



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

REPLY TO THE ATTENTION OF:
C-14J

June 23, 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 Complainant's Request for Execution of Subpoenas, filed on June 23, 2011, in the above-captioned matter.

Sincerely yours,



Jeffrey A. Cahn
Associate Regional Counsel

Enclosure

cc: Mr. Laurence Kelly

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

CERTIFICATE OF SERVICE

I, Jeffrey A. Cahn, certify that I filed the original and one copy of COMPLAINANT'S REQUEST FOR EXECUTION OF SUBPOENAS and attachments, Docket No. RCRA-05-2010-0015, with the EPA Region 5 Regional Hearing Clerk.

I also certify that I sent a copy of the COMPLAINANT'S REQUEST FOR EXECUTION OF SUBPOENAS and attachments, Docket No. RCRA-05-2010-0015, by first class mail, postage prepaid, to:

Mr. Laurence Kelly
Mercury Vapor Technologies Inc., a/k/a/ River Shannon Recycling
7144 N. Harlem Avenue, Suite 303
Chicago, IL 60631

I also certify that I sent a copy of COMPLAINANT'S REQUEST FOR EXECUTION OF SUBPOENAS and attachments, Docket No. RCRA-05-2010-0015, by pouch mail, to:

The Honorable Barbara A. Gunning
Office of Administrative Law Judges
Mailcode 1900L
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

on the 23 day of June, 2011

Signed: _____

U.S. EPA Region 5
Office of Regional Counsel

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. RCRA-05-2010-0015
)	
MERCURY VAPOR PROCESSING)	Proceeding to Assess a
TECHNOLOGIES INC., a/k/a)	Civil Penalty Pursuant to
RIVER SHANNON RECYCLING)	Section 3008(a) of the Resource
)	Conservation and Recovery Act,
and LAURENCE C. KELLY)	42 U.S.C. § 6928(a)
)	
Respondents.)	

COMPLAINANT'S REQUEST FOR EXECUTION OF SUBPOENAS

Pursuant Section 22.21(b) of Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Rules of Practice"), 40 C.F.R. § 22.21(b), the United States Environmental Protection Agency, Region 5 ("U.S. EPA," or "Complainant") requests this Court to execute subpoenas for the attendance and testimony of the below identified witnesses. If executed, Complainant will serve the subpoenas.

I. Legal Standard

The Rules of Practice, at Section 22.21(b), provide that the Presiding Judge: "may require the attendance of witnesses . . . by subpoena, if authorized under the Act, upon a showing of the grounds and necessity therefor, and the materiality and relevancy of the evidence to be adduced."

Section 3008(b) of the Resource Conservation and Recovery Act authorizes the issuance of subpoenas. 42 U.S.C. § 6928(b).

II. Witnesses

The witnesses identified below have been previously identified in Complainant's Initial,

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Reply, or First Supplemental Prehearing Exchanges. With respect to the grounds and necessity for the requested subpoenas, the below identified witnesses are third-party witnesses and may be reluctant to testify without the issuance of a subpoena. The materiality and relevancy of each witness's testimony is discussed below.

1. William K. Graham, P.E.
3S351 Juniper Lane
Glen Ellyn, IL 60137-7417

Mr. Graham was the environmental consultant for a now-defunct company, Shannon Lamp Recycling Technologies (SLRT), that was owned and operated by Laurence Kelly. SLRT purportedly stored mercury-containing lamps at a facility in Melrose Park as a large quantity handler of universal waste. SLRT received two letters from IEPA in 2000 outlining the requirements imposed on large quantity handlers. Mr. Graham was hired by SLRT to provide guidance on compliance with RCRA and the Illinois Universal Waste rule. This testimony will be relevant evidence of Respondent's familiarity with federal and state hazardous waste laws. Mr. Graham also observed SLRT's operations and also spoke with Respondent about those operations in terms of compliance with RCRA and the Universal Waste rule. His testimony will be relevant to rebut Respondent's claimed confusion over the regulations. Mr. Graham's testimony is relevant and material to Respondent's credibility and culpability.

2. Leonard Worth, President
Fluorecycle, Inc.
27780 W. Concrete Drive
Ingleside, IL 60041

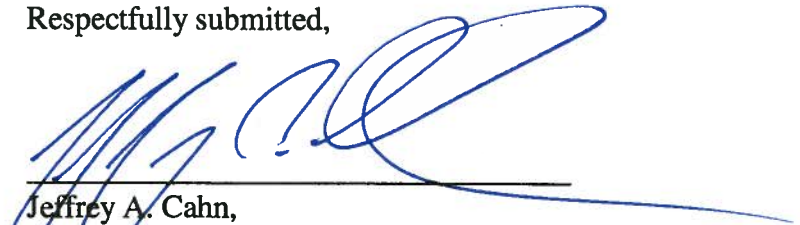
Mr. Worth is the president of Fluorecycle, Inc., located in Ingleside, IL. Fluorecycle advertises itself as the only IEPA RCRA-permitted destination facility authorized to process

spent mercury lamps. Mr. Worth is also a member of the Association of Lighting and Mercury Recyclers. He can testify as to the costs of complying with the federal hazardous waste regulations imposed on mercury lamp recyclers. Mr. Worth can provide an estimate of the monetary costs of compliance, including permitting and operational expenses, for recycling mercury-containing lamps. This testimony will pertain to the economic benefit component of the proposed penalty for RCRA violations. Mr. Worth's testimony is relevant and material to the nature, extent, and gravity of the violations.

III. Conclusion

The above identified witnesses have been previously informed of the dates of the scheduled hearing. Complainant's request for execution of subpoenas for the attendance and testimony of the above identified witnesses should be granted. If executed, Complainant will serve the subpoenas.

Respectfully submitted,



Jeffrey A. Cahn,
Associate Regional Counsel
U.S. Environmental Protection Agency
Region 5 (C-14J)
77 West Jackson Blvd.
Chicago, IL 60604
Telephone: (312) 886-6670

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

In the Matter of:)
)
MERCURY VAPOR PROCESSING)
TECHNOLOGIES INC., a/k/a)
RIVER SHANNON RECYCLING) **Docket No. RCRA-05-2010-0015**
)
and LAURENCE KELLY)
)
Respondents.)

SUBPOENA FOR TRIAL TESTIMONY

TO: William K. Graham, P.E.
3S351 Juniper Lane
Glen Ellyn, IL 60137-7417

YOU ARE HEREBY ORDERED, pursuant to Section 3008(b) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(b), and Section 22.21(b) of Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. § 22.21(b), to personally appear and give testimony under oath at the following time and place:

DATES: Monday, July 25th, 2011 to continue as necessary through Friday, July 29th, 2011

TIME: 9:30 a.m. to 4:30 p.m. each day

PLACE: Circuit Court of Cook County
Juvenile Justice Division
Courtroom Calendar 2B
1100 South Hamilton
Chicago, Illinois 60612

Issued under my authority this _____ day of _____, 2011.

Barbara A. Gunning
Administrative Law Judge

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

In the Matter of:)
)
MERCURY VAPOR PROCESSING)
TECHNOLOGIES INC., a/k/a)
RIVER SHANNON RECYCLING) **Docket No. RCRA-05-2010-0015**
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and LAURENCE KELLY)
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SUBPOENA FOR TRIAL TESTIMONY

TO: Leonard Worth, President
Fluorecycle, Inc.
27780 W. Concrete Drive
Ingleside, IL 60041

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