

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:

**Liphatech, Inc.
Milwaukee, Wisconsin,**

Respondent.

) **Docket No. FIFRA-05-2010-0016**
)
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) **Hon. Susan Biro**
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RESPONDENT'S MOTION TO CONFORM TRANSCRIPT

Pursuant to Rules 22.16 and 22.25 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), Respondent, Liphatech, Inc. ("Liphatech"), respectfully moves to conform the transcript of the hearing in this matter to the actual testimony presented at hearing by accepting and adopting the corrections listed in the attached Exhibit A. In further support of this motion, Respondent states as follows:

1. The hearing in this matter was held on February 7, 8, 9, and 10, 2012.
2. The transcript contains numerous typographical and transcription errors, some of which have been addressed pursuant to a joint stipulation of the parties submitted on or about the date hereof. This motion is submitted by Respondent in addition to the joint motion.
3. The transcript was received by the Regional Hearing Clerk on March 5, 2012. Complete transcripts were made available to Respondent on March 5, 2012.
4. 40 C.F.R. § 22.25 states in pertinent part that "[a]ny party may file a motion to conform the transcript to the actual testimony within 30 days after receipt of the

transcript or 45 days after the parties are notified of the availability of the transcript, whichever is sooner."

5. Attached hereto as Exhibit A is a table listing by page and by line the correction to the transcript that, in addition to the changes set forth in the joint stipulation of the parties, will conform the transcript to the actual testimony presented at hearing. Making these corrections is necessary to ensure that the transcript is accurate and understandable.

Because this motion is timely and because good cause exists, Respondent respectfully moves for an order conforming the transcript of the hearing in this matter to the testimony presented at hearing by accepting and adopting the correction listed in the attached Exhibit A.

Dated this 3rd day of April, 2012.

Respectfully submitted,

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Milwaukee, WI 53201-2965

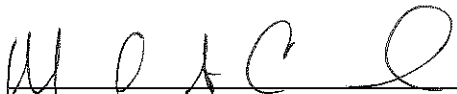

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Attorneys for Respondent Liphatech, Inc.

EXHIBIT A

Liphatech, Inc., FIFRA-05-2010-0016

Errata of Transcript Dated February 8, 2012

Witness: John Hebert

158	22	involve making	do not involve
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Errata of Transcript Dated February 7, 2012

Witness: Claudia Niess

23	21	"didn't"	strike "didn't"
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In the Matter of Liphatech, Inc.

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CERTIFICATE OF SERVICE

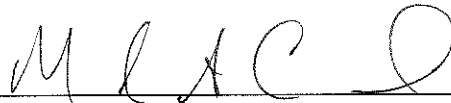
I, Mark A. Cameli, one of the attorneys for the Respondent, Liphatech, Inc., hereby certify that I delivered one copy of the foregoing by depositing it with a commercial delivery service, postage prepaid, at Milwaukee, Wisconsin, in envelopes addressed to:

Honorable Susan L. Biro
Office of the Administrative Law Judges
Franklin Court Building
1099 14th Street, NW, Suite 350
Washington, D.C. 20005; and

Ms. Nidhi K. O'Meara (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

I further certify that I filed the original and one copy of the Respondent's Motion to Conform Transcript and the original of this Certificate of Service in the Office of the Regional Hearing Clerk, U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, by depositing them with a commercial delivery service, postage prepaid, at Milwaukee, Wisconsin, on the date below.

Dated this 3rd day of April, 2012.



Mark A. Cameli
One of the Attorneys for Respondent
Liphatech, Inc.