

RECEIVED BY OALJ
2012 NOV 29 AM 10:08

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA-REGION 5

2012 NOV 16 PM 1:20

BEFORE THE ADMINISTRATOR

In the Matter of:

Clinton T. Anderson,

Respondent.

)
)
)
)
)

Docket No. TSCA-5-2012-0018

COMPLAINANT STATUS REPORT

Complainant hereby provides the Court with this Status Report pursuant to its Prehearing Order, dated October 11, 2012.

1. On Thursday, November 8, 2012, the parties agreed to a settlement in principle to resolve this action without resort to hearing.
2. The parties are negotiating the terms and conditions of a Consent Agreement and Final Order ("CAFO").
3. The parties should file a signed and dated CAFO by December 31, 2012.

Respectfully submitted,



Jeffery M. Trevino
Associate Regional Counsel
Office of Regional Counsel
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604-3590
Tel. No. (312) 886-6729
Fac. No. (312) 692-2987
trevino.jeffery@epa.gov

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:

Clinton T. Anderson,

Respondent.

)
)
)
)
)

Docket No. TSCA-5-2012-0018

CERTIFICATE OF SERVICE

I hereby certify that today I filed with Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard (E-19J), Chicago, Illinois, 60604-3590, the original document entitled COMPLAINANT STATUS REPORT for this civil administrative action and I issued to the Court and Respondent by first class mail a copy of the original document:

M. Lisa Buschman
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

Clinton T. Anderson
CTA Properties
333 North Randall Road
St. Charles, IL 60174



Jeffery M. Trevino
Associate Regional Counsel.



Dated

RECEIVED BY OALJ
2012 NOV 29 AM 10:08

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA-REGION 5
2012 NOV 16 PM 1:20

BEFORE THE ADMINISTRATOR

In the Matter of)
)
Clinton T. Anderson,) Docket No. TSCA-05-2010-0018
)
Respondent.)

COMPLAINANT PREHEARING EXCHANGE

Complainant hereby files its Prehearing Exchange for this civil administrative action pursuant to the Court's Prehearing Order, dated October 11, 2012.

I. Prospective Fact Witnesses

- A. James O'Neal, Lead Inspector
Pesticides & Toxics Compliance Section
Chemical Management Branch
Land and Chemicals Division
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard (LC-8J)
Chicago, IL 60604-3590
Tel. No. (312) 353-0966

- B. Edward R. Pilny, Multi-Program Inspector
Pesticides & Toxics Compliance Section
Chemical Management Branch
Land and Chemicals Division
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard (LC-8J)
Chicago, IL 60604-3590
Tel. No. (312) 886-0206

Complainant alleged Respondent failed to comply with the regulations at 40 C.F.R. § 745.113(b), as well as 15 U.S.C. § 2689 and 42 U.S.C. § 4852d(b)(5).

Messrs. O'Neal and Pilny will testify to their respective educational backgrounds, employment experiences, the relevant documentary evidence for this action, and the critical factual allegations in the following numbered paragraphs of the complaint: 3, 15,

16, 17, 19, 20, 21, 22, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 42, 43, 44, 45, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59, 60, 61, 62, 63, 66,67, 68, 69, 70, 71, and 72.

- C. Pamela Grace
Environmental Protection Specialist
Pesticides & Toxics Compliance Section
Chemical Management Branch
Land and Chemicals Division
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard (LC-8J)
Chicago, IL 60604-3590
(312) 353-2833

Ms. Grace will testify to her educational background, employment experience, the relevant documentary evidence for this action, and the critical factual allegations in the following numbered paragraphs of the complaint: 3, 15, 16, 17, 19, 20, 21, 22, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 42, 43, 44, 45, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59, 60, 61, 62, 63, 66,67, 68, 69, 70, 71, and 72. She will also testify to the appropriateness of the proposed civil penalty.

II. Documents and Exhibits

- A. U.S. Environmental Protection Agency File for Clinton T. Anderson, CTA Properties, 333 North Randall Road, St. Charles, Illinois, 60174. EPA File No. 10TL655, ICIS Programmatic ID No. 2200007651, Pesticides and Toxics Section. (Complainant Exhibit No. 1).
- B. Dun & Bradstreet Information Reports for CTA Properties and Anderson Colonial Real Estate Holdings, Inc., dated July 15, 2011. (Complainant Exhibit No. 2).
- C. U.S. Environmental Protection Agency Letter to Clinton T. Anderson, dated August 12, 2011. (Complainant Exhibit No. 3).
- D. U.S. EPA Copy of Certified U.S. Mail Receipt, dated August 27, 2012, for Complaint to Clinton T. Anderson, CTA Properties. (Complainant Exhibit No. 4).
- E. U.S. Environmental Protection Agency Section 1018 – Disclosure Rule Enforcement Response and Penalty Policy, dated December 2007. (Complainant Exhibit No. 5).
- F. U.S. EPA Penalty Calculation for Clinton T. Anderson, CTA Properties. (Complainant Exhibit No. 6).

III. Desired or Required Hearing Location

Complainant prefers the Court hold the hearing in Chicago, Illinois, as provided by sections

22.21(d) and 22.19(d) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits (“the Consolidated Rules”), 40 C.F.R. §§ 22.21(d) and 22.19(d).

However, if the Court chooses to hold the hearing at a suitable location in the county where the Respondent resides (Kane and DuPage Counties, Illinois) or conducts the business which the hearing concerns (Kane and DuPage Counties, Illinois), Complainant would not object.

Complainant requests approximately four (4) hours to complete its direct-examination of its witnesses for its case-in-chief.

IV. Responses to Specific Requests of the Court

1. Complainant provide a copy of any documents in support of the factual allegations in the Complaint which were not admitted by Respondent.

RESPONSE: Attached as Complainant Exhibit No. 1.

2. Complainant provide a narrative statement explaining in detail how the proposed penalty was calculated.

RESPONSE: Attached as Complainant Exhibit Nos. 5 and 6.

3. Complainant provide a copy of the relevant penalty policy employed to determine the proposed civil penalty.

RESPONSE: Attached as Complainant Exhibit No. 6.

4. Complainant state the applicability of the Paperwork Reduction Act of 1980 to this action.

RESPONSE: The Paperwork Reduction Act of 1980 applies to this action. OMB authorized the relevant regulations for this action, 40 C.F.R. Part 745, Subpart F, and assigned them OMB Control No. 2070-0158.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Trevino', written over a horizontal line.

Jeffery M. Trevino
Associate Regional Counsel
Office of Regional Counsel
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604-3590
Tel. No. (312) 886-6729
Fac. No. (312) 886-0747
trevino.jeffery@epa.gov

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of

Clinton T. Anderson,

Respondent.

)
)
)
)
)
)

Docket No. TSCA-05-2010-0018

CERTIFICATE OF SERVICE

I hereby certify that today I filed personally with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard (R-19J), Chicago, Illinois, 60604-3590, the original document entitled COMPLAINT PREHEARING EXCHANGE for this civil administrative action and that I issued to the Court and Respondent by first class mail a copy of the original document:

M. Lisa Buschmann
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-2001

Clinton T. Anderson
CTA Properties
333 North Randall Road
St. Charles, IL 60174



Jeffery M. Trevino
Associate Regional Counsel



Dated