



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

REPLY TO THE ATTENTION OF:

C-14J

September 13, 2011

VIA U.S. EPA POUCH MAIL

Hon. 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

Re: Mercury Vapor Processing Technologies, Inc. a/k/a River Shannon Recycling
and Laurence Kelly
Docket No. RCRA-05-2010-015

Dear Judge Gunning:

Enclosed please find a copy of Complainant's "Motion to Conform Transcript" that was filed today in the above-referenced matter.

Sincerely,



Jeffrey A. Cahn
Associate Regional Counsel

Enclosure

cc: Mr. Laurence Kelly (w/ enclosure)

**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.)
_____)

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA REGION 5
2011 SEP 13 PM 1:01

MOTION TO CONFORM TRANSCRIPT

Complainant, pursuant to 40 C.F.R. §§ 22.16 and 22.25 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (the “CROP”), hereby respectfully moves to conform the transcript of the hearing in this matter to the actual testimony presented at hearing by accepting and adopting the corrections listed in the attached table. In further support of this motion, Complainant states as follows:

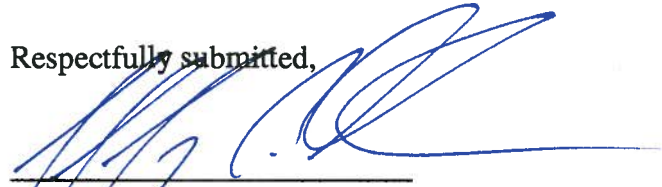
1. The hearing in this matter was held on July 25, 26, and 27, 2011.
2. The transcript in this matter consists of 765 type written pages of testimony.
3. The transcript contains numerous typographical and transcription errors.
4. The transcript was received by the Regional Hearing Clerk on August 15, 2011. A copy was provided to Counsel for Complainant on August 15, 2011.
5. 40 C.F.R. § 22.25 in pertinent part provides that “[a]ny party may file a motion to conform the transcript to the actual testimony within 30 days after receipt of the transcript or 45 days after the parties are notified of the availability of the transcript,

whichever is sooner.”

6. Attached is a table listing by page and by line the corrections to the transcript that will conform the transcript to the actual testimony presented at hearing. Making these corrections is necessary to ensure that the transcript is accurate and understandable.
7. 30 days after August 15, 2011, is September 14, 2011. This date has not passed.

Wherefore, because this motion is timely and because good cause exists, Complainant respectfully moves this Court for an order conforming the transcript of the hearing in this matter to the testimony presented at hearing by accepting and adopting the corrections listed in the attached table.

Respectfully submitted,



Jeffrey A. Cahn
Kasey Barton
Office of Regional Counsel
U. S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Page	Line	Correction
13	1	"an" should read "a"
13	6	"And" should read "At"
14	14	"all" should read "call"
28	10	"n" should read "not"
31	4	"read." should read "read it."
32	6	"additional" should read "addition of"
34	3	""in" should read "and"
36	11	"Section." should read "Section 1."
37	12	"Environmental Science" should read "Earth and Environmental Science"
37	14	"Urban" should read "Earth and"
39	19	"also, review of the State of Indiana's River" should read "also review of the State of Indiana's RCRA"
39	23	"issues of enforcement" should read "issues enforcement"
41	19	"State or Illinois" should read "State of Illinois"
44	19	"would can be enforced" should read "what can be enforced."
45	21	"WAL" should read "law"
52	8	"Par" should read "Part"
52	17	"related" should read "regulated"
52	20 through 21	"Well, it's a treatment storage, a disposal facility." should read "Well, if it's a treatment, storage or disposal facility."
53	17	"of" should read "or"
54	5	"developed" should read "develop"
54	20	"are in" should read "aren't"
55	17 through 18	"those pre-filing and an opportuniy to confer letters." should read "those 'pre-filing and an opportuniy to confer letters.'"
56	10 through 11	"calculate penalties were assessed. The assessed penalties has been delegated down from the EPA" should read "calculate penalties that are assessed, the assessed penalties, has been delegated down from the EPA"
60	8	"A meeting to its rights" should read "Immediately to its right."
61	21	"3.121(a)(1)" should read "703.121(a)(1)"
63	22	"releasing." should read "releases."
65	2	"it's" should read "its"
65	13	"Respondents clarify" should read "Respondents to clarify"
66	1	"of" should read "to"
70	16	"prospective" should read "reducing the"
70	20	"Based" should read "Waste"
70	23	"Based" should read "Waste"
71	3	"Based" should read "Waste"
71	7 through 8	"an impossible" should read "a possible"
72	8 through 10	delete the quotation marks
74	13	"that were" should read "that they were"
75	16	"TIGTA admits CEX into" should read "I move to admit CEX 29 into"
77	2	"it's" should read "Is it"

Page	Line	Correction
78	10	" a" should read "the"
78	11	"from the Riverdale" should read "from Riverdale"
79	23	"TCLB" should read "TCLP"
80	1	"in the" should read "a"
80	16	"lab to" should read "lab, to"
82	19	"stop" should read "step"
84	17	"additional" should read "enforcement"
88	5	"at" should read "that"
88	8	"Mercury Shannon Recycling" should read "River Shannon Recycling"
98	11	"permit as a construction of a source" should read "permit for construction of a mobile source"
100	13	"Mr. Kelly" should read "Mr. Cahn"
102	4	"inspection I" should read "inspection report I"
107	2	"River Shannon Recycling has crushed facilities" should read "Shannon Lamp Recycling has crushed"
110	13	"undertand to" should read "understand them to"
110	7 and 18	"BY MR. CAHN:" should read "BY MR. KELLY:"
113	9	"river closure" should read "RCRA closure"
113	10	"insurance" should be "assurance"
113	16	"Sir," should read "Why"
115	4	"from universal" should read "for universal"
117	2	"unofficial" should read "official"
118	3 through 5	"Rule. Because the Agency, my understanding, one, state wants to adopt the rules." should read "Rule, because it is my understanding the Agency wants states to adopt the rules."
121	9	"using as" should read "discussing is"
126	17	"t he" should read "the"
132	14	"Control and the" should read "Control of the"
132	15	"Agency to the" should read "Agency from the"
135	16	"the" should read "this"
140	18	"open" should read "opened"
143	8	"January" should read "generators"
143	10 through 11	"It goes on to state other information where photographs are kept." should read "It goes on to state other information where records are kept."
146	16	"card," should read "carbon"
147	8	"So all" should read "So considering all"
158	7	"based," should read "base"
158	16	"in" should read "and"
162	19	"Shannon Lamp Recycling" should read "Shannon Lamp Recycling is a"
163	17 through 18	"he would request the mobile unit" should read "he would transport the mobile unit"
165	2	"under" should read "and"
166	3	"on Vapor" should read "on Mercury Vapor"

Page	Line	Correction
174	24	"waste lake," should read "waste-like,"
177	21 through 23.	"The landfill of this material currently permitted to go to is Land and Lakes (see same as above)." should read "The landfill this material is currently permitted to go to is Land and Lakes (same as above)."
178	19	"spent," should read "sent,"
179	18	"there" should read "they"
180	21	"the low" should read "below"
181	7 through 9	"The Landfill of this material is currently permitted to go Land and Lakes (same as above)." should read "The landfill this material is currently permitted to go to is Land and Lakes (same as above)."
181	9	"on" should read "only"
189	11	"procedure" should read "Procedure"
191	16	"at 0.42" should read "of 0.2"
192	16	"plant" should read "lamp"
193	6	"main" should be "named"
200	8	"maintence at universal waste to the Riverdale" should read " and shipments of universal waste batteries, to the Riverdale"
201	20	"facility." should read "Riverdale facility."
203	13	"i" should read "is"
204	14	"CEF" should read "CEX"
205	18 thru 19	"Well, it had an hour. About over 600 lamps were collected." should read, "Well, in half an hour, about, over 600 lamps were collected."
207	9	"sometimes" should read "some time is"
209	2	"inspection and" should read "inspection, and"
209	3	"gathered, subsequent to the inspection that" should read "gathered subsequent to the inspection, that"
209	8	"violations" should read "regulations."
209	10	"forced discretion," should read "enforcement discretion,"
214	6	"were" should read "or"
219	2	"resource, conservation," should read "resource conservation,"
219	10	"portion. Thus," should read "portion, thus"
224	19	"exclusion" should read "exclude"
230	15	"Unauthorized" should read "unauahtorized"
232	16	"universal facilities" should read "universal wastes"
242	15 through 18	This sentence in quotes should not be in quotes.
243	4	"in a proper containing" should be "in proper containers"
243	17 through 20	The sentence in quotes should not be in quotes.
245	4 through 7	The sentence in quotes should not be in quotes.
246	23	"taking out a service" should read "taking out of service"
247	6	"or what job" should read "or whose job"
248	15	"equipment, it is being used." should read "equipment it is being used in."

Page	Line	Correction
250	9	"tract" should read "track"
250	14	"20.112" should read "720.110"
263	5	"on authorized" should read "unauahORIZED"
266	23	"a rule." should read "the rule."
266	24	"as a federal" should read " as the federal"
267	13	"permanent" shopuld read "permit"
270	11	"as or as sole" should read "as the sole"
274	2	"not" should read "now"
274	5	"river" should read "RCRA"
274	14	"efforts and of the violators" should read "efforts of the violator to"
279	4	"river" should read "RCRA"
279	17	"river" should read "RCRA"
279	23	"river" should read "RCRA"
280	2	"river" should read "RCRA"
281	23	"river" should read "RCRA"
283	3	"deterrents" should read "deterrence"
283	12	"river" should read "RCRA"
283	14	"river" should read "RCRA"
284	24	"river" should read "RCRA"
285	6	"river city" should read "RCRA Civil"
286	1	"river" should read "RCRA"
286	10	"Some further subdivision." should read "No further subdivision."
286	17	"penalty" should read "policy"
287	12	"river" should read "RCRA"
290	15	"river" should read "RCRA"
290	19	"river" should read "RCRA"
290	22	"river" should read "RCRA"
291	2	"river" should read "RCRA"
292	2	"on" should read "in"
308	21	"leach out" should read "leachate"
309	9	"human" should read "humans"
315	2	"in uncontained manners," should read "in an uncontained manner,"
317	23	"River" should read "RCRA"
334	6	"posed" should read "imposed"
351	8	"Q" should be "A"
351	10	"A" should be "Q"
351	11	"Q should be "A"
356	7	"inch" should be "foot"
366	20	"if we could" should read "if he could"
370	14	"CDI" should read "CBI"
371	22	"signed" should read "sent"
390	15	"appointment" should read "whole point"
399	10	"Land" should read "Lamp"

Page	Line	Correction
408	6	"not, by" should read "not be intact, by"
410	5	"Center" should read "Sinter"
469	12	"on" should read "to"
509	2	"product" should read "project"
509	4	"permit," should read "permits,"
538	10	"provisions that issue" should read "provisions at issue"
538	14	"division" should read "provisions"
555	18	"stays (sic)" should read "stage"
655	6	"Respondent's" should read "Complainant's"

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

DOCKET NO. RCRA-05-2010-0015

REGIONAL HEARING CLERK
U.S. EPA REGION 5
2011 SEP 13 PM 1:01

CERTIFICATE OF FILING AND SERVICE

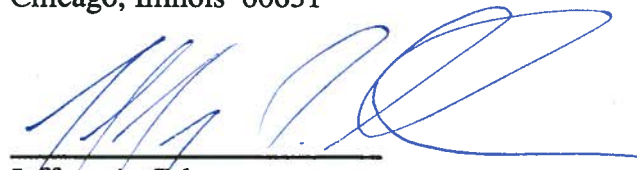
I hereby certify that on this day I filed with the Regional Hearing Clerk the original and one copy of the accompanying Motion to Conform Transcript. I further certify that on this day I caused copies of the accompanying Motion to Conform Transcript to the following persons by the following means:

VIA POUCH MAIL:

Honorable Barbara Gunning
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460-2001

VIA U.S. MAIL:

Laurence Kelly
7144 North Harlem Avenue
Suite 303
Chicago, Illinois 60631



Date: September 13, 2011

Jeffrey A. Cahn
Associate Regional Counsel
United States Environmental Protection Agency
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604