

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

IN THE MATTER OF:

New Prime, Inc.
3720 West 800 South
Salt Lake City, Utah

Respondent.

Docket No. RCRA-08-2020-0007

**COMPLAINANT'S MOTION FOR ACCELERATED DECISION
ON LIABILITY AND PENALTY**

The undersigned counsel for the United States Environmental Protection Agency (EPA), Director of the Enforcement and Compliance Assurance Division Region 8 (Complainant), pursuant to sections 22.16(a) and 22.20(a) of the Consolidated Rules of Practice (40 C.F.R. Part 22) and the Prehearing Order of the Presiding Officer in this matter dated November 2, 2020, respectfully requests that the Presiding Officer find Respondent New Prime, Inc., liable for each of the five allegations of violation (Counts 1 through 5) in the Complaint. Complainant also requests that the Presiding Officer assess the penalty proposed by Complainant for each of the five allegations of violation (Counts 1 through 5) in the Complaint for which a finding of liability is made.

Complainant's Motion for Partial Accelerated Decision of Liability and Penalty is based on the attached Memorandum in Support of Complainant's Motion for Partial of Accelerated Decision on Liability and Penalty and the record on file in this proceeding.

The undersigned counsel for Complainant discussed the Motion with Counsel for Respondent on February 18, 2021. Counsel for Respondent stated that Respondent will oppose this Motion.

Dated: February 22, 2021

Respectfully Submitted,

Laurianne Jackson
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency,
Region 8

Of counsel:

Charles Figur
Senior Assistant Regional Counsel
Environmental Protection Agency Region 8

CERTIFICATE OF SERVICE

The undersigned certifies that on February 22, 2021, I filed electronically the foregoing **COMPLAINANT'S MOTION FOR ACCELERATED DECISION ON LIABILITY** with the Clerk of the Office of Administrative Law Judges using the OALJ E-Filing System and sent by electronic mail to Mark Ryan, attorney for Respondent, at mr@ryankuehler.com and Scott McKay, attorney for Respondent, at smckay@nbmlaw.com.

Date

By: /s/ Kate Tribbett
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