

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

In the Matter of:)
)
John Rice, LLC)
)
Respondent.)
_____)

Docket No. TSCA-4-2012-2646

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HEARING CLERK

RESPONSE TO ORDER TO SUBMIT A SECOND SUPPLEMENT TO THE RECORD

Comes now Complainant, in response to the Regional Judicial Officer's Order for Complainant to Submit a Second Supplement to the Record.

1. Copies of each lease listed in Paragraph 15 of the Complaint are attached, as Attachment 1 to the Response to Order to Submit a Second Supplement to the Record.
2. A copy of the inspection report is attached, as Attachment 2 to the Response to Order to Submit a Second Supplement to the Record.
3. Counsel for Complainant regrets the errors concerning the numbering for the Counts in the Complaint and Default Motion and appreciates the opportunity to clarify the discrepancy in the numbers. Counsel for Complainant acknowledges that the numbering for the Counts in the Complaint and Default Motion do not identically correspond and confirms she made an inadvertent clerical error. Counsel for Complainant did not correctly number the Counts in the Complaint; as a result, Counts numbered 9, 14, 19 and 24 do not appear in the Complaint.
4. The Default Motion correctly identifies 24 separate Counts. Substantively, the Complaint also identifies 24 separate Counts, although the numbers of those Counts are off and were not correctly written. If Counsel for Complainant had correctly numbered the Counts in the Complaint, then

“Counts 10 – 13” would have been: “Counts 9 – 12;”

“Counts 15 – 18” would have been: “Counts 13 – 16;”

“Counts 20 – 23” would have been: “Counts 17 – 20;” and

“Counts 25 – 28” would have been: “21 – 24.”

Counsel for Complainant apologizes for the confusion caused by the numbering errors in the Complaint and awaits further instruction from the Regional Judicial Officer should additional clarification be required.

Respectfully submitted,



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

Date: 12/27/2013

CERTIFICATE OF SERVICE

I certify that the attached Response to Order to Submit a Second Supplement to the Record, 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 tenth day of January, 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
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303

Via Intra-Office Mail

Jan 10, 2014
Date

Saundi Wilson
Saundi Wilson, Paralegal Specialist
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303

Attachment 1 to the Response to Order to Submit a
Second Supplement to the Record