



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

VIA HAND DELIVERY

DEC 06 2011

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Headquarters Hearing Clerk (1900L)
Office of Administrative Law Judges
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Complainant's Unopposed Motion to Supplement Complainant's Prehearing Exchange
Docket No. TSCA-HQ-2010-5022

Dear Madam:

Enclosed please find an original and two (2) copies each of Complainant's Unopposed Motion to Supplement Complainant's Prehearing Exchange in the above matter.

Please file the original Motion and return one date-stamped copy to Complainant.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark A.R. Chalfant".

Mark A.R. Chalfant
Counsel for Complainant

Enclosure

cc: John J. McAleese, III, Morgan Lewis & Bockius LLP (via email and UPS Next Day)
Ronald J. Tenpas, Morgan Lewis & Bockius LLP (via email)
William S. Pufko, Morgan Lewis & Bockius LLP (via email)
The Honorable Susan L. Biro, U.S. EPA Office of Administrative Law Judges (hand delivery only)

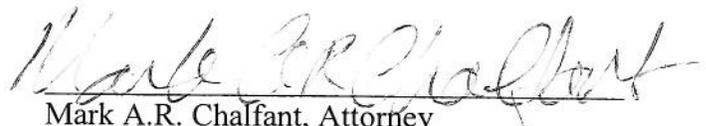
Policy (ERP) for Reporting and Recordkeeping Rules and Requirements for TSCA Sections 8, 12, and 13 due to a misunderstanding of the instruction included in paragraph 2(D) of the Prehearing Order. Complainant seeks leave to supplement its Prehearing Exchange with the addition of these two documents, to be labeled as Complainant's Exhibits 102 and 103 respectively. To ensure that the record is as complete as possible with respect to Complainant's proposed penalty assessment, EPA also seeks to supplement its Prehearing Exchange with the addition of a memorandum entitled *Penalty Policy Supplements Pursuant to the 2004 Civil Monetary Penalty Information Adjustment Rule*, which includes a supplement to the *TSCA Sections 8, 12, and 13 ERP* that took effect during the period of Respondent's alleged violation. This document will be labeled Complainant's Exhibit 104.

Complainant also seeks to file a corrected version of Complainant's Exhibit 98. This document, entitled *Average Hexavalent Chromium Concentrations in Air: Gibb and Modern Four Plant Report Studies*, has been corrected to resolve an inaccuracy Complainant recently identified on that exhibit.

Prior to the filing of this Motion, the undersigned contacted Respondent's counsel who indicated that Respondent does not oppose this Motion.

Respectfully submitted,

12/6/11
Date



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