UNITED STATES ENVIRONMENTAL PROTECTION AGENCY PAREGION 5 REGION 5

2011 SEP 14 AM 9: 34

In the Matter of:)	
)	Docket No. TSCA-05-2006-0012
Willie P. Burrell,)	
The Willie P. Burrell Trust,)	
Dudley B. Burrell, and)	
The Dudley B. Burrell Trust,)	
)	
Respondents.)	
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ORDER REGARDING FILING OF RESPONDENTS' JOINT SUPPLEMENTAL MEMORANDUM

On July 26, 2011, the undersigned Presiding Officer issued an Order on Motions ordering Complainant to supplement the record with respect to two specific issues on or before August 16, 2011. Respondents were provided an opportunity to reply on or before August 30, 2011. Complainant properly filed its supplemental memorandum on August 16, 2011. Respondents did not seek to file their supplemental memorandum until August 31, 2011, which was one day late.

As I have informed the parties in the past (see Order dated April 8, 2011), proper practice requires that where a party seeks to file a document with the Regional Hearing Clerk after the deadline for such filing has passed, that party should seek leave or "permission" from the Presiding Officer to file the document late and provide a justification for the late fling. Respondents once again have attempted to file a pleading out of time without seeking leave to do so.

Respondents will again be permitted to file a pleading out of time and the Regional Hearing Clerk is hereby directed to file Respondents' Joint Supplemental Memorandum in the official agency file for this matter and to enter it in the case docket. Respondents are strongly urged to review the Consolidated Rules of Practice at 40 C.F.R. Part 22 which govern this matter and to comply with their requirements to facilitate an orderly and fair resolution of this matter.

SO ORDERED.

Dated: September 14, 2011

Regional Judicial Officer



In the Matter of Willie P. Burrell, the Willie P. Burrell Trust, Dudley B. Burrell and the Dudley B. 34 Burrell Trust, Docket No. TSCA-05-2006-0012

CERTIFICATE OF SERVICE

I certify that the foregoing Order, dated September 14, 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:

Maria Gonzalez

U. S. Environmental Protection

Agency, Region 5

Office of Regional Counsel 77 West Jackson Boulevard Chicago, IL 60604-3590

Copy by U.S. Mail First Class to:

Willie P. Burrell

The Willie P. Burrell Trust 300 North Indiana Avenue Kankakee, IL 60901

Dudley B. Burrell

The Dudley B. Burrell Trust

649 North Rosewood Kankakee, IL 60901

Dated:

By://

Darlene Weatherspoon

Administrative Program Assistant