

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)

Carbon Injection Systems LLC,)
Scott Forster,)
Eric Lofquist,)

Docket No. RCRA-05-2011-0009

Respondents.)
)
)
)

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PARTIES' JOINT MOTION TO CONFORM TRANSCRIPT

Pursuant to Rule 22.16 and 22.25 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties (40 C.F.R. Part 22) (the "Consolidated Rules"), and the Presiding Officer's Order dated August 1, 2012, the Parties¹ jointly move to conform the transcript of the hearing to the actual testimony presented at the hearing by accepting and adopting the corrections listed in the attached errata sheets.

In further support of this Motion, the Parties state 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 CFR § 22.5.
2. The hearing in this matter was held on June 18, 2012 to June 27, 2012 (with the exception of Sunday, June 22), and on July 16, 2012.
3. The transcript in this matter consists of 2,696 type-written pages of testimony.

¹ When used in this Motion, the "Parties" shall collectively Respondents Carbon Injection Systems, LLC, Eric Lofquist, and Scott Forster, and Complainant United States Environmental Protection Agency.

4. The transcript contains typographical and transcription errors.
5. The Regional Hearing Clerk notified all parties of the availability of the transcript on July 30, 2012.
6. Attached is a table listing by page and line the corrections to the transcript that will conform the transcript to the actual testimony presented at hearing. The Parties agree that making these corrections is necessary to ensure that the transcript is accurate.

WHEREFORE, because this Joint Motion is timely and because good cause exists, the Parties respectfully move for an order conforming the transcript of the hearing in this matter to the testimony presented at hearing by accepting and adopting the corrections in the attached errata sheets.

[signature page follows]

Dated: August 10, 2012

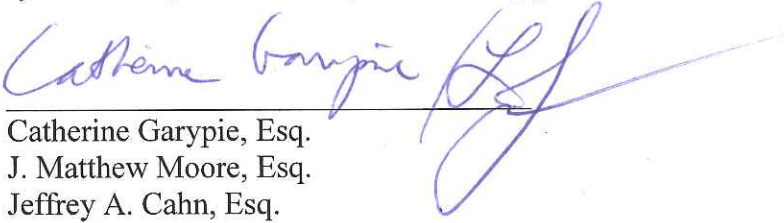
Respectfully submitted,

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**In the Matter of: Carbon Injection Systems LLC, Scott Forster, and Eric Lofquist,
Respondents, Docket No. RCRA-05-2011-0009**

CERTIFICATE OF SERVICE

I, Lawrence W. Falbe, an attorney, certify that the foregoing Parties' Joint Motion for to Confirm was sent on August 10, 2012, in the manner indicated, to the following:

Original and One Copy by hand delivery to:

LaDawn Whitehead
Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Copy by Overnight Delivery to:

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, DC 20005

Copy by hand-delivery to:

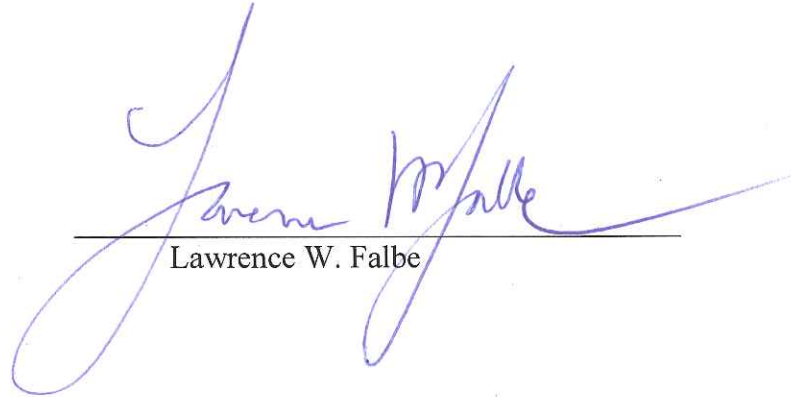
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August 10, 2012



Lawrence W. Falbe

In the Matter of: Carbon Injection Systems LLC, Scott Forster, and Eric Lofquist,
Respondents, Docket No. RCRA-05-2011-0009

ERRATA

Page(s)	Line(s)	Existing Language	Change to:
15	17-18	“Lipi Tech”	“Liphatech”
15	18-19	“the court take”	“the court can take”
20	1	“burnt”	“burned”
60	9	“coordinates inspection”	“coordinates inspections”
63	2	“K fault”	“CAFO”
65	2	“Baird in Addison”	“Bayer in Addyston”
73	6	“we’ve actually”	“it’s actually”
77	13	“state”	“date”
77	18	“state”	“date”
85	7	“Part 2”	“Part 22”
85	8	“commence and concede – commence and approve”	“commence and conclude – commence and conclude”
92	11	“MSDSes”	“MSDSs”
93	2	“2000”	“2007”
95	16	“did a part of a”	“did a”
95	19	“requirements as part of”	“impoundments as part of”
97	16	“what I do then”	“what I did then”
111	22	“account”	“count”
115	6	“waste chain”	“waste stream”
116	13	“this information”	“this is information”
123	9	“THE”	“the”
145	25	“out”	“outside”
157	22	“biannual”	“biennial”
160	5	“flyable”	“flammable”
165	11	“following.”	“following:”
178	25	“others”	“otherwise”
179	16	“in industrial process”	“in an industrial process”
181	24	“the stream of that?”	“the name of that stream?”
205	22	“Terri”	“Terry”
206	1	“Terri”	“Terry”
206	4	“Terri bare”	“Terry Barry”
206	8	“Terri”	“Terry”
207	21	“coal product”	“co-product”
252	19	“THEY”	“they”
261	21	“Wills”	“the Willis”
262	19	“RCRA on line”	“RCRA Online”
270	3-4	“3745-51-02(C)(2)(a) Romanette (ii)”	“3745-51-02(C)(2)(a)(ii)”
284	24	“use”	“used”
305	18	“supported the fuel”	“supplied the fuel”
333	1	“322”	“K022”
334	18	“if It sold there”	“if it was sold there”

346	8	“objection”	“no objection”
353	10	“001”	“D001”
389	21	“at matter”	“at hand”
412	8	“giving this material”	“getting this material”
431	22	“I was”	“it was”
458	18	“a coal”	“an oil”
468	11	“there’s a emails”	“there’s emails”
468	24	“email”	“emails”
469	20	“the WCI”	“WCI”
470	14	“Beetle”	“Beedle”
474	8-9	“This is the notice of intents of files before this.”	“There was a notice of intent filed before this.”
476	13	“with regard Respondents”	“with regard to Respondents”
476	16	“of intent, the files”	“of intent to file”
493	1	“policies derived”	“policies it derived”
499	7-8, 14, 19	“Oil dry”	“Oil-Dri”
502	5	“cite”	“Site”
528	7-8	“before I can”	“before it can”
537	7-8	“if that’s”	“if so that’s”
538	10	“that there’s”	“there’s”
645	19	“somewhere”	“something”
648	9-10	“Oil dry”	“Oil-Dri”
650	3	“oil dry”	“Oil-Dri”
697	6	“Costis [sic] Loukeris. Costis [sic]”	“Kosta Loukeris. Kosta”
822	16	“requesting information”	“requesting privileged information”
866	8	“regarding rights, failure”	“are barred by its”
878	21	“characteristic”	“testimony”
879	25	“MSDSes”	“MSDSs”
883	6-7	“from the”	“is a strict”
911	6	“3M3PO”	“3M3P”
920	23	“grade over grave”	“cradle to grave”
920	25	“grade”	“grave”
985	21	“oil dry”	“Oil-Dri”
986	21	“need regulatory”	“need the regulatory”
1014	9	“right date”	“date right”
1024	11-12	“you have to go through the on-line database.”	“you don’t have to go through the on-line database.”
1044	24	“steel”	“Steel”
1070	20	“metal, represents”	“metal, that represents”
1073	11	“flexing”	“fluxing”
1074	7	“send”	“descend”
1075	2	“This is where they through a heat exchanger to”	“This is where they go through a heat exchanger to”
1084	3	“That”	“The”
1089	6	“to process for energy”	“to the process, energy”
1104	2	“decreased”	“increased”
1105	11	“Yet”	“Yes”
1106	13	“identities”	“entities”
1110	17	“injected or is”	“injected is”

1125	2	“hold-up”	“hang up”
1137	12	“injections”	“injectants”
1139	12	“does”	“do”
1202	23	“was history letter”	“Wasserstrom Letter”
1202	24	“letters talks”	“letters that talk”
1210	3	“manufactured as a private sector firm”	“manufactured at a private sector firm”
1223	13	“chemical process”	“chemical process engineering”
1235	14	“22 R 101”	“220-R-101”
1279	12	“just”	“such”
1282	7	“techs”	“sets”
1282	13	“big”	“brief”
1284	20	“acetification”	“acidification”
1285	20	“26,700”	“\$26,700”
1285	22	“26,000”	“\$26,000”
1286	1, 3	“officers”	“offices”
1287	7	“is that specified”	“specifies”
1287	19	“passed”	“fastened”
1288	9	“sound”	“sounds”
1293	13	“variation”	“reasons”
1315	24	“give”	“gives”
1317	7	“GC/MS”	“GC”
1403	13	“how are you familiar with the”	“how are you familiar with it”
1437	8	“an excess”	“in excess”
1484	17	“June 19”	“June 15”
1484	19	“March 3 rd ”	“March 30”
1496	20	“prep”	“prompt”
1498	19	“HASP”	“HAPs”
1554	7	“the lowest fraction of the heaviest fraction”	“the lowest fraction or the heaviest fraction”
1708	12	“rejected”	“reflected”
1727	7	“case”	“a case”
1730	10	“their”	“there are”
1805	9	“CISM”	“CIS”
1945	16		Uppercase letter “R” should be removed
1992	1	“viscose”	“viscous”
2011	19	“Stanger”	“Stenger”
2058	6		Insert Judge Biro before the word “Okay”
2164	10	“for”	“or”
2307	5	“those two to our”	“those to, to our”
2312	12	“net lube”	“Metlube”
2325	23	“applied”	“implied”
2353	6	“and”	“in”
2361	4	“till”	“til”
2400	14	“solvent”	“solid”
2403	25	“any”	“into”
2554	14	“can”	“can’t”

2599	18-19	"I'm not even sure that question leads."	"I'm not even sure where that questions leads."
2604	1	"2010"	"210"
2617	11	"still pad"	"spill pad"
2618	8	"as"	"on"
2621	24	"as"	"as to"
2622	9	"I am"	"that's"
2648	3	"SAL"	"solid waste"
2648	17	"SAL"	"solid waste"
2674	9	"the purpose of the pack"	"the purpose of the tank"
2674	13	"of"	"or"
2680	18	"111"	"line 11"