

U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS

2019 SEP 26 PM 3:41

BEFORE THE ADMINISTRATOR

In the matter of)
)
SUPERIOR RESTORATION)
& CONSTRUCTION LLC,)
)
Respondent.)
_____)

Docket. No. TSCA-07-2016-0017

**PROPOSED AMENDMENT TO COMPLAINANT'S
PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW,
DEFAULT ORDER, AND INITIAL DECISION**

Complainant's Proposed Supplement to the Memorandum of Points and Authorities in Support of its Motion for Default Order advances an alternative argument that Respondent is a corporation under 40 C.F.R. § 22.5(b)(1)(ii)(A). If the Presiding Officer grants Complainant's motion to supplement the record, the following language is recommended as an amendment to the Proposed Findings of Fact, Conclusions of Law, Default Order, and Initial Decision:

"34. As a Kansas limited liability company, Respondent is a 'corporation' and/or 'an unincorporated association which is subject to suit under a common name' for purposes of service of the complaint under 40 C.F.R. § 22.5(b)(1)(ii)(A)."

RESPECTFULLY SUBMITTED
this 26th day of September, 2019,



Jared Pessetto
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7

CERTIFICATE OF SERVICE

I hereby certify that the original and one true and correct copy of the foregoing Proposed Amendment to Complainant's Proposed Findings of Fact, Conclusions of Law, Default Order, and Initial Decision was hand-delivered to the Regional Hearing Clerk of the U.S. Environmental Protection Agency, Region 7, at 11201 Renner Boulevard, Lenexa, Kansas, on September 26, 2019.


A true and correct copy of the foregoing Proposed Amendment to Complainant's Proposed Findings of Fact, Conclusions of Law, Default Order, and Initial Decision was sent this day to the following persons in the manner indicated:

By Hand Delivery

Karina Borromeo
Regional Judicial Officer/Presiding Officer
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

By Certified Mail, Return Receipt Requested

Mr. Cory Poulsen
Superior Restoration & Construction LLC
7861 Mastin Drive
Overland Park, Kansas 66204



Jared Pessetto
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7