

**BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

EDWARD AND THERESA WASHINES,  
DA STOR AT LILLIE'S CORNER

Wapato, Washington

Respondents.

**DOCKET NO. RCRA-10-2014-0100**

**COMPLAINANT'S MOTION TO  
CONFORM THE TRANSCRIPT**

**COMPLAINANT'S MOTION TO CONFORM THE TRANSCRIPT**

Pursuant to Rules 22.16 and 22.25 of the Consolidated Rules of Practice and the Presiding Officer's Order dated April 21, 2015, Complainant respectfully moves to conform the transcript of the hearing in this matter to the actual testimony presented at the hearing, by accepting and adopting the corrections listed in Exhibit 1.

In further support of this Motion, Complainant states the following:

1. Rule 22.25 of the Consolidated Rules of Practice 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 C.F.R. § 22.25.

2. The hearing in this matter was held on April 7, 2015.

3. The transcript in this matter consists of 209 pages of testimony.

4. The transcript contains typographical and transcription errors.

5. Complainant received an electronic copy of the transcript, as sent by Ms. Angeles of the Office of Administrative Law Judges on April 21, 2015.

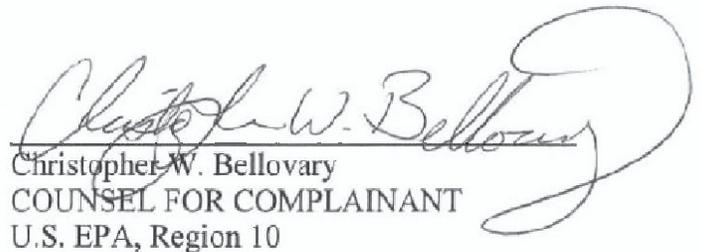
6. Attached is a table listing by page and line the corrections to the transcript that will conform the transcript to the actual testimony presented at hearing. Complainant believes that making these corrections is necessary to ensure the transcript is accurate.

7. This Joint Motion is filed timely, in accordance with 40 C.F.R. § 22.25 and the Presiding Officer's Order dated April 21, 2015.

Prior to filing this Motion, the undersigned Complainant's Counsel discussed the request to conform the transcript with the opposing party; Respondents' Counsel does not oppose the Motion. As this Joint Motion is timely and as good cause exists, Complainant respectfully moves 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 exhibit.

Complainant's Counsel may be contacted by phone at (206) 553-2723, by email at [bellovary.chris@epa.gov](mailto:bellovary.chris@epa.gov), or by mail at Christopher W. Bellovary, EPA Region 10, 1200 Sixth Avenue, Suite 900, Mail Stop ORC-158, Seattle, Washington 98101.

Respectfully submitted this 18<sup>th</sup> day of May, 2015.

  
Christopher W. Bellovary  
COUNSEL FOR COMPLAINANT  
U.S. EPA, Region 10

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**COMPLAINANT'S MOTION TO  
CONFORM THE TRANSCRIPT –  
EXHIBIT 1**

**EXHIBIT 1**

*Errata of Transcript dated April 7, 2015  
Opening Statements*

<b>Page<sup>1</sup></b>	<b>Line</b>	<b>Existing Text</b>	<b>Conforming Text</b>
16	22	280.41(B)(1)(i)	280.41(b)(1)(i)
16	23	280.44(A) through (B)	280.44(a) through (b)
18	6	280.41(B)(1)(i)	280.41(b)(1)(i)
18	7	280.44(A) through (B)	280.44(a) through (b)

*Errata of Transcript dated April 7, 2015  
Witness: Charlotte Boulind Yeung*

<b>Page</b>	<b>Line(s)</b>	<b>Existing Text</b>	<b>Conforming Text</b>
35	3	out a lot in	out at a lot of
37	3	anode, the	anode. The
37	5	whatever it's there	whatever is there
41	17	owner	owners
43	25	which is and a lot of	which is – a lot of
51	2	discuss	discussed

<sup>1</sup> Page references in this Exhibit are to the written transcript, as shown in the upper right hand corner of the page.

Page	Line(s)	Existing Text	Conforming Text
51	19	ecology	Ecology
58	16	bleeding out	leading out
59	23	that the left	that it left
61	23	it, at the turbine end at	it at the turbine end, at
64	17	list, the	list to the
66	4	ameron	Ameron
66	23	a anode	an anode
78	15	is	it's
79	19	cath	cath-
84	23-24	past statute	past the statute
84	25	facility that	facility. That
99	6	in	it
106	24	metal	middle

*Errata of Transcript dated April 7, 2015*  
*Witness: Katherine Griffith*

Page	Line	Existing Text	Conforming Text
118	18	I'm a environmental	I'm an environmental
120	2	tanks have	tank cases have
121	16	It's a inspection form	It's an inspection form
121	17	This	Is this
132	16	U.S.C. regulations	UST regulations
137	14	At this time	At that time
142	5	it comprised	is comprised
143	16	potentially or that did have	potentially did have
145	7	matrix	Matrix
145	8	values for selected violations	Values for Selected Violations
145	12	28020(B)(2)	280.20(b)(2)
148	2	31(A),	31(a),
153	8	whether it be notice	whether it has been a notice
156	18	280.44(A),	280.44(a),
167	1	page 406,	page 4 of 6,

<b>Page</b>	<b>Line</b>	<b>Existing Text</b>	<b>Conforming Text</b>
168	16	280.20(B)(2),	280.20(b)(2),
169	16	280.20(B)(2).	280.20(b)(2).
169	19	2(B)	(2)(b) <sup>2</sup>
169	20	So (B)	So, (b)
170	3	2(B)(ii)	(2)(b)(ii) <sup>3</sup>
170	16	280.20(B)(2).	280.20(b)(2).
174	16	(B)(2).	(b)(2).
174	17	(B)(2),	(b)(2),
180	7	Sub (A)	Sub (a)
180	13	Sub (B)	Sub (b)
180	15	(B)?	(b)?
180	17	(B)	(b)
209	18	(A).	(a).

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<sup>2</sup> Errata: The correct reference is (b)(2).

<sup>3</sup> Errata: The correct reference is (b)(2)(ii).