

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of: ) Docket No. TSCA-05-2006-0012  
)  
Willie P. Burrell ) Proceeding to Assess a Civil  
The Willie P. Burrell Trust, ) Penalty under section 16(a)  
Dudley B. Burrell, and The ) the Toxic Substances Control  
Dudley B. Burrell Trust ) Act, 15 U.S.C. § 2615(a)  
Kankakee, Illinois, )  
)  
Respondents. )

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MAR 07 2011

AFFIDAVIT OF DEREK S. BURRELL

REGIONAL HEARING CLERK  
USEPA

I, the undersigned, am over the age of 18 and of sound mind.

1. As of January 1, 2011, I became employed by Burrell Property Management, L.L.C.

2. I will be serving as the Representative for all of the Respondents in the above-captioned matter.

3. On or about January 14, 2011, I went to the Environmental Protection Agency ("EPA"), Region 5, in Chicago, Illinois, to inspect the Region 5 file on the above-named Respondents.

4. At that time, I met with La Dawn Whitehead who is employed as Regional Hearing Clerk for the EPA, Region 5.

5. Ms. Whitehead explained the customary practice of the Regional Hearing Clerk with respect to filing "proof of service" under the Consolidated Rules of Practice.

6. According to Ms. Whitehead, when a green card comes to the Regional Hearing Office for filing, the date it is

received is mechanically stamped on the same side as the signature.

8. After a green card is date stamped it is stapled to a piece of paper and filed in the record of the case.

9. Upon examination, none of the four green cards were date stamped on the signature side of the green cards.

10. Ms. Whitehead indicated that she personally wrote the date on the signature side of the green cards, sometime after she became employed with the EPA.

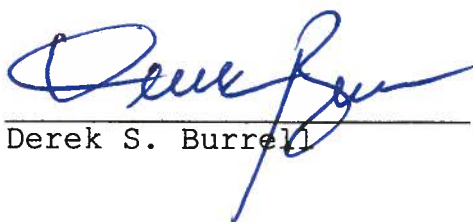
11. Ms. Whitehead also indicated that she had used whiteout on some of the green cards, but I can not recall how many of the cards had white-out.

12. Ms. Whitehead could recall that she made the additions to the green cards, but she could not specify when she made the additions.

13. The date the green cards were written on had to be after April 2009 as this was the date Ms. Whitehead began her duties as a RHC. (See Declaration of LaDawn Whitehead, Government's Complaint, Attachment 2).

14. The handwritten dates purport to match those that are stamped on the non-signature side of the green cards.

I affirm the foregoing are true and correct, to the best of my knowledge, under penalty of perjury.

  
Derek S. Burrell

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Date

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