

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

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DIVISION 5
2010 DEC 22 PM 2:40

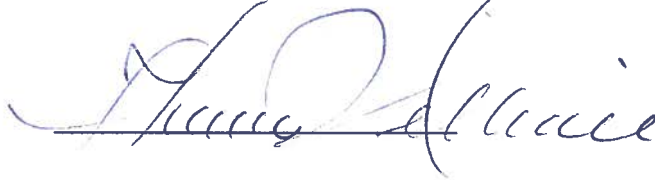
IN THE MATTER OF:)
)
Mercury Vapor Processing) DOCKET NO. RCRA-05-2010-0015
Technologies Inc., a/k/a/ River Shannon)
Recycling)
13605 S. Halsted)
Riverdale, Illinois 60827)
U.S. EPA ID No.: ILD005234141,)
)
Respondent)
_____)

**COMPLAINANT'S MOTION FOR LEAVE TO AMEND COMPLAINT AND
COMPLIANCE ORDER**

Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency, Region 5 (Complainant or U.S. EPA), pursuant to 40 C.F.R. §§ 22.16 and 22.14(c) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules or Rules), hereby moves for leave to amend the Complaint and Compliance Order (Complaint) to: (1) add Laurence C. Kelly (Larry Kelly) as a Respondent in this matter; and (2) change the definitions cited at paragraphs 10, 15, 16, 17, 18, 20, 70, 71, 72, 87, 89, 105, and 107 of the proposed Amended Complaint from 35 IAC § 720.110 to the definitions found at 35 IAC § 702.110. For the reasons set forth in the attached Memorandum in Support of the Motion for Leave to Amend the Complaint, Complainant respectfully requests that the Presiding Officer grant this Motion, and allow it to formally file the proposed Amended Complaint, or order such other relief as is just and equitable. A copy of the proposed Amended Complaint and

the memorandum to which it is attached are being filed and served in both redacted and unredacted form. The proposed Amended Complaint has been approved by the appropriate delegated official and will be executed if the Presiding Officer grants the requested leave.

Respectfully submitted this 22nd day of December 2010,

A handwritten signature in blue ink, appearing to read "Thomas M. Williams", written over a horizontal line.

Thomas M. Williams
Associate Regional Counsel
Kasey Barton
Assistant Regional Counsel
U. S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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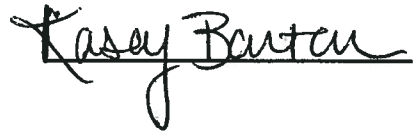
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CERTIFICATE OF FILING AND SERVICE

I hereby certify that today I filed personally with the Region 5 Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard (E-19J), Chicago, Illinois, 60604-3590, the original and one copy of the document entitled **Complainant's Motion for Leave to Amend the Complaint and Compliance Order** and the Memorandum in support thereof, in both redacted and unredacted forms, and that I caused to be served, by first class mail, a copy of the original document on the Presiding Officer and the Respondent:

Honorable Barbara Gunning
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Facsimile no. (202) 565 0044

Mr. Larry Kelly
Mercury Vapor Processing Technologies, Inc.
7144 North Harlem Avenue
Suite 303
Chicago, Illinois 60631
Facsimile no. (847) 292 1406



Date: December 22, 2010