



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

C-14J

June 28, 2011

The Honorable Barbara A. Gunning
United States Administrative Law Judge
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mailcode 1900L
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

**RE: In the Matter of Mercury Vapor Processing Technologies Inc., a/k/a/
River Shannon Recycling and Laurence C. Kelly
Docket No. RCRA-05-2010-0015**

Dear Judge Gunning:

Please find enclosed a copy of the Joint Stipulated Facts and Exhibits that was filed today in the above-captioned matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jeffrey A. Cahn", with a long horizontal line extending to the right.

Jeffrey A. Cahn
Associate Regional Counsel

Enclosure

cc: Mr. Laurence Kelly

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)
)
Mercury Vapor Processing) DOCKET NO. RCRA-05-2010-0015
Technologies Inc., a/k/a/ River Shannon)
Recycling)
13605 S. Halsted)
Riverdale, Illinois 60827)
U.S. EPA ID No.: ILD005234141, and)
)
Laurence Kelly)
)
Respondents.)
_____)

2011 JUN 28 AM 10:51
REGIONAL HEARING CLERK
U.S. EPA REGION 5

CERTIFICATE OF FILING AND SERVICE

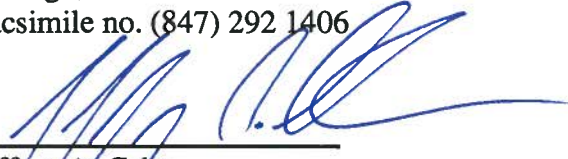
I hereby certify that today I filed personally with the Region 5 Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard (E-19J), Chicago, Illinois, 60604-3590, the original and one copy of the document entitled Joint Stipulated Facts and Exhibits, and that I caused to be served copies of the original documents as follows:

VIA POUCH MAIL:

Honorable Barbara Gunning
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Facsimile no. (202) 565 0044

VIA U.S. MAIL, FIRST CLASS POSTAGE PREPAID:

Mr. Larry Kelly
Mercury Vapor Processing Technologies, Inc.
7144 North Harlem Avenue
Suite 303
Chicago, Illinois 60631
Facsimile no. (847) 292 1406



Jeffrey A. Cahn
Associate Regional Counsel
Office of Regional Counsel
U.S. EPA
77 West Jackson Blvd.
Chicago, Il. 60604

Date: June 28, 2011

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

IN THE MATTER OF:)
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JOINT STIPULATED FACTS AND EXHIBITS

The parties in this matter stipulate to the following facts and exhibits:

I. STIPULATED FACTS

1. Mercury Vapor Processing Technologies, Inc. was a corporation organized under the laws of Illinois.
2. Mr. Laurence Kelly is a person residing in the State of Illinois.
3. Mr. Laurence Kelly was the Vice President of Mercury Vapor Processing Technologies, Inc.
4. Mr. Laurence Kelly had day-to-day responsibility for managing spent fluorescent lamps at the property at 13605 S. Halsted St., Riverdale, Illinois.
5. River Shannon Recycling was an assumed name of Mercury Vapor Processing Technologies, Inc.
6. River Shannon Recycling occupied the property located at 13605 S. Halsted Street in Riverdale, Illinois.
7. From time to time SLR Technologies' equipment, managed by Laurence Kelly, arrived at the property at 13605 S. Halsted St. in Riverdale, Illinois, mobilized and engaged in volume reduction of spent fluorescent lamps.
8. During the month of November 2007, River Shannon Recycling Technologies

maintained a site on the internet advertising services for recycling spent fluorescent lamps.

9. Spent Lamp Recycling Technologies, Inc. was dissolved by the State of Illinois in September 2003.
10. Information on the following EPA website has a chart that indicates whether a state has adopted and been authorized for the universal waste rule. The chart on the website provides a link to 35 IAC 733, Illinois' Universal Waste Rule and indicates that Illinois has adopted and has not been authorized for the universal waste rule.
<http://www.epa.gov/wastes/hazard/wastetypes/universal/statespf.htm>.
11. Four of the twelve waste samples of fluorescent lamps that EPA took from the property at 13605 S. Halsted St. in Riverdale, Illinois on November 14, 2007, yielded reported mercury concentrations in their Toxicity Characteristic Leaching Procedure (TCLP) extracts of 290 ug/L, 220 ug/L, 200 ug/L, and 260 ug/L (0.290 mg/L, 0.220 mg/L, 0.200 mg/L, and 0.260 mg/L, respectively) which are at or above the regulatory limit for mercury of 0.2 mg/L.
12. 40 C.F.R. Part 262 is titled STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE.
13. 40 C.F.R. Part 263 is titled STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE.
14. 40 C.F.R. Part 264 is titled STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES.
15. 40 C.F.R. Part 265 is titled INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES.
16. 40 C.F.R. Part 266 is titled STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES.
17. 40 C.F.R. Part 267 is titled STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES OPERATING UNDER A STANDARDIZED PERMIT.
18. 40 C.F.R. Part 268 is titled LAND DISPOSAL RESTRICTIONS.
19. 40 C.F.R. Part 270 is titled EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM.

20. 40 C.F.R. Part 273 is titled STANDARDS FOR UNIVERSAL WASTE MANAGEMENT.
21. 40 C.F.R. § 261.9 is titled "Requirements for Universal Waste" and states the following:

The wastes listed in this section are exempt from regulation under parts 262 through 270 of this chapter except as specified in part 273 of this chapter and, therefore are not fully regulated as hazardous waste. The wastes listed in this section are subject to regulation under 40 C.F.R. Part 273:

 - (a) Batteries as described in 40 C.F.R. 273.2;
 - (b) Pesticides as described in § 273.3 of this chapter;
 - (c) Mercury-containing equipment as described in § 273.4 of this chapter; and
 - (d) Lamps as described in §273.5 of this chapter.
22. 35 IAC 702 is titled RCRA and UIC Permit Programs.
23. 35 IAC 703 is titled RCRA Permit Program.
24. 35 IAC 722 is titled Standards Applicable to Generators of Hazardous Waste.
25. 35 IAC 723 is titled Standards Applicable to Transporters of Hazardous Waste.
26. 35 IAC 724 is titled Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.
27. 35 IAC 725 is titled Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.
28. 35 IAC 726 is titled Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities.
29. 35 IAC 728 is titled Land Disposal Restrictions.
30. 35 IAC 733 is titled Standards for Universal Waste Management.
31. State of Illinois has published rules regarding Universal Waste at 35 IAC 733.
32. The USEPA pulled samples of Whole Lamps on November 14, 2007 from River Shannon Recycling's location at 13605 S. Halsted St. in Riverdale, Illinois.
33. The USEPA provides guidance information on Universal Waste on their website.
34. Guidance at the following USEPA website provides a list of state-specific Universal Waste Regulations.
<http://www.epa.gov/wastes/hazard/wastetypes/universal/statespf.htm>.

35. Guidance at the following USEPA website provides a link to Illinois published Universal Waste Regulations found at 35 IAC 733.
<http://www.epa.gov/wastes/hazard/wastetypes/universal/statespt.htm>.

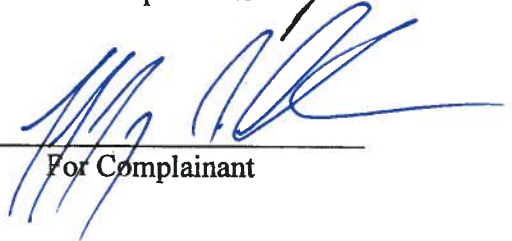
II. STIPULATED EXHIBITS

36. The attached U.S. EPA Media Advisory dated 11/1/07 is a true and accurate document authored and published by the U.S. EPA.
37. The attached U.S. EPA News Release dated 11/6/07 is a true and accurate document authored and published by the U.S. EPA.

Dated: 6-27-11

Signature 
For Respondents

Dated: 6/28/2011

Signature 
For Complainant



**Newsroom
2007 News Releases**

MEDIA ADVISORY: EPA inspectors find no urgent threat to public health at River Shannon Recycling in Riverdale, Ill.

Release date: 11/01/2007

Contact Information: Anne Rowan, 312- 353-9391, rowan.anne@epa.gov

FOR IMMEDIATE RELEASE
07-OPA 202

(Chicago - Oct. 31, 2007)-Following an inspection yesterday at River Shannon Recycling in Riverdale, Ill., EPA's four-person team has concluded that there are not elevated levels of mercury in the air beyond the facility.

A story in Monday's Chicago Tribune alerted EPA to possible public health and environmental compliance issues at River Shannon, a treatment and recycling operation.

While EPA inspectors found no evidence that River Shannon poses a current public health threat from mercury emissions, EPA is continuing to evaluate whether or not the company is complying with Federal environmental law and regulations on the handling and disposal of hazardous wastes.
<http://www.epa.gov/midwestcleandiesel>

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- 12/28/2007 [EPA Awards Over \\$200,000 to the Osage Tribe](#)
- 12/28/2007 [EPA Awards Over \\$290,000 to the Absentee Shawnee Tribe](#)



Newsroom
2007 News Releases

EPA issues an information request to River Shannon Recycling

Release date: 11/06/2007

Contact Information:

FOR IMMEDIATE RELEASE
07-OPA209

(Chicago, Ill. - Nov. 6, 2007) U.S. Environmental Protection Agency has issued an information request to River Shannon Recycling for records and descriptions of waste operations at its Riverdale, Ill. facility. A response is due from the company 14 days after receipt of the request.

A story in last week's Chicago Tribune alerted EPA to possible public health and environmental compliance issues at River Shannon, a treatment and recycling operation.

EPA immediately sent inspectors to the site to monitor air inside and outside the facility. They found no evidence that River Shannon posed a public health threat from mercury emissions.

Two teams of inspectors from EPA plan to do follow-up sampling for mercury and PCBs next week. Illinois EPA may also participate in the inspections.

EPA continues to evaluate whether or not the company is complying with federal environmental law on the handling and disposal of hazardous wastes.

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