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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:)	
)	
JOSEPH OH)	Docket No. RCRA-10-2011-0164
)	
and)	
)	
HOLLY INVESTMENT, LLC,)	
)	
Respondents.)	
_____)	

COMPLAINANT’S RESPONSE TO THE DEADLINE FOR FILING JOINT SET OF STIPULATED FACTS, EXHIBITS AND TESTIMONY

In the Order Rescheduling Hearing and Prehearing Deadlines dated April 18, 2012, the parties were directed to file a Joint Set of Stipulated Facts, Exhibits and Testimony by July 20, 2012. For the following reasons, Complainant is unable to comply with this directive.

On July 13, 2013, counsel for Complainant sent an email to Mr. Oh and his business associate, Greg Tift, reminding them of the July 20th deadline for the parties to file a joint set of stipulated facts, exhibits and testimony and attaching Complainant’s proposed joint set of stipulated facts, exhibits, and testimony for their review, comment, and revision. The email

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U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, ORC-158
Seattle, Washington 98101
206-553-1037

requested that Mr. Oh and Mr. Tift contact counsel for Complainant as soon as possible with any questions or recommended changes, and instructed that if the proposed document met with their approval, Mr. Oh should sign and return the signature page by fax or email to counsel for Complainant by July 19th, to ensure that the document would be filed on time.

When counsel for Complainant received no response to the July 13th email, she contacted Mr. Oh by telephone on July 18th, asking if he had any questions or concerns about the document sent on July 13th and asking him to sign and return the signature page, if the document met with his approval. Mr. Oh responded that he would contact Mr. Tift and have him call me back. Later that day, counsel for Complainant called Mr. Tift and left him a voicemail message on his cell phone, recounting my brief conversation with Mr. Oh earlier in the day, asking if Mr. Oh has any questions or concerns about the proposed joint set of stipulated facts, and asking Mr. Tift to call me back immediately.

As of today, counsel for Complainant has received no response from Mr. Oh or Mr. Tift concerning Complainant's proposed joint set of stipulated facts, exhibits, and testimony. Should the parties reach agreement on any stipulations prior to the August 14th hearing, counsel for Complainant will immediately provide those stipulations to the Presiding Officer and file them with the Regional Hearing Clerk.

Respectfully submitted this 20th day of July, 2012.



Deborah E. Hilsman
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 10

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CERTIFICATE OF SERVICE

12 JUL 20 AM 11:28

In the Matter of Joseph Oh and Holly Investment, LLC, No. RCRA-10-2011-0164, I hereby certify that Complainant's Response to Deadline for Filing Joint Set of Stipulated Facts, Exhibits, and Testimony was sent to the following persons in the manner specified on the date below:

Original and one true and correct copy of the document, by hand delivery:

Candace H. Smith, Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, Suite 900
Office of Regional Counsel
1200 Sixth Avenue, Mail Stop ORC-158
Seattle, Washington 98101

A true and correct copy of the document, by Email and Pouch mail to:

The Honorable M. Lisa Buschmann, Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Mail Code 1900L
Washington, DC 20460
Email: oaljfilng@epa.gov

A true and correct copy document, by Email and First Class Mail:

Joseph Oh, FBO
4905 70th Avenue West
University Place, Washington 98467
Email: josephoh405@gmail.com and oh.joseph@ymail.com

A true and correct copy by Email to:

Greg Tift
Email: ipwcci@mail.lawguru.com

DATED: 20 July 2012


Signature
Print Name:
Title:

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