



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

REPLY TO THE ATTENTION OF:

(C-14J)

July 18, 2014

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, N.W.
(Mail Code 1103M)
Washington, D.C. 20460-0001

Re: **In the Matter of Ms. Dessie L. Brumfield d/b/a/ Brumfield Properties, LLC**
Docket No. TSCA-05-2010-0014; TSCA Appeal No. 13-04
Motion To Conform Complainant Pre-Hearing Exchange to 40 C.F.R. § 22.5(d)(2).

Dear Clerk of the Board:

Please find enclosed and served upon you for filing Appellant's Motion to Conform Complainant Pre-Hearing Exchange to 40 C.F.R. § 22.5(d)(2).

Sincerely,

Jeffery M. Trevino
Associate Regional Counsel

Enclosure

cc: Dessie L. Brumfield
5067 North 37th Street
Milwaukee, WI 53290

LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency
77 West Jackson Boulevard (E-19J)
Chicago, IL 60604-3590
M. Lisa Buschmann



Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Ronald Reagan Building, Room M1200
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In the Matter of:)
)
Ms. Dessie L. Brumfield,)
d/b/a Brumfield Properties, LLC,)
)
Docket No. TSCA-05-2010-0014,)
)
Appellee.)

TSCA Appeal No. 13-04

**MOTION TO CONFORM COMPLAINANT PRE-HEARING EXCHANGE TO
40 C.F.R. § 22.5(d)(2)**

The Appellant, Region 5 of the U.S. Environmental Protection Agency, (“EPA” or “the Agency”), by and through its attorney, respectfully moves to conform its Complainant Prehearing Exchange, dated December 18, 2013, to 40 C.F.R. § 22.5(d)(2). Specifically, EPA requests that the Environmental Appeals Board (“the Board”) treat as Confidential Business Information (“CBI”) the unredacted Complainant Prehearing Exchange, dated December 18, 2011, and accept, and treat as public information consistent with 40 C.F.R. § 22.5(d)(2), the enclosed redacted version of the same Complainant Prehearing Exchange.

EPA offers the following facts in support of its Motion.

1. On July 17, 2014, EPA learned its Administrative Enforcement Docket Website temporarily posted, and the Board obtained, a copy of the unredacted Complainant Prehearing Exchange, dated December 28, 2011.
2. On July 17, 2014, EPA manually removed from its Administrative Enforcement Docket Website the unredacted Complainant’s Prehearing Exchange, dated December 28, 2011.

3. On July 18, 2014, Appellant provided the Regional Hearing Clerk, Region 5, with two copies of the enclosed redacted version of the same Complainant Prehearing Exchange.
4. Appellant was unable to contact Appellee at her last known telephone numbers or e-mail address to determine her acquiescence or objection to this Motion.

Wherefore, the Appellant respectfully requests the Board treat as CBI the unredacted Complainant's Prehearing Exchange, dated December 18, 2011, and accept, and treat as public information consistent with 40 C.F.R. § 22.5(d)(2), the enclosed redacted version of the same Complainant Prehearing Exchange.



Jeffery M. Trevino
Associate Regional Counsel
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard (C-14J)
Chicago, IL 60604
(312) 886-6729
trevino.jeffery@epa.gov

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the attached **MOTION TO CONFORM COMPLAINANT PRE-HEARING EXCHANGE TO 40 C.F.R. § 22.5(d)(2)** in the matter **MS. DESSIE L. BRUMFIELD D/B/A BRUMFIELD PROPERTIES, LLC; DOCKET NO. TSCA-05-2010-0014, TSCA Appeal No. 13-04** was sent to the Board via U.S. Mail to the following address:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
WJC East, Room 3334
Washington, DC 20004

Further, I hereby certify that the original and one copy of the attached **MOTION TO CONFORM COMPLAINANT PRE-HEARING EXCHANGE TO 40 C.F.R. § 22.5(d)(2)** in the matter **MS. DESSIE L. BRUMFIELD D/B/A BRUMFIELD PROPERTIES, LLC; DOCKET NO. TSCA-05-2010-0014, TSCA Appeal No. 13-04** was sent to the Appellee via U.S. Mail to the following address:

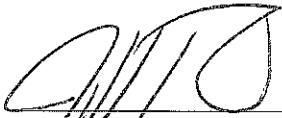
Dessie L. Brumfield
5067 North 37th Street
Milwaukee, WI 53290

Further, I hereby certify that the original and one copy of the attached **MOTION TO CONFORM COMPLAINANT PRE-HEARING EXCHANGE TO 40 C.F.R. § 22.5(d)(2)** in the matter **MS. DESSIE L. BRUMFIELD D/B/A BRUMFIELD PROPERTIES, LLC; DOCKET NO. TSCA-05-2010-0014, TSCA Appeal No. 13-04** was hand-delivered to the Regional Hearing Clerk to the following address:

U.S. EPA, Region 5
Regional Hearing Clerk
Office of Regional Hearing Clerk
Attention: La Dawn Whitehead
77 W. Jackson Blvd., 19th Floor
Chicago, IL 60604-3590

Further, I hereby certify that the original and one copy of the attached MOTION TO CONFORM COMPLAINANT PRE-HEARING EXCHANGE TO 40 C.F.R. § 22.5(d)(2) in the matter MS. DESSIE L. BRUMFIELD D/B/A BRUMFIELD PROPERTIES, LLC; DOCKET NO. TSCA-05-2010-0014, TSCA Appeal No. 13-04 was sent to the Presiding Officer via U.S. Mail to the following address:

M. Lisa Buschmann
Administrative Law Judge
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Avenue N.W.
Washington, D.C. 20460



Jeffery M. Trevino
Associate Regional Counsel

Date

18 July 14