



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

REPLY TO THE ATTENTION OF:

C-14J

July 8, 2011

VIA U.S. EPA POUCH MAIL

Hon. 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

Re: Mercury Vapor Processing Technologies, Inc. a/k/a River Shannon Recycling  
and Laurence Kelly  
Docket No. RCRA-05-2010-015

Dear Judge Gunning:

Enclosed please find a copy of Complainant's "Motion to Amend Proposed Penalty" that was filed today in the above-referenced matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Cahn".

Jeffrey A. Cahn  
Associate Regional Counsel

Enclosure

cc: Mr. Laurence Kelly (w/ enclosure)

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

DOCKET NO. RCRA-05-2010-0015

REGIONAL HEARING CLERK  
U.S. EPA REGION 5  
2011 JUL -8 AM 10:58

**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on this day I filed with the Regional Hearing Clerk the original and one copy of the accompanying Motion to Amend Proposed Penalty. I further certify that on this day I caused copies of the accompanying Motion to Amend Proposed Penalty to be sent to the following persons by the following means:

VIA POUCH MAIL:

Honorable Barbara Gunning  
Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460-2001

VIA U.S. MAIL:

Laurence Kelly  
7144 North Harlem Avenue  
Suite 303  
Chicago, Illinois 60631



Jeffrey A. Cahn  
Associate Regional Counsel  
United States Environmental Protection Agency  
77 West Jackson Boulevard (C-14J)  
Chicago, Illinois 60604

Date: July 8, 2011

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

**IN THE MATTER OF:**

**Mercury Vapor Processing  
Technologies Inc., a/k/a/ River Shannon  
Recycling  
13605 S. Halsted  
Riverdale, Illinois 60827  
U.S. EPA ID No.: ILD005234141 and**

**Laurence Kelly**

**Respondents.**

---

**DOCKET NO. RCRA-05-2010-0015**

2011 JUL -8 AM 10:58  
REGIONAL HEARING CLERK  
U.S. EPA REGION 5

**MOTION TO AMEND PROPOSED PENALTY**

Complainant, pursuant to 40 C.F.R. §§ 22.14 and 22.16 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (“Consolidated Rules”), hereby respectfully requests that the Presiding Officer grant the revision of the Amended Complaint in this matter, by inter-delineation,<sup>1</sup> to revise downward the proposed penalty amount from \$743,293 to \$120,000. This revision is based on Complainant’s review of Respondents’ ability to pay based on financial information available to date. Complainant will present testimony at the hearing to explain how the amended proposed civil penalty amount was determined. Complainant may become aware of other relevant financial information as this matter proceeds through hearing. Complainant reserves the right to conform its final proposed penalty after hearing to the evidence in the administrative record after the record is closed.

---

<sup>1</sup> Under this Motion to Amend Penalty Amount, no new Amended Complaint would be filed, and no Amended Answer would be required. The Amended Complaint would remain in force, with the proposed revised penalty figure substituted.

For the reasons set forth above, Complainant respectfully requests that the Presiding Officer grant the foregoing Motion.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jeffrey A. Cahn', written over a horizontal line.

Jeffrey A. Cahn  
Kasey Barton  
Office of Regional Counsel  
U. S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604