



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
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NEW YORK, NY 10007-1866

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
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REGIONAL HEARING  
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July 20, 2012

The Honorable M. Lisa Buschmann  
Administrative Law Judge  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Mail Code 1900 L  
Washington, DC 20460

Re: *In re Andrew B. Chase et al.*  
Docket Number RCRA-02-2011-7503

Dear Judge Buschmann:

The undersigned, on behalf of Complainant, wishes to bring the following matter to the attention of the Court and Respondents.

The sum of the 21 violations set forth in the Complaint was listed as \$232,838.63. This sum was not properly tabulated; the addition was in error. The figure should properly have read \$276,078.63 for all 21 counts. As this Court has previously been informed (Complainant's July 2<sup>nd</sup> status report; the parties' July 10<sup>th</sup> joint motion), Complainant will not seek a judgment of liability or penalty assessment for counts 17 (listing a penalty in the amount of \$3,692) and 20 (listing a penalty in the amount of \$7,175).

Thus, the total amount of the penalty Complainant will be seeking through its briefing papers (in accordance with the July 13, 2012 order of this Court) will be **\$265,211.63**.

This number does not involve a change in the penalty amounts sought for any of the individual counts as listed in the Complaint, but rather represents the corrected figure for the aggregate amount for those counts remaining in issue (counts 1 through 16, 18, 19 and 21).

Respectfully submitted,

Lee A. Spielmann  
Assistant Regional Counsel  
Office of Region Counsel

cc: Thomas W. Plimpton, Esq. (fax transmission, 518-561-4848 and first class mail)  
Karen Maples, EPA-Region 2 Regional Hearing Clerk (inter-office mail)