UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

IN THE MATTER OF:	:
	: Docket No. RCRA/CWA-03-2015-0240
Brenntag Northeast, Inc.,	
Respondent,	
	:
Brenntag Northeast, Inc.	
81 West Huller Lane	
Reading, PA 19605,	
Facility.	: Administrative Complaint and
	: Notice of Opportunity for Hearing
	: Under RCRA Section 3008(a) and (g),
	: 42 U.S.C. § 6928 (a) and (g), and
	: CWA Section 311(b), 33 U.S.C. § 1321(b)
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UNOPPOSED MOTION TO AMEND THE COMPLAINT

COMES NOW, Complainant, the United States Environmental Protection Agency (EPA), pursuant to 40 C.F.R. § 22.14(c) and requests leave from the Court to amend the Complaint. EPA has consulted with Respondent's counsel and Respondent's counsel does not oppose this motion.

EPA filed its Complaint on September 30, 2015, and Respondent filed its Answer on October 30, 2015. The Parties have agreed to participate in Alternative Dispute Resolution and have had two conference calls with the Honorable Judge Barbara A. Gunning. The parties have also engaged in additional settlement discussions. As a result of the foregoing, the Parties have reached a settlement.

EPA requests leave to amend the Complaint in order to reflect that EPA is no longer pursuing Counts VI, VII, VIII, and XII. Moreover, EPA requests leave to amend the Complaint 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

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Brenntag Northeast, Inc.,	:		2016	
Respondent,	:		JAN ,	
	:	Second Second Million (1997) Second		1, 2 77
Brenntag Northeast, Inc.	:	Description Kanang at a Marina di Antonio Marina di Antonio	141	مدر بدور معرب
81 West Huller Lane	:	Administrative Complaint and		11
Reading, PA 19605,	:	Notice of Opportunity for Hearing	••	in in in it.
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Facility.	:	42 U.S.C. § 6928 (a) and (g), and		
	:	CWA Section 311(b), 33 U.S.C. § 132	21(b)	
	:			
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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:

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

Copy by UPS Next Day Delivery:

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

1/26/2016

Copy by UPS Next Day Delivery:

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

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

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