

Attachment A

Volume	Page	Line	Original text	Suggested edit
All	passim	passim	CEX	CX
1	passim	passim	MR. MILLER	DR. MILLER
1	10	18	actually going to ask for preliminary the stipulate	actually going to preliminarily discuss the stipulated
1	10	19	exhibits and maybe a couple of things for judicial	exhibits and maybe consider a couple of things for judicial
1	12	3	The only matters at issues are the number	The only matters at issue are the number
1	16	5	had the bill of lading for NPPG.	had the bill of lading for PPG.
1	17	17	waste to be moved from BNW's lot where it was being	waste to be moved from B&W's lot where it was being
1	17	18	that were on the shipment including the Schordinger	that were on the shipment including the Strontium
1	18	16	the SDS from IDQ containing detailed information	the SDS from IEDQ containing detailed information
1	18	18	that were on the shipment including the Schrodinger	that were on the shipment including the strontium
1	19	17	human health and the environment missed the RCRA	human health and the environment misses the RCRA
1	34	13	MR. FIGUR: Yes, ma'am.	MR. MCKAY: Yes, ma'am.
1	45	17	electronic case file, does EPA Criminals	electronic case file, does EPA Criminal
1	46	18	such that an administrative can see what has taken	such that an administrator can see what has taken
1	49	4	Investigative Activity that was conducted by Darren	Investigative Activity that was conducted by Darin
1	51	7	ongoing and when Darren Mugleston was the lead	ongoing and when Darin Mugleston was the lead
1	59	4	almost two years ago. Those recordings, the video	almost two years ago. Those recordings
1	59	5	of the copies of the recordings were in there two	of the copies of the recordings were in there two
1	68	16	Darren Mugleston.	Darin Mugleston.
1	68	22	Darren Mugleston was the	Darin Mugleston was the
1	69	4	and there was a point when Darren Mugleston retired	and there was a point when Darin Mugleston retired
1	71	10	statement. Because Darren was in the office with	statement. Because Darin was in the office with
1	71	16	interview conducted by Darren and by Darren you mean	interview conducted by Darin and by Darin you mean
1	71	17	Special Agent Darren Mugleston. Correct?	Special Agent Darin Mugleston. Correct?
1	78	11	I have another suggestion potentially	I have another suggestion that potentially
1	82	19	supporting agent when Darren Mugleston, Special	supporting agent when Darin Mugleston, Special
1	82	20	Agent Darren Mugleston was the lead agent. I was	Agent Darin Mugleston was the lead agent. I was
1	83	3	after Darren Mugleston retired that I became the	after Darin Mugleston retired that I became the

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1	84	1	when Darren Mugleston retired, he became co- or he	when Darin Mugleston retired, he became co- or he
1	84	9	that Darren, Special Agent Mugleston retired after	that Darin, Special Agent Mugleston retired after
1	84	16	when Darren Mugleston, my recollection was -- I just	when Darin Mugleston, my recollection was -- I just
1	84	20	recall when Darren Mugleston retired.	recall when Darin Mugleston retired.
1	86	18	and they contacted EPA, Darren Mugleston	and they contacted EPA, Darin Mugleston
1	100	19	exhibits, RPPGs SDS's. So that information is	exhibits, are PPGs SDS's. So that information is
1	117	2	our previous motion, which we said that Your Honor	our previous motion, which Your Honor
1	121	21	Yes. So Darren Mugleston interviewed	Yes. So Darin Mugleston interviewed
1	127	2	they provided records to Special agent Darren	they provided records to Special agent Darin
1	128	18	"The Interview of Captain Grainger with the RRT --	"The Interview of Captain Riedinger with the RRT --
1	129	9	MS. JACKSON: Your Honor, Complainants	MS. JACKSON: Your Honor, Complainant
1	129	10	request that the Tribunal admit CX20 into evidence.	requests that the Tribunal admit CX20 into evidence.
1	130	7	report is documenting for Darren Mugleston that he	report is documenting for Darin Mugleston that he
1	131	5	interview here of Sandy Derrick, the D&W truck	interview here of Sandy Derrick, the B&W truck
1	133	6	Darren Mugleston had this, I remember him pointing	Darin Mugleston had this, I remember him pointing
1	133	7	out some comment. My recollection is this. Darren	out some comment. My recollection is this. Darin
1	133	12	this with Darren.	this with Darin.
1	138	5	interview and documents of Richard (phonetic)	interview and documents of Wickenden and
1	138	6	Simmons from H2O.	Simmons from H2O.
1	150	12	documenting the receipt of allegations from IBEQ and	documenting the receipt of allegations from IDEQ and
1	153	10	the report is "Interview of IKD employees, Vaughn	the report is "Interview of IDT employees, Vaughn
1	154	8	innate of objection --	in aid of objection --
1	154	10	MR. MCKAY: -- innate of further	MR. MCKAY: -- in aid of further
1	158	19	is the interview of David McCollum, Quarter	is the interview of David McCallum, Corder
1	162	14	requests that the Tribunal admits CX59 into	requests that the Tribunal admit CX59 into
1	163	13	is "Interview of Thomas Leman (phonetic) and J.B.	is "Interview of Thomas Lehman and J.B.
1	164	22	"4/14/16, recorded interview of Rick Lee, D&W"	"4/14/16, recorded interview of Rick Lee, B&W"
1	166	10	recorded interview of David McCullough, Quarter	recorded interview of David McCallum, Corder
1	171	18	I'm seeing a blank screen. Rick, can you hear us?	I'm seeing a blank screen. Marc, can you hear us?
1	184	10	started, Special Agent Darren Mugleston was the CID	started, Special Agent Darin Mugleston was the CID
1	185	21	Laurianne, that I learned that Darren was not	Laurianne, that I learned that Darin was not

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1	189	12	of Agent Mugleston's interview of a ten quarter, is	of Agent Mugleston's interview of Tim Corder, is
1	189	21	with quarter has been included below to provide an	with Corder has been included below to provide an
1	190	22	MR. MILLER: It's not, and I will confirm	MR. MCKAY: It's not, and I will confirm
1	203	5	pulled from OSHA, that was our electronic case	pulled from OCEAN, that was our electronic case
1	203	6	management system at the time, and provided the	management system at the time, and provided the
1	203	7	record, minus 60 and minus the actual disc. So,	record, minus 6E and minus the actual disc. So,
1	205	13	know for certain that ever recording from CID is in	know for certain that every recording from CID is in
1	208	4	a reasonable solution? I think that us having the	a reasonable solution? MR. MCKAY: I think that us having the
1	227	5	Q Do you see reference to Darrel Redding	Q Do you see reference to Darrel Riedinger
1	228	8	scene Kevin Bonner (phonetic), whether he consulted	scene Colin Bonner, whether he consulted
1	229	8	document. I'm looking at 7 again now. I pursued	document. I'm looking at 7 again now. I perused
1	240	20	City, Utah crimes facility.	City, Utah Prime facility.
1	241	11	safety data sheet. That product was called universal	safety data sheets. That product was called universal
1	244	8	couldn't see the last time unless Tribett scrolled.	couldn't see the last time Ms. Tribett scrolled.
1	249	4	the number of protons or electrons that are in an	the number of protons and electrons that are in an
1	251	6	I also take measurements at NEIC for pH flashpoint	I also take measurements at NEIC for pH, flashpoint,
1	251	7	percent waters. I do x-ray diffractions and also	percent water. I do x-ray diffractions and also
1	256	18	MR. JENKINS: I think we all did.	MR. RYAN: I think we all did.
1	273	2	tested reported on the safety data sheet and NEIC	tested, reported, on the safety data sheet and NEIC
1	275	9	being the waste manifest that Prime Ink used to ship	being the waste manifest that Prime Inc. used to ship
1	283	4	aqueous solutions, which is another way, much more	aqueous solutions, which in another way, much more
1	289	14	measured TCLP of 0.31 percent	measured TCLP leachable chromium of 0.31 percent
1	292	16	not sampled NEIC have exceeded the RCRA toxicity	not sampled by NEIC have exceeded the RCRA toxicity
1	296	4	too. So might make most sense to start fresh in the	too. So it might make most sense to start fresh in the
2	9	3	two demonstrative. The first demonstrative will	two demonstratives. The first demonstrative will
2	10	18	to gleam from looking at the RCRA penalty policy,	to glean from looking at the RCRA penalty policy,

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2	11	1	Honor, specifically with regard to the first on	Honor, specifically with regard to the first one
2	13	14	yesterday. Dr. Katellis's expert report	yesterday. Dr. Keteles's expert report is
2	13	19	Dr. Katellis is not testifying until	Dr. Keteles is not testifying until
2	13	22	McNeill has review the drum logs. So we have two	McNeill has reviewed the drum logs. So we have two
2	14	5	them, or we can wait until Dr. Katellis	them, or we can wait until Dr. Keteles
2	14	8	Ms. McNeill back at the end of Dr. Katellis's	Ms. McNeill back at the end of Dr. Keteles's
2	14	15	the case. I think chosen to put on Dr. Katellis	the case. I think chosen to put on Dr. Keteles
2	15	6	irrespective of Dr. Katellis.	irrespective of Dr. Keteles
2	16	21	MR. FIGUR: Correct. We mark it in	MR. FIGUR: Correct. We marked it in
2	21	15	RCRA inspector, an enforcement officer. I've	RCRA inspector and enforcement officer. I've
2	22	14	I can see that. It's okay.	I can't see that, Kate.
2	23	3	Q What is it? A	Q What is it?
2	23	4	It's my r,sum,.	It's my resume.
2	25	14	excuse me. I might just call the penalty	excuse me. I might just call it the penalty
2	28	12	what matter in their entirety. I'm trying to	what matter in their entirety. I'm not trying to
2	31	8	the RCRA program is safe storage of hazard waste.	the RCRA program is safe storage of hazardous waste.
2	33	10	proposed penalties assessment. Basically, this	proposed penalty assessment. Basically, this
2	33	13	is this EX04 corrected?	is this CX04 corrected?
2	33	22	officers, determine the violations and then use	officers, we determine the violations and then use
2	37	3	the letter. So the four steps in the penalty	the letter. So the first step in the penalty
2	39	3	exposure, so human health and the environment.	exposure, to human health and the environment.
2	41	1	and a minor potential for harm in extent of	and a minor potential for harm and extent of
2	41	2	deviations.	deviation.
2	41	4	nine-cell. And within each cell is a range of	nine-cell matrix. And within each cell is a range of
2	48	8	moderate extent of deviation is if you look a	moderate extent of deviation is if you look at a
2	48	14	meet that requirement, they didn't get all of it.	meet that requirement, but they didn't get all of it.
2	48	16	took some steps, but they didn't communicate	took some steps, but they didn't comply with
2	48	17	anything.	everything.
2	51	12	are for more of the basis for the RCRA program.	form more of the basis for the RCRA program.
2	51	13	So having a permit to storage	So having a permit to store
2	53	12	Q 39 and 113.	Q 39 of 113.
2	55	9	be considered.	be considered if
2	55	10	The good faith efforts to comply	(delete paragraph change) the good faith efforts to comply
2	55	11	primarily consists of just coming back into	primarily consist of just coming back into
2	55	21	constituting the violation. The foreseeability	constituting the violation, the foreseeability
2	56	9	A Yes. For histories of non-compliance,	A Yes. For history of non-compliance,
2	57	10	question. Basically, it's just the leveled	question. Basically, it's just the level
2	58	21	A That's a settlement.	A That's for settlement.

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2	59	4	ten percent. However, the adjustment factor is	ten percent for cooperation. However, the adjustment factor is
2	60	11	both parties as well as the motion in terms of	both parties as well as the motion for
2	60	12	how they made the decision, the order on the	accelerated decision, the order on the
2	61	15	This is Appendix 1 to Dr. Katellis's	This is Appendix A to Dr. Keteles's
2	61	18	Dr. Katellis's possession?	Dr. Keteles's possession?
2	61	21	Does Dr. Katellis also work for NEIC?	Does Dr. Keteles also work for NEIC?
2	63	14	presenting Dr. Katellis, obviously, a cross of	presenting Dr. Keteles, obviously, a cross of
2	64	19	stapled into their inspection.	conducted their inspection.
2	65	8	32, which included the 20 drums to be hazardous,	32, which included the 20 drums determined to be hazardous
2	65	10	primer that all of those drums were noted to be	primer, that all of those drums were noted to be
2	65	12	rested, and they were all noted to be burnt.	rusted, and they were all noted to be burnt.
2	66	11	Dr. Katellis may be able to testify more directly	Dr. Keteles may be able to testify more directly
2	70	15	fundamental to the RCRA program. They were the	fundamental to the RCRA program. They are the
2	72	1	likely indication that it would be hazardous	a likely indication that it would be hazardous
2	74	7	bill of lading that accompany the load. That	bill of lading that accompanied the load. That
2	74	10	is -- DOT is considered to be a DOT Hazard Class	the load is considered to be a DOT Hazard Class
2	75	2	The third piece of information, I believe there's	(new paragraph) The third piece of information, I believe there's
2	75	5	timeframe.	timeframe, (delete paragraph change)
2	75	6	The Idaho State Department of	the Idaho State Department of
2	75	18	into account and applied that knowledge to the	into account and apply that knowledge to the
2	75	19	drums that have been taken to Salt Lake City.	drums that had been taken to Salt Lake City.
2	78	1	that they believe that the SDS sheets were on the	that they believed that the SDS sheets were on the
2	79	9	determined on the SDS, does that necessarily mean	designated hazardous on the SDS, does that necessarily mean
2	80	1	will therefore manage it as a hazardous waste.	we'll therefore manage it as a hazardous waste.
2	88	3	harm and extent of deviation from the gravity	harm and extent of deviation form the gravity
2	89	15	Mr. McCallo, who was one of the	Mr. McCallum, who was one of the
2	92	17	Q But could Prime had done anything the	Q But could Prime have done anything the
2	93	3	Chemtrack. So this was PPG's bill of lading, so	Chemtrec. So this was PPG's bill of lading, so
2	93	9	either of those and said they chose to rely on a	either of those and instead they chose to rely on a
2	93	12	please describe how region to region looked at	please describe how the region looked at
2	93	16	making a waste determination is what the critical	making a waste determination is the critical
2	95	20	be at the bottom of the matrix cell on Prime's	be at the bottom of the matrix cell based on Prime's
2	97	19	300 days that they were managing the waste. We	300 days that they were managing the waste, but we

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2	97	20	consider the totality of the circumstances and	considered the totality of the circumstances and
2	101	2	Another point in that is that the	Another point is that the
2	101	6	potentially actually not giving them as large of	potentially actually not given them as large of
2	101	15	Q I could follow up on then.	Q I could follow up on it then.
2	102	2	Q Let's turn to willfulness and	Q Let's turn to the willfulness and
2	102	17	and they knew or should have known about the	and if they knew or should have known about the
2	103	10	regarding, as I said, the fact that paint has	regarding, as I said, the fact that paint had
2	103	17	connection with the second claim, what's referred	connection with the second clean-up, what's referred
2	104	2	A No. They have the ability to make a	A No. They had the ability to make a
2	105	8	which is stipulated and admitted.	which is stipulated and admitted?
2	109	4	Q Is it fair to say that the generator	Q Is it fair to say that the generator should
2	109	9	question of how much the sample lies?	question of how much to sample lies?
2	114	1	from the original calculator proposed penalty to	from the original calculated proposed penalty to
2	116	22	a complainant viewed the potential for harm for	complainant viewed the potential for harm for
2	117	9	BMW's flatbed truck being loaded from the site of	B&W's flatbed truck being loaded from the site of
2	117	21	human health and the environment for county two?	human health and the environment for count two?
2	119	17	those fundamental requirement of the RCRA program	those fundamental requirements of the RCRA program
2	120	2	of his hazardous waste, so it was a complete	of this hazardous waste, so it was a complete
2	120	3	deviation of the requirement and determined to be	deviation from the requirement and determined to be
2	122	4	actually given in the title of penalty policy as	actually given in the RCRA penalty policy as
2	123	6	which box in the penalty matrix cell to direct	which box in the penalty matrix cell to derive
2	126	8	okay. (Simultaneous speaking.) It's 36,307	okay. (Simultaneous speaking.) It's 36,207
2	126	17	shipping papers that were on the truck with bill	shipping papers that were on the truck with the bill
2	127	13	period without getting an EPA permit.	period without getting a RCRA permit.
2	129	17	Universal (audio interference) primer?	Universal urethane yellow primer?
2	129	21	There's O, can you stop? The safe	There's -- oh, can you stop? The safe
2	130	10	recollect in the SDS O?	recollect in the SDS?
2	131	12	actual harm, evidence of actual harm. However,	no actual harm, no evidence of actual harm. However,
2	132	19	noncompliance, so I apologize every time I say's	noncompliance, so I apologize every time I say it's
2	132	21	are all form the very basis of the RCRA program.	all form the very basis of the RCRA program.
2	133	15	A A standard deviation was determined to	A Extent of deviation was determined to
2	133	19	Department of Environmental Equality. Neither	Department of Environmental Quality. Neither
2	134	4	because, again, the penalty policy for transport	because, again, the penalty policy prescribes

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2	134	7	because of Prime's integral cooperation with	because of Prime's general cooperation with
2	134	8	EPA's DID and because the waste was eventually	EPA's CID and because the waste was eventually
2	135	17	would be fine. Also, the per account table is	would be fine. Also, the per count table is
2	135	19	Oh right, the per account table, so	Oh right, the per count table, so
2	136	18	matrix cell, which was 16,776 dollars.	matrix cell, which was 16,767 dollars.
2	137	7	major potential for harm, major extended	major potential for harm, major extent of
2	137	10	In this case, it was a module potential for harm,	In this case, it was a moderate potential for harm,
2	137	11	major extended deviation in which the penalty	major extent of deviation in which the penalty
2	137	17	So, that heavy effect of changing the	So, that had the effect of changing the
2	138	2	but we decided to not use that discretion to	but we decided to use discretion and not
2	138	8	gravity, we used the moderate major cell of the	gravity, we used the moderate/major cell of the
2	138	15	in the penalty matrix that was applied reflected	in the penalty matrix that was applied, reflected,
2	138	17	So, that heavy effect of changing the	So, that has the effect of changing the
2	138	22	multi-day penalty cell for moderate major, I	multi-day penalty cell for moderate/major, I
2	139	1	believe, was up to like 3,383 dollars.	believe, was up to like 3,883 dollars
2	139	2	(Simultaneous speaking.) The point is the center	(Simultaneous speaking). The point in the center
2	139	6	assessed as under the gravity penalty matrix and	assessed under the gravity penalty matrix and
2	139	7	then remaining 179 days are under the continuing	then the remaining 179 days are under the continuing
2	154	1	I do know that when CAD arrived on	I do know that when CID arrived on
2	154	3	there was a tarp over the burn drums on the	there was a tarp over the burned drums on the
2	154	7	please briefly describe count for?	please briefly describe count four?
2	158	3	considered if the drums were full of waste at the	consider if the drums were full of waste at the
2	159	21	stored on the burn trailer for almost a year.	stored on the burned trailer for almost a year.
2	160	10	that we had sought when EPA originally calculated	that we had thought when EPA originally calculated
2	160	11	the penalty. So, we wanted to represent certain	the penalty. So, we wanted to be certain about
2	161	6	of the drums, the fact that they were opened	of the drums, the fact that they were open
2	163	14	and that's all exhibited.	at the facility.
2	165	9	in any of these reports that the drums were	it's in any of these reports that the drums were
2	169	9	EASE is a nationally consistent dataset to	it uses a nationally consistent dataset to
2	170	19	demographic in environmental indicators. It	demographic and environmental indicators. It
2	171	18	percentile compared to the state EPA regions and	percentile compared to the state, EPA regions and
2	172	12	that industrial facility on a daily basis. And	those industrial facilities on a daily basis. And
2	173	20	Because it met the storage requirement	Because it didn't meet the storage requirements
2	173	21	permit in this case, as we discussed, the	in this case, as we discussed, the
2	173	22	definition for a major extended deviation would	definition for a major extent of deviation

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2	174	4	major extended deviation.	major extent of deviation.
2	174	9	potential for harm, and extended deviation, the	potential for harm, and extent of deviation, the
2	174	20	treatment diversion facility.	treatment, storage and disposal facility.
2	175	15	Q Please describe the Claimant's	Q Please describe Complainant's
2	176	6	this document -- when this kind of penalty was	this document -- when this proposed penalty was
2	176	15	Please describe the Claimant's	Please describe the Complainant's
2	178	7	drums would have been hazardous material if not a	drums would have been hazardous material if not
2	178	12	discussed in Count 1, added to a ten percent	discussed in Count 1, added a ten percent
2	181	21	into the plan. And so those factors don't really	into compliance. And so those factors don't really
2	182	1	violation. You know, they came back into the	violation. You know, they came back into compliance,
2	182	2	plan, but everybody said that's expected after	but as I said that's expected after
2	182	6	knowing, violate or not knowing the right	knowing, violating or not knowing the right
2	183	11	stage environmental agency, that there are	state environmental agency, that there are
2	186	10	harm and extended deviation to determine the cell	harm and extent of deviation to determine the cell
2	186	11	and matrix, penalty matrix for which you derive	in the matrix, penalty matrix from which you derive
2	186	17	all of the pre-sentencing information. So	all of the pre-hearing information. So
2	186	22	was eventually disposed of as hazardous at a TSC.	was eventually disposed of as hazardous at a TSD.
2	188	10	efforts to comply as an adjustment factor for	efforts to comply as an adjustment factor. For
2	188	11	willfulness and negligence. Again, a ten percent	willfulness and negligence, again, a ten percent
2	189	17	A I have notice that it was determined	A It was determined
2	190	18	general penalty policy to, as I said, take into	civil penalty policy to, as I said, take into
2	190	19	account the number of factors, cases that have	account a number of factors, case-specific
2	191	17	factor for one of the counts when could have	factor for one of the counts when we could have
2	192	2	rather than the statutory maximum for Counts 3 to	rather than the statutory maximum. For Counts 3 to
2	192	3	5. So that automatically reduces the potential	5, that automatically reduces the potential
2	192	12	November 2nd, 2013, cut off.	November 2nd, 2015, cut off.
2	193	19	manage --- have their space along that cradle to	manage --- have their place along that cradle to
2	194	9	been managed at that location, but was location	been managed at that location, because it's location
2	200	15	was not included in our initial ruling, because	was not included in our initial filing, because
2	204	9	Your Honor. Thank you, the testimony is	Your Honor. Thank you, the testimony is,
2	204	10	1:12:03. The fact is, is that what we were	the fact is, is that what we were
2	205	15	to testimony today, or he is citing to the plea	to testimony today, or he is citing to the pleading?
2	205	16	agreement?	[Deletion only. Suggested edit in line 15.]
2	210	2	Yes, I did so from a different	Yes, I looked at the different
2	210	3	exhibit.	exhibits.

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2	212	7	1:19:51?	[delete]
2	215	8	1:22:55	[delete]
2	217	19	published that reflected the evidence for	published that reflected the adjustment for
2	219	3	penalty policy and give that to any informants as	penalty policy and give that to any respondent as
2	223	22	specific information. Not so they're based on	specific information. So they're based on
2	228	17	negligence?	negligence.
2	229	6	A Based on cases and the information.	A Based on case specific information.
2	235	18	probability exposure would be a concerning to	probability of exposure would be a concern,
2	235	19	like open germ volatizing that people are	like an open drum volatizing that people are
2	236	9	as I said, the potential -- the probability or	as I said, the potential -- the probability of
2	238	6	probability to the exposure because that's what	probability of exposure because that's what
2	239	7	accounts are about when the drums were stored in	counts are about when the drums were stored in
2	243	4	There's so many other circumstances that depends	There's so many other circumstances that it depends
2	243	5	on it.	on.
2	244	19	the \$202,295 figure times 179 days for -- as the	the \$2,295 figure times 179 days for -- as the
2	245	6	low point is \$706 and they high point is \$3,383.	low point is \$706 and the high point is \$3,883.
2	245	16	So as a matter of math, you used the	So as a matter of math, if you used the
2	247	5	matrix standard deviation penalty matrix cell.	major extent of deviation penalty matrix cell.
2	249	2	for minor that would be \$618 times 139, according	for minor that would be \$618 times 179, according
2	258	21	in place of 101,439,000. Do you see that?	in place of 101,439. Do you see that?
2	283	6	and then we negotiate there based on the	and then we negotiate that based on the
2	289	5	A I don't have the basis as a standard.	A I don't have the basis to answer that.
2	290	7	analysis which is enshrined in Exhibit CS4	analysis which is enshrined in Exhibit CX4
2	291	2	A God, sorry. Basically good faith	A Got it, sorry. Basically good faith
2	304	4	JUDGE COUGHLIN: Ms. Tibbett, is the	JUDGE COUGHLIN: Ms. Tribbett, is the
2	310	8	and the majorness for mediation, the penalty	and a major extent of deviation, the penalty
2	315	2	unlikely, we now rest.	which is unlikely, we now rest.
2	350	16	A It's to Loads upon Trucking.	A It's Loads of Fun Trucking.
3	23	18	Yes. And do you know Darren	Yes. And do you know Darin
3	23	20	I know Darren Mugleston.	I know Darin Mugleston.
3	108	16	narrative is what Darren caught me on, and I	narrative is what Darin caught me on, and I
3	109	2	And by Darren, who did you understand	And by Darin, who did you understand
3	133	12	me ask it this way, is Quarter White, Quarter	me ask it this way, is Corder White, Corder
3	133	12	me ask it this way, is Quarter White, Quarter	me ask it this way, is Corder White, Corder
3	133	14	understand to be involved with the Mr. Quarter	understand to be involved with the Mr. Corder
3	133	20	involved in recommending Quarter White to assist	involved in recommending Corder White to assist
3	134	1	entity that recommended Quarter White to	entity that recommended Corder White to
3	134	4	Quarter or they claimed, maybe mistakenly, I'm	Corder or they claimed, maybe mistakenly, I'm
3	134	5	not sure, if the Quarter has a hazardous waste	not sure, if the Corder has a hazardous waste
3	134	8	Vaughn was referring to Quarter White Excavation,	Vaughn was referring to Corder White Excavation,

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3	134	9	or he was referring to Quarter, Inc., which is	or he was referring to Corder, Inc., which is
3	134	15	of the entities, Quarter Trucking, was a	of the entities, Corder Trucking, was a
3	134	22	in recommending Quarter White?	in recommending Corder White?
3	135	22	Quarter White Excavation to PES in connection	Corder White Excavation to PES in connection
3	141	7	2, and we now have the date, January 2, 2021.	22, and we now have the date, January 22, 2021
3	147	14	driver for D&W Wrecker, who was stationed in	driver for B&W Wrecker, who was stationed in
3	201	14	course, is that we've explained that we gave him	course, is that we've explained that we gave them
3	206	6	Reddinger, is it? Reddinger? Reddinger. And	Riedinger [for all]
3	206	7	did you interview Mr. Reddinger?	Riedinger
3	211	13	Q Is it fair to say that it's almost	Q Is it fair to say that at almost
3	212	7	Reddinger advising RRT 4 is on scene, and there's	Riedinger advising RRT 4 is on scene, and there's
3	212	8	no actively at 6:25 a.m.	no active leak at 6:25 a.m.
3	236	11	Quarter has any expertise in RCRA sampling, to	Corder has any expertise in RCRA sampling, to
3	237	21	DES. They're a cleanup and other resource	PES. They're a cleanup and other resource
3	244	2	MR. O'NEILL: Mr. Mogelson's report	MR. O'NEILL: Mr. Mugleston's report
3	245	5	Mogelson that. I don't recall notating that in	Mugleston that. I don't recall notating that in
3	255	10	And on October 1st, Prime hires Bud	And on October 1st, Prime hires Brett's
3	256	13	Straiter at Premium Environmental?	Strader at Premium Environmental?
3	263	5	Quarter was, watched the sampling event and	Corder was, watched the sampling event and
3	263	5	Quarter was, watched the sampling event and	Corder was, watched the sampling event and
3	263	11	Quarter has any expertise in RCRA sampling, to	Corder has any expertise in RCRA sampling, to
3	265	5	Prime's contract at Premium told IDQ that it was	Prime's contractor Premium told IDEQ that it was
3	266	22	description of them not leveeing, would this,	description of them not BLEVEing, would this,
3	267	7	blows the bun covers off?	blows the bung covers off?
3	267	9	blows the bun covers off?	blows the bung covers off?
3	267	13	levying up to a point?	BLEVEing, up to a point?
3	270	2	Olheim works in Road Assist, correct? Worked in	Oheim works in Road Assist, correct? Worked in
3	270	4	MR. O'NEILL: Olheim is in Road Assist,	MR. O'NEILL: Oheim is in Road Assist,
3	270	6	MR. FIGUR: And, that Mr. Olheim didn't	MR. FIGUR: And, that Mr. Oheim didn't
3	270	12	load, when Mr. Olheim was talking about, or was	load, when Mr. Oheim was talking about, or was
3	270	13	doing his work, when Mr. Olheim was doing his	doing his work, when Mr. Oheim was doing his
3	279	9	Mogelson's IAR.	Mugleston's IAR.
3	286	6	So when Mr. Derek represents to the	So when Mr. Derrick represents to the
3	287	8	understand from Mr. Mogelson's interview that	understand from Mr. Mugleston's interview that
3	335	7	the local authorities called them, or our load	the local authorities called them, or our road
3	349	12	look at the communiques, or the emails that have	look at the communications, or the emails that have
3	363	21	Mondelston, that he got called by Prime's	Mugleston, that he got called by Prime's

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3	366	14	we hall, and what maybe our preferred freight is	we haul, and what maybe our preferred freight is
3	368	20	Lieman who operates PPG's yard estimates that	Lehman who operates PPG's yard estimates that
4	17	5	MS. RODGERS: Thank you.	MS. JACKSON: Thank you.
4	53	2	MEMBER LEWIS: Good morning, Mr.	MS. JACKSON: Good morning, Mr.
4	53	16	THE WITNESS: I will be referring to	MS. JACKSON: I will be referring to
4	58	14	report written by Darren Levelston (phonetic) on	report written by Darin Mugleston on
4	62	8	A And you said the construction company	Q And you said the construction company
4	81	18	Q Do you see the drum in the trailer in	Q Do you see the drums in the trailer in
4	82	17	of around? You said that you see the drum's	of around? You said that you see the drums
4	82	18	there, do you see the dirt around the drum in the	there, do you see the dirt around the drums in the
4	89	5	take them. Well, do you want to nab folders	take them. Well, do you want to grab photos
4	89	7	MR. RYAN: Yes. Can we just nab the	MR. RYAN: Yes. Can we just grab the
4	89	8	folders real quick, Your Honor?	photos real quick, Your Honor?
4	103	21	understood that trailer was part or the entirety	understood that trailer wascovered part or the entirety
4	104	17	I looked at the NDIC report.	I looked at the NEIC report.
4	105	8	of course, of Dr. Keteles and Dr. Mueller.	of course, of Dr. Keteles and Dr. Miller.
4	112	22	Uh-huh. In the NDIC's report they	Uh-huh. In the NEIC's report they
4	123	17	paint was characterized in the NDIC report as a	paint was characterized in the NEIC report as a
4	124	19	water wastes nearby. But, again, I don't see	waterways nearby. But, again, I don't see
4	124	21	Q The lack of water waste nearby, where	Q The lack of waterways nearby, where
4	127	19	And looking at NDIC's report, there	And looking at NEIC's report, there
4	130	4	ignition force was present.	ignition source was present.
4	137	9	MS. JACKSON: I kind of renew my	MS. JACKSON: I renew my
4	139	11	MR. RYAN: Yes, can we pull up CM-66,	MR. RYAN: Yes, can we pull up CX-66,
4	156	15	grass. It's not actual temperature data. It's	graph . It's not actual temperature data. It's
4	172	7	being heated to hundreds of thousands of degrees.	being heated to hundreds or thousands of degrees.
4	173	2	SDS indicates that the primer could product	SDS indicates that the primer could produce
4	186	7	haven't deferred with counsel so --	haven't conferred with counsel so --
4	189	4	Kristin	Kristen
4	189	14	Kristin	Kristen
4	190	9	research and public that research.	research and publish that research.
4	191	9	Enforcement Investigation Center, NEIC.	Enforcement Investigations Center, NEIC.
4	193	9	toxicity chemical and use that information to	toxicity of chemicals and use that information to
4	194	19	pesticides cause nervous system effects. And	pesticides that cause nervous system effects. And
4	194	22	metals and assess risk from metals and some of	metals and assessed risk from metals and some of
4	195	2	lead would be neurological effects.	of lead would be neurological effects.
4	203	5	MS. JACKSON: Okay. So, basically,	JUDGE COUGHLIN: Okay. So, basically,

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4	207	15	at risk for being bit. Unless that rattlesnake	not at risk for being bit. Unless that rattlesnake
4	207	16	or locked away, you are still at risk for getting	is locked away, you are still at risk for getting
4	210	4	you're going to actually, you're going to change	you're going to actually change
4	215	18	actually knew what the exposure levels would be	actually know what the exposure levels would be
4	216	11	with Dr. Walker's opinion that he chemical	with Dr. Walker's opinion that the chemical
4	222	6	It's probably going to fluff off and form this	It's probably going to sluff off and form this
4	227	7	the facility and a low-density population or	the facility in a low-density population or
4	227	13	risk. And just for an example, for my work	risk. And just for an example, from my work
4	227	19	coming across it are probably low, like other	coming across it are probably low, like
4	227	20	than a backpacker or forest ranger, we still	a backpacker or forest ranger, we still
4	228	6	Again, just with ecological receptors,	Again, with ecological receptors,
4	228	12	lizard, they would still be considered receptors	lizards, they would still be considered receptors
4	229	3	the potential for fire, took, they could catch	the potential for fire too, they could catch
4	238	8	It's hard to say without contact, to	It's hard to say without context, to
4	239	4	the CMB Report.	the CID Report
4	244	21	incorrect. It would be at 20 feet. Those vapors	incorrect. It would not be at 20 feet. Those vapors
4	245	9	The wind might disburse them. But, it	The wind might disperse them. But, it
4	245	10	would disburse them, you know, at the ground	would disperse them, you know, at the ground
4	245	13	supposed. I'm not a meteorologist.	suppose. I'm not a meteorologist.