

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

RECEIVED  
FEDERAL HEARING CLERK  
U.S. EPA REGION 5  
2011 FEB -1 PM 2: 58

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

**COMPLAINANT'S REQUEST FOR A SECOND STATUS CONFERENCE**

The Complainant hereby requests that the Presiding Officer convene a status conference, to be conducted by telephone, at her convenience. This request is occasioned by the following:

1. As of November 10, 2010, the parties completed the prehearing exchange as required by 40 C.F.R. § 22.19 and the Presiding Officer's Order.
2. By Order Scheduling Hearing dated November 19, 2010, the Presiding Officer has set this matter for hearing to begin on March 1, 2011.
3. Pursuant to the Presiding Officer's Order dated January 20, 2011, Complainant filed an Amended Complaint on January 28, 2011, adding Mr. Laurence C. Kelly as a Respondent in this matter (Respondent Kelly). That Order provides that Respondent Kelly's proposed answer would be deemed filed on the date of the filing of the Amended Complaint.
4. In his Memorandum in Support of Complainant's Motion for Leave to Amend the Complaint and Compliance Order dated January 4, 2011, Respondent

Kelly stated that he “respectfully requests the right to call witnesses ....”

Complainant does not object in principle to Mr. Kelly’s naming witnesses at this juncture, but requests timely notice of their identities and their expected testimony consistent with the Presiding Officer’s previous orders.

5. In a December 17, 2010, response to Complainant’s standard pre-filing notice letter, Respondent Kelly provided a personal financial disclosure statement and an IRS Form 4506 authorizing the release of personal income tax returns. Complainant has arranged for an independent contractor to review Respondents’ financial circumstances but, to date, Complainant has not received copies of the personal returns.

Wherefore, Complainant respectfully requests a telephone status conference, so that the Presiding Officer and the parties can discuss a schedule in light of the items enumerated above. Counsel for Complainant, Mr. Williams can be reached at (312) 886-0814, and Ms. Barton at (312) 886-7163.

Respectfully submitted this 1st day of February 2011,



Thomas M. Williams  
Associate Regional Counsel  
Kasey Barton  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard, C-14J  
Chicago, Illinois 60604

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that this day I filed with the U.S. EPA Region 5 Regional Hearing Clerk the original and one copy of the foregoing Complainant's Request for a Second Status Conference. I further certify that I caused copies of the foregoing to be sent to the following persons, by the indicated methods:

By United Parcel Service, next business day delivery:

Honorable Barbara Gunning  
Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street N.W.  
Suite 350  
Washington, D.C. 20005

By United Parcel Service, next business day delivery:

Mr. Laurence Kelly  
Mercury Vapor Processing Technologies, Inc.  
7144 North Harlem Avenue  
Suite 303  
Chicago, Illinois 60631

  
\_\_\_\_\_  
Nina Johnson

Date: February 1, 2011

Administrative Program Assistant  
United States Environmental Protection Agency  
77 West Jackson Boulevard (C-14J)  
Chicago, Illinois 60604