

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

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2013 JUL 18 PM 2:28

HEARING CLERK

In the Matter of:)
)
John Rice, LLC) Docket No. TSCA-4-2012-2646
)
Respondent.)
_____)


RESPONSE TO ORDER TO SUPPLEMENT THE RECORD

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

1. No Exhibits are attached to the Complaint. Exhibit A to the Default Motion should only consist of the Complaint, without any attachments. The last page of Exhibit A, the Complaint, should be the certificate of service for the Complaint.
2. Exhibit B to the Default Motion should have been a copy of the "Amended Proof of Service of Complaint;" the original document was filed with the Regional Hearing Clerk in October, 2012, with two attachments, an "Exhibit A" and an "Exhibit B." In May, 2012, a "Proof of Service of Complaint" was filed with the Regional Hearing Clerk, which had only one attachment, an "Exhibit A." The use of the word, "Amended," in the document filed in October, 2012, was meant to show that the earlier filed "proof of service" was changed with the addition of "Exhibit B." Attached as "Attachment 1 to the Response to Order to Supplement the Record" is a copy of "Exhibit B" to the Default Motion, which was supposed to be a copy of the "Amended Proof of Service of Complaint." Attached as "Attachment 2 to the Response to Order to Supplement the Record" is a copy of the "Proof of Service of Complaint."

3. The “Exhibit A” to the “Proof of Service of Complaint” and the “Amended Proof of Service of Complaint” should be the same. In preparing this Response, however, Counsel for Complainant saw that the second page of “Exhibit A” for Exhibit B of the Default Motion, the “Amended Proof of Service of Complaint,” was missing. When the “Amended Proof of Service of Complaint” was first filed with the Regional Hearing Clerk in October, 2012, the “Exhibit A” was double sided. Attached as “Attachment 3 to the Response to Order to Supplement the Record,” is a copy of the “Amended Proof of Service of Complaint,” which includes the second page for “Exhibit A.” Instead of being double sided, the two pages of “Exhibit A” in Attachment 3 are single sided.

Respectfully submitted,



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

Date: July 18, 2013

to the Regional Hearing Clerk and that a copy was sent in the manner indicated below, to the addressees below, on this eighteenth day of July, 2013.

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

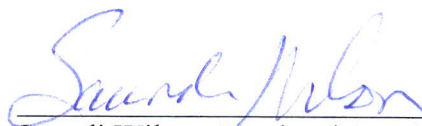
Via Intra-Office Mail

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

Via Intra-Office Mail

7/18/13

Date



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

**Attachment 1 to the Response to Order to
Supplement the Record**

EXHIBIT B

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

In the Matter of:)

John Rice, LLC)
930 Avenue A)
Opelika, Alabama 36801)

Respondent.)
_____)

) Docket No. TSCA-4-2012-2646

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2012 OCT -2 PM 2:49
HEARING CLERK

AMENDED PROOF OF SERVICE OF COMPLAINT

Attached as Exhibit A is a copy of an email confirmation from the service of the complaint. Attached as Exhibit B is a copy of the properly executed receipt from the service of the complaint.

Respectfully submitted,

Michiko Kono

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

Attorney for Complainant

Date: 10/2/2012

Certificate of Service

I certify that the attached Amended Proof of Service of Complaint with Exhibits A and B, and a copy, were hand-delivered to the Regional Hearing Clerk and that a copy was mailed by first class mail to the addressee below, on this second day of October, 2012.

Addressee:

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

10/2/2012

Date

Michiko Kono

Michiko Kono
U.S. EPA, Region 4
61 Forsyth St., S.W.
Atlanta, Georgia 30303
(404)562-9558

EXHIBIT A



UPS Delivery Notification, Tracking Number 1ZWR25740194533348

UPS Quantum View

to:

Michiko Kono

05/29/2012 10:51 AM

Hide Details

From: "UPS Quantum View" <auto-notify@ups.com>

To: Michiko Kono/R4/USEPA/US@EPA

Please respond to auto-notify@ups.com

Security:

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At the request of EPA-OEA, this notice is to confirm that the following shipment has been delivered.

Important Delivery Information

Tracking Number: 1ZWR25740194533348

Delivery Date / Time: 29-May-2012 / 9:27 AM

EXHIBIT B



Proof of Delivery

[Close Window](#)

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number:	1ZWR25740194533348
Reference Number(s):	EAD
Service:	UPS Next Day Air®
Weight:	1.00 lb
Shipped/Billed On:	05/25/2012
Delivered On:	05/29/2012 9:27 A.M.
Delivered To:	030 AVENUE A OPELIKA, AL, US 36801
Signed By:	GRACE

Left At: Front Desk

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 09/25/2012 1:52 P.M. ET

[Print This Page](#)

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Attachment 2 to the Response to Order to Supplement the Record

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

In the Matter of:)

John Rice, LLC)
930 Avenue A)
Opelika, Alabama 36801)

Respondent.)

) Docket No. TSCA-4-2012-2646
)
)
)
)
)
)
)

PROOF OF SERVICE OF COMPLAINT

Attached as Exhibit A is a copy of an email confirmation from the service of the
complaint.

RECEIVED
EPA REGION IV

2012 MAY 29 PM 12:44

HEARING CLERK

Respectfully submitted,



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

Attorney for Complainant

Date:

5/29/2012

EXHIBIT A



UPS Delivery Notification, Tracking Number 1ZWR25740194533348

UPS Quantum View

to:

Michiko Kono

05/29/2012 10:51 AM

Hide Details

From: "UPS Quantum View" <auto-notify@ups.com>

To: Michiko Kono/R4/USEPA/US@EPA

Please respond to auto-notify@ups.com

Security:

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***Do not reply to this e-mail. UPS and EPA-OEA will not receive your reply.

At the request of EPA-OEA, this notice is to confirm that the following shipment has been delivered.

Important Delivery Information

Tracking Number: 1ZWR25740194533348

Delivery Date / Time: 29-May-2012 / 9:27 AM

Signed by: GRACE

Shipment Detail

Ship To:
John Rice, LLC
John W. Rice
930 AVENUE A
OPELIKA
AL
36801
US

Number of Packages: 1

UPS Service: NEXT DAY AIR

Weight: 1.0 LBS

Reference Number 1: EAD

_____2@@2@@@21ot8VNp_____

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Certificate of Service

I certify that the attached Proof of Service of Complaint, and a copy, were hand-delivered to the Regional Hearing Clerk and that a copy was mailed by first class mail to the addressee below, on this 29th day of May, 2012.

Addressee:

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

5/29/2012
Date

Michiko Kono
Michiko Kono
U.S. EPA, Region 4
61 Forsyth St., S.W.
Atlanta, Georgia 30303
(404)562-9558

Attachment 3 to the Response to Order to Supplement the Record

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

In the Matter of:)

John Rice, LLC)
930 Avenue A)
Opelika, Alabama 36801)

Respondent.)
_____)

) Docket No. TSCA-4-2012-2646

HEARING CLERK

2012 OCT -2 PM 2:19

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AMENDED PROOF OF SERVICE OF COMPLAINT

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Respectfully submitted,

Michiko Kono

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

Attorney for Complainant

Date: 10/2/2012

Certificate of Service

I certify that the attached Amended Proof of Service of Complaint with Exhibits A and B, and a copy, were hand-delivered to the Regional Hearing Clerk and that a copy was mailed by first class mail to the addressee below, on this second day of October, 2012.

Addressee:

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

10/2/2012
Date

Michiko Kono
Michiko Kono
U.S. EPA, Region 4
61 Forsyth St., S.W.
Atlanta, Georgia 30303
(404)562-9558

EXHIBIT A

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to:

Michiko Kono

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Hide Details

From: "UPS Quantum View" <auto-notify@ups.com>

To: Michiko Kono/R4/USEPA/US@EPA

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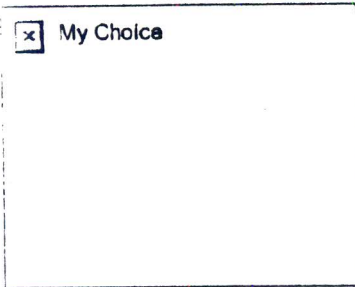
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At the request of EPA-OEA, this notice is to confirm that the following shipment has been delivered.

Important Delivery Information

Tracking Number: 1ZWR25740194533348

Delivery Date / Time: 29-May-2012 / 9:27 AM



Delivery Location: FRONT DESK
Signed by: GRACE

Shipment Detail

Ship To:
John Rice, LLC
John W. Rice
930 AVENUE A
OPELIKA
AL
36801
US

Number of Packages: 1
UPS Service: NEXT DAY AIR
Weight: 1.0 LBS
Reference Number 1: EAD

_____2@@2@@21ot8VNp_____

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EXHIBIT B



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Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1ZWR25740194533348
Reference Number(s): EAD
Service: UPS Next Day Air®
Weight: 1.00 lb
Shipped/Billed On: 05/25/2012
Delivered On: 05/29/2012 9:27 A.M.
Delivered To: 330 AVENUE A
OPELIKA, AL, US 36801
Signed By: GRACE

Left At: Front Desk

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 09/25/2012 1:52 P.M. ET

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