

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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IN THE MATTER OF: )  
 )  
Maralex Disposal, LLC., )  
 )  
Respondent. )

Docket No. SDWA-08-2011-0079

FILED  
EPA REGION VIII  
HEARING CLERK

COMPLAINANT'S MOTION TO CONFORM TRANSCRIPT

Comes Now Complainant, U.S. Environmental Protection Agency Region 8, by and through its undersigned counsel, and moves pursuant to 40 C.F.R. §§ 22.16 and 22.26 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension” (the Consolidated Rules), to conform the transcript in the hearing in this matter to the actual testimony presented at the hearing by accepting and adopting the corrections listed in the attached table. In further support of the Motion, the Complainant states as follows:

1. Consolidated Rule § 22.25 provides, 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.” 40 C.F.R. § 22.25.

2. The hearing in this matter was held on October 10, 2012.

3. The transcript in this matter consists of 214 type-written pages of testimony.

4. The transcript was received by the Regional Hearing Clerk on October 30, 2012.


5. Attached is a table listing by page and line the Complainant’s corrections to the transcript that 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.

Wherefore, Complainant respectfully moves for an order from the presiding officer conforming the transcript of the hearing in this matter to the testimony presented at hearing by accepting and adopting the corrections listed in the attached table.

Respectfully submitted,

**UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY REGION 8**

Date: November 15, 2012

By:   
Amy Swanson, Enforcement Attorney  
Legal Enforcement Program  
U.S. EPA Region 8  
1595 Wynkoop Street (8ENF-L)  
Denver, Colorado, 80202-1129  
Telephone No: (303) 312-6906

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 13, 2012, the original and one true copy of the COMPLAINANT'S MOTION TO CONFORM TRANSCRIPT were hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was sent as follows:


Via hand-delivery to:

The Honorable Elyana R. Sutin  
Regional Judicial Officer  
U.S. EPA Region 8 (8RC)  
1595 Wynkoop Street  
Denver, CO 80202-1129

Via electronic and regular mail to:

Mr. William E. Zimsky, Esq.  
Abadie Schill  
1099 Main Street, Suite 315  
Durango, CO 81301  
wez@oilgaslaw.net

Date: 11 / 15 / 2012

By:  \_\_\_\_\_

In the Matter of Maralex Disposal, LLC, SDWA-08-2011-0079

Table of Transcript Corrections

Page(s):	Line(s):	Existing Language:	Change to:
3	3	Ms. Wiser	Ms. Swanson
9	19	Governs	govern
9	24	Action	This action
9	24	Assessment of penalties	The assessment of penalties
11	3	Well	The well
11	14	By	By a
13	11	injunction	injection
13	11		Should be
17	10	Past failed	Pass/fail
18	24	Four	Thirty-four
21	18	Forwarded to	Afforded to
21	24	Protected	Protective
23	22	Any permits	Into permits
26	16	Respondent	Respondent's
27	24	Bury	Vary
29	10	90 to 100,000	90,000 to 100,000
29	13	"Constitute small, medium, or large-sized disposal wells?"	"constitute a small, medium, or large-sized disposal well?"
36	24	And	As
52	7	Protected	Protective
53	10	Gap her	Gap here
72	17	Mr. Wiseman	Mr. Wiser
77	14	Ms. Roberts	Ms. Swanson
77	23	Hydroelectric	Hydrologic
78	13 and 14		(Punctuation error) Change to "I would include my degrees in geology and hydrology. At EPA, I have received ..."
79	21	(First word) "On"	In
79	21 through 23		(Punctuation error) Change to "In the UIC program, I review deep wells (that's class I, II, III and some class V wells) for compliance with permits and regulatory requirements."
83	9	or	Remove "or"
83	15		First word should be "inspections"
84	23		First word should be "repair"
89	20	stream	String
89	21		Should read "a tubing leak, pressure

			at the annulus..."
90	3	"And remind the court"	"And can you remind the court"
91	18	For	From
93	9	"Did you talk about Mr. Reimers about ..."	Should read "did you talk with Mr. Reimers about ..."
93	23	Colleague	Colleagues
96	20	14-23	1423
96	25	14-23	1423
97	13	14-23	1423
98	10	Orders	Order
100	4	More	Most
105	23	Differing	Deferring
111	11	Report	Record
114	15		(punctuation error) Change to "situation-specific information"