

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

REGIONAL HEARING CLERK  
REGION 5  
2011 FEB 15 PM 2:33

In the Matter of: )  
)  
JLM Chemicals, Inc., )  
)  
)  
Respondent. )  
\_\_\_\_\_ )

Docket No. RCRA-05-2009-0017

**ORDER**

Complainant, by lawful delegation, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency Region 5, has moved for entry of a Default Order against Respondent JLM Chemicals, Inc. for its failure to file an Answer in this matter.

In support of its motion, Complainant has submitted numerous documents as attachments and exhibits which have been redacted on the basis that they contain Confidential Business Information (CBI). The Consolidated Rules of Practice (40 C.F.R. Part 40) require that, when a person wishes to assert a business confidentiality claim for documents filed in a proceeding under these rules, two versions be filed with the Regional Hearing Clerk: (1) one version containing the information claimed to be confidential with a cover page asserting a CBI claim; and (2) a second version with the information claimed confidential redacted. See 40 C.F.R. 22.5(d)(2). Both versions of the document shall be served on the Presiding Officer. See 40 C.F.R. 5(d)(3). It appears that unredacted documents were not filed with the Regional Hearing Clerk nor served on the Presiding Officer in this proceeding.

Accordingly, Complainant is hereby ORDERED on or before **February 25, 2011**, to file with the Regional Hearing Clerk and serve upon the Presiding Officer unredacted versions of all documents for which it asserts a business confidentiality claim pursuant to 40 C.F.R. § 22.5(d)(2) and (3).

SO ORDERED.

Dated: February 15, 2011

  
Marcy A. Toney  
Regional Judicial Officer

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Docket No. RCRA-05-2009-0017

CERTIFICATE OF SERVICE


I certify that the foregoing Order, dated February 15, 2011, was sent this day in the following manner:

Original hand delivered to: Regional Hearing Clerk  
U.S. Environmental Protection  
Agency, Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Copy hand delivered to  
Attorney for Complainant: Catherine Garypie  
Associate Regional Counsel  
U. S. Environmental Protection  
Agency Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Copy by U.S. Mail first class to: JLM Chemicals, Inc.  
c/o National Registered Agents, Inc.  
200 West Adams Street  
Chicago, IL 60606-5208

Dated: 2/15/2011

By:   
Mary Ortiz  
Administrative Assistant