

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY REGION 7

2012 JAN -9 PM 2: 23

In the Matter of: )

)  
B & A Petroleum Corporation )  
d/b/a Infinite Oil )  
1349 Park Avenue )  
Omaha, Nebraska 68105 )

Docket No. RCRA-07-2010-0019

Respondent

**ORDER TO RESPONDENT TO SHOW CAUSE**

**Background**

Pursuant to the Consolidated Rules of Practice, 40 C.F.R. Part 22, Complainant filed an Administrative Complaint, Compliance Order and Notice of Opportunity for Hearing (“complaint”) in this proceeding on April 2, 2010, alleging violations of provisions of the Solid Waste Disposal Act, 42 U.S.C. § 6901, *et seq.*, which the record indicates was served on Respondent on April 21, 2010. Pursuant to Rule 15(a), 40 C.F.R. § 22.15(a), any answer to the complaint was required to be filed within 30 days thereafter. On June 13, 2011, Complainant filed and served a Motion for Default Order as to Liability and Penalty (“motion”). The record in this proceeding does not indicate that Respondent filed any answer to the 2010 complaint, or any response to the 2011 motion. Rule 22.17(a), 40 C.F.R. § 22.17(a), provides, in part, that a party may be found in default, upon motion, for failure to file an answer to a complaint. Rule 22.17(c), 40 C.F.R. § 22.17(c), provides, in part, that the relief requested in a complaint or motion for default order may be ordered against a defaulting party, if appropriate. The relief

requested in this proceeding includes a request for the assessment of a civil penalty in the amount of \$118,365.45.

Order

Respondent is hereby ordered to show cause, if any exists, why it should not be found in default in this proceeding and assessed a penalty, as set forth above. Respondent shall file any response to this order **no later than January 23, 2012.**

SO ORDERED, this 9<sup>th</sup> day of January, 2012.



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ROBERT L. PATRICK  
Regional Judicial Officer  
Region 7

IN THE MATTER OF B & A Petroleum Corporation, Respondent  
Docket No. RCRA-07-2010-0019

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order top Show Cause was sent this day in the following manner to the addressees:


Copy hand delivered to  
Attorney for Complainant:

Raymond Bosch  
Assistant Regional Counsel  
Region 7  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Overnight UPS Delivery (signature required) to:

Mohammed Ali  
B&K, B&A, M&A Petroleum Corp.  
215 N. Prospect Ave  
Streamwood, Illinois 60107-4103

Dated: 1/11/12

  
Kathy Robinson  
Hearing Clerk, Region 7