

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

MAY 04 2010

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| <b>In the Matter of:</b>              | : |  |
|                                       | : |  |
| <b>Cycle Chem, Inc.</b>               | : | <b>U.S. EPA Docket No. TSCA-03-2009-0209</b> |
| <b>201 S. 1<sup>st</sup> Street</b>   | : |  |
| <b>Elizabeth, New Jersey 07206</b>    | : |  |
|                                       | : |  |
| <b>Respondent.</b>                    | : |  |
|                                       | : |  |
| <b>Cycle Chem, Inc.</b>               | : | <b>Proceeding under Sections 15 and 16</b>   |
| <b>550 Industrial Drive</b>           | : | <b>of the Toxic Substances Control Act,</b>  |
| <b>Lewisberry, Pennsylvania 17339</b> | : | <b>15 U.S.C. §§ 2614 and 2615</b>            |
|                                       | : |  |
| <b>Facility.</b>                      | : |  |

**COMPLAINANT'S INITIAL PREHEARING EXCHANGE**

Pursuant to Rule 22.19(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. § 22.19(a), and the February 3, 2010 *Prehearing Order* issued by the Honorable William B. Moran, Complainant, the Director of the Land and Chemicals Division of the United States Environmental Protection Agency, Region III, files its Initial Prehearing Exchange in the above-captioned matter. Complainant respectfully reserves its right to supplement this Initial Prehearing Exchange in accordance with 40 C.F.R. § 22.19(f) and/or to file a motion(s) to amend its Prehearing Exchange in accordance with 40 C.F.R. § 22.16.

**I. NAMES OF EXPECTED WITNESSES**

Complainant anticipates that he may call as witnesses the following individuals, whose testimony is expected to include, but may not be limited to, the matters described below.

Complainant reserves the right to revise and supplement the matters to which each witness

identified below may testify.

1. Mr. Craig Yussen  
Chemical Engineer  
U.S. Environmental Protection Agency, Region III  
Land and Chemicals Division  
Toxics Programs Branch (3LC61)  
1650 Arch Street  
Philadelphia, PA 19103-2029

Mr. Yussen is expected to testify as to matters including: his training and experience as an EPA inspector and in conducting PCB inspections to determine compliance with the Toxic Substances Control Act ("TSCA") and the applicable polychlorinated biphenyl ("PCB") regulations of 40 C.F.R. Part 761; his inspection of the Cycle Chem, Inc., Lewisberry, Pennsylvania Facility on June 25, 2007; inspection procedures that he employed in the inspection of the Facility, taking of photographs, collection of records, documents and other information obtained during this inspection; and his relevant observations and findings during, and as a result of, this inspection.

Mr. Yussen also is expected to testify as to: the relevant content of the TSCA Section 6(e) PCB Inspection Report that he prepared subsequent to the inspection, including relevant attachments, documents and photographs appended thereto; relevant regulatory requirements; his pre-inspection and post-inspection investigation of PCB activities at the Facility, including documents, reports, correspondence and other information that he reviewed in preparation for the Facility inspection and subsequent to that inspection; and information obtained during pre-inspection and post-inspection investigations of Cycle Chem Inc.'s PCB activities, including the company's PCB regulatory compliance history at its Lewisberry, Pennsylvania and Elizabeth,