

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

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**In the Matter of:**

SuperClean Brands, Inc.  
St. Paul, Minnesota

**Respondent.**

**Docket No. EPCRA-05-2009-0016**

**COMPLAINANT'S MOTION TO AMEND ITS INITIAL PREHEARING EXCHANGE**

Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA or Agency), Region 5, by and through her attorney, Terence Stanuch, hereby requests leave to amend its Initial Prehearing Exchange as follows:

1. Include Attachments H, L and M to Complainant's Exhibit No. 15 (which is the U.S. EPA's October 27, 2005 inspection report of Respondent's facility); and
2. Include Attachment P to Complainant's Exhibit No. 16 (which is the U.S. EPA's October 18, 2006 inspection report of Respondent's facility).

In support of this Motion, Complainant states the following:

- A. Complainant submitted its Initial Prehearing Exchange in this matter on June 26, 2009.
- B. Exhibit No. 15 of Complainant's Initial Prehearing Exchange included only six attachments (Attachments C, F, J, K, O and R) of the 43 attachments to the original report.
- C. Exhibit No. 16 of Complainant's Initial Prehearing Exchange included only two attachments (Attachments C and F) of the 20 attachments to the original report.
- D. Complainant decided not to submit all 63 attachments to these two inspection reports because they mainly consisted of seven inches of paper containing production data and

chemical use invoices that were used to calculate whether Respondent's chemical usage exceeded the thresholds for reporting EPCRA Forms R.

E. Complainant avers that Attachments H, L and M are really just a continuation of the communication exchange between U.S. EPA and Respondent that was started pursuant to the December 16, 2005 letter U.S. EPA sent to Respondent (Attachment K to Exhibit 15 in Complainant's Initial Prehearing Exchange).

F. Complainant further avers that Attachment P is also a continuation of the communication exchange between U.S. EPA and Respondent that was started pursuant to U.S. EPA's December 16, 2005 letter because the Agency believed that the October 18, 2006 follow-up inspection was necessary to determine whether Respondent was complying with EPCRA.

G. Complainant further avers that none of the information in these four attachments is new to Respondent because Attachments L and P are letters Respondent received from the U.S. EPA; and Attachments H and M are summaries of letters and conversations between Respondent and the U.S. EPA.

H. Complainant believes that these four attachments, if amended to Complainant's Initial Prehearing Exchange, will provide additional critical information that will assist the Court in determining whether the penalty proposed in the Complaint was calculated in accordance with the applicable penalty policy.

For the reasons stated herein, Complainant respectfully requests that the Presiding Officer grant Complainant leave to amend its Initial Prehearing Exchange as described above.

Respectfully Submitted,

A handwritten signature in black ink, reading "Terence Stanuch", written over a horizontal line.

Terence Stanuch  
Associate Regional Counsel

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In the Matter of: SuperClean Brands, Inc., Respondent  
Docket No. EPCRA-05-2009-016

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**CERTIFICATE OF SERVICE**

I hereby certify that the original and one copy of Complainant's Motion to Amend its Initial Prehearing Exchange, Complainant's Motion for Accelerated Decision as to Liability, and Complainant's Motion for Accelerated Decision as to Penalty, all regarding: In the Matter of: SuperClean Brands, Inc., Docket No. EPCRA-05-2009-016, were filed with the Regional Hearing Clerk, U.S. EPA, Region 5, on August 28, 2009, and that copies were sent this day in the following manner to the addressees listed below:

Copy by government pouch mail to:

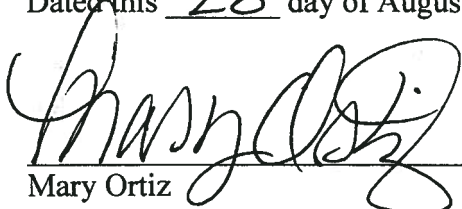
The Honorable Susan L. Biro  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

Copy by regular U.S. mail to:

Attorney for Respondent:

Sherry L. Stenerson, Esq.  
General Counsel  
SuperClean Brands, Inc.  
1380 Corporate Center Curve, Suite 200  
Eagan, MN 55121

Dated this 28 day of August 2009.



Mary Ortiz  
Administrative Program Assistant  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
Chicago, Illinois