
207	16	Add "EPA" after "the"	Dropped word
214	23	Replace "505" with "5 of 5"	Misspelling
224	19	Replace "that s" with "that's"	Misspelling
224	21	Replace "spur" with "spurs"	Misspelling
234	10	Replace "on-time" with "one-time"	Misspelling
238	25	Replace "on-time" with "one-time"	Misspelling
254	n/a	Delete extra "0" in docket number	Inaccurate
259	16	Replace "development" with "relevance"	Inaccurate
264	6	Replace "thee" with "there"	Misspelling
267	3	Replace "11220" with "112.20"	Mispunctuated
267	16	Delete "a"	Inaccurate
267	24	Replace with, "D4? And I mean this only in a general sense. I think"	Mispunctuated
268	18	Change "?" to "."	Mispunctuated
269	16	Replace "is the Channing—Chezy" with	Inaccurate

		“the Chezy”	
269	22	Delete “is”	Inaccurate
271	11	Replace “run” with “done”	Misspelling
273	20	Replace “UTs” with “you to usc.”	Inaccurate
274	1	Replace “descriptive” with “prescriptive”	Inaccurate
281	7	Replace “DT” with “D1”	Misspelling
286	4	Replace “DSS” with “VSS”	Misspelling
288	12	Replace “borne” with “board”	Misspelling
288	13	Replace “borne” with “board”	Misspelling
288	14	Replace “borne” with “board”	Misspelling
289	4	Replace “don’t” with “do”	Misspelling
294	6	Replace “to a” with “two”	Misspelling
301	11	Replace “and I model of the” with “and model the”	Inaccurate
302	15	Replace “but I didn’t do an agreement that application” with “but I do agree that it’s applicable”	Inaccurate
304	10	Replace “Fish & Wildlife sensitive environment” with “fish and wildlife and sensitive environment”	Dropped word; misspunctuated
313	11	Replace “schlemiel” with “spiel”	Misspelling
321	15	Replace “WHF” with “VSS”	Misspelling
331	13	Replace “sheer” with “shear”	Misspelling
333	4	Replace “supplied” with “applied”	Misspelling
335	16	Replace “fade” with “fate”	Misspelling
335	24	Replace “fade” with “fate”	Misspelling
347	4-5	Replace “3 – you know, gutter and 3 outside” with “the, you know, a gutter and the outside”	Inaccurate
378	18	Replace “complications” with “computations”	Misspelling
379	5	Replace “sun” with “ground”	Inaccurate
398	2	Replace “ ‘ “ with “20”	Inaccurate
398	4	Replace “ ‘ “ with “20”	Inaccurate
408	12	Replace “bene” with “been”	Misspelling
434	9	Replace “RFP” with “FRP”	Misspelling
450	18	Replace “DSS” with “VSS”	Misspelling
450	23	Replace “DLM (phonetic)” with “them”	Misspelling
473	3-4	“State Water Regulation Agency” should be lower case, “state water regulation agency	Misspelling
483	5	Replace “second hand” with “secondary”	Misspelling
485	17	Replace “rules” with “oil”	Inaccurate

494	16	Replace "tank" with "containment"	Inaccurate
499	6	Replace "call" with "cause"	Inaccurate
501	7	Replace "higher" with "final"	Inaccurate
505	n/a	Delete extra "0" in the docket number	Inaccurate
531	17	Replace "white" with "right"	Misspelling
535	9	Replace "remind" with "mind"	Misspelling
540	2	Replace "Xiao" with "Guo"	Misspelling
543	3	Replace "Michellin's" with "Michaud's"	Misspelling
546	8	Replace "gout isn't" with "Guo hasn't"	Inaccurate
585	22	Replace "still worked" with "still works"	Misspelling
587	23	Replace "12" with "112"	Inaccurate
613	23	Replace "period" with "periodic"	Misspelling
627	24	Replace "onion" with "opinion"	Misspelling
638	12	Replace "SPPC" with "SPCC"	Misspelling
644	16	Replace "10- to 15,000" with "\$10,000 to \$15,000"	Inaccurate
645	3-4	Replace "3-to4,000" with "\$3,000 to \$4,000"	Inaccurate

CERTIFICATE OF SERVICE

I, Rebekah Reynolds, hereby certify that on July 24, 2019, I caused to be filed electronically the foregoing Joint Motion to Conform the Transcript of the Hearing to the Actual Testimony with the Clerk of the Office of Administrative Law Judges using the OALJ E-Filing System, which sends a Notice of Electronic Filing to Respondent.

Additionally, I, Rebekah Reynolds, hereby certify that on July 24, 2019, I served a true and correct copy of the foregoing Joint Motion to Conform the Transcript of the Hearing to the Actual Testimony via electronic mail to Richard McNeil, attorney for Respondent, at RMcNeil@crowell.com.

Dated: July 24, 2019

Respectfully Submitted,



Rebekah Reynolds
Assistant Regional Counsel,
U.S. EPA, Region IX