



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of:)
New Prime, Inc.,) Docket No. RCRA-08-2020-0007
Respondent.)

ORDER ON MOTIONS TO CONFORM TRANSCRIPT TO ACTUAL TESTIMONY

The evidentiary hearing in this matter concluded on Thursday, October 27, 2022. The parties were provided the transcripts on November 9, 2022. Pursuant to 40 C.F.R. § 22.25, on December 9, 2022, Complainant U.S. Environmental Protection Agency, Region 8, and Respondent New Prime, Inc., each submitted an individual Motion to Conform Transcript to Actual Testimony. Any Response to the Motions was due December 27, 2022. None was received.

Respondent’s Motion suggests corrections to Volumes 1, 2, and 4. Moreover, Respondent submits a signed list of suggested corrections compiled by one of its witnesses after his review of his testimony in Volume 3.

Complainant’s Motion includes a 12-page Attachment with suggested corrections to all four Volumes.

The parties are commended for their careful examination of the transcript. The suggested changes by Complainant and Respondent are adopted, with the following exceptions:

Respondent suggests that at Vol. 3, 32:15, “office” be changed to “off-spec.” The preceding word “if” shall be changed to “it” as well.

Respondent suggests changes to lines 5 and 11 of Vol. 3, page 265. This page reference should be 263.

The statement that “Testimony [of the witness who submitted suggested corrections] stopped in the middle of [Vol.3,] Page 268, line 6” should instead reference Page 288.

Respondent suggests that at Vol. 4, 111:8, “toxin” be changed to “toxicant.” Based on context, it shall be changed to “toxicants.”

Respondent suggests that at Vol. 4, 117:17-18, “irritations” be changed to “irritants.” Only the reference on line 17 shall be changed to “irritants”; the use of “irritation” on line 18 is correct.

Complainant suggests a change to line 18 of Vol. 1, page 17. This page reference should be 18.

Complainant suggests that at Vol. 1, 18:16, “the SDS from IDQ” be changed to “the SDS from IEDQ.” This shall be changed to “the SDS from IDEQ.”

Complainant suggests that at Vol. 1, 34:13, “MR. FIGUR” be changed to “MR. MCKAY.” This change shall also be applied to Vol. 1, 34:17.

There is no proposed change to Vol. 1, 138:6. No alteration shall be made.

Complainant suggests that at Vol. 1, 153:10, “IKD employees” be changed to “IDT employees.” This shall be changed to “ITD employees.”

There is no proposed change to Vol. 1, 203:6. No alteration shall be made.

The spelling of Ms. Tribbett’s name shall be corrected along with Complainant’s suggested change at Vol. 1, 244:8.

To avoid confusion, I am noting that Vol. 2, 13:14-15 shall be changed to read “Dr. Keteles’s expert report is Complainant’s Exhibit 66.”

Complainant suggests a change to line 1 of Vol. 2, page 80. This line reference should be 3.

Complainant suggests a change to line 17 of Vol. 2, page 137. This page reference should be 138.

The period at the end of the sentence at Vol. 2, 139:1, shall remain.

The word “would” at Vol. 2, 173:22, shall remain.

At Vol. 3, 206:6-7, the spelling of “Riedinger” shall be corrected, but the rest of the text shall be unchanged.

Complainant suggests a change to line 11 of Vol. 3, page 236. This page reference should be 263.

Complainant suggests a change to line 7 of Vol. 3, page 267. This line reference should be 9.

Complainant suggests a change to line 7 of Vol. 3, page 335. This line reference should be 6.

Complainant suggests that at Vol. 4, 62:8, “A” be changed to “Q.” The subsequent references to “Q” and “A” on that page shall be swapped as well.

Complainant suggests that at Vol. 4, 156:15, “grass” be changed to “graph.” In context, the correction shall be “a graph.”

Complainant suggests that at Vol. 4, 203:5, “MS. JACKSON” be changed to “JUDGE COUGHLIN.” This change shall also apply to Vol. 4, 203:3.


Complainant suggests that at Vol. 4, 228:12, “lizard” be changed to “lizards.” This would cause grammatical disagreement with the end of the previous line. This change shall not be adopted.

The punctuation at Vol. 4, 239:4 shall remain.

Each party suggests a correction for Vol. 2, 212:6-7. I do not recall testimony about a “July 19 NEIC Inspection,” Respondent’s suggested correction. Complainant’s suggested correction shall be adopted.

Each party suggests a correction for Vol. 4, 103:21. Respondent’s suggestion is in agreement with my recollection of the testimony, so Respondent’s suggested correction shall be adopted.

SO ORDERED.


Christine Donelian Coughlin
Administrative Law Judge

Dated: December 30, 2022
Washington, D.C.

In the Matter of *New Prime, Inc.*, Respondent.
Docket No. RCRA-08-2020-0007

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Motions to Conform Transcript to Actual Testimony**, dated December 30, 2022, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.


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Dated: December 30, 2022
Washington, D.C.