

3/9/94

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
1833 Nostrand Avenue) [UST] Docket No. II-RCRA-93-0209
Corporation, and)
Gurmeet Gas Station,)
Inc.,)
)
Respondents)

ORDER MODIFYING PRIOR ORDER

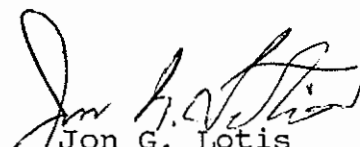
By order dated February 25, 1994, Counsel for the Respondent, Gurmeet Gas Station Inc., moved for an extension of the February 25, 1994, prehearing exchange date. I granted the motion and extended the time for the filing of the prehearing exchange until March 25, 1994, as requested.

On March 8, 1994, I received a phone call inquiry from counsel for the Complainant as to whether the extension of time that was granted for the filing of the prehearing exchange was intended to apply only to Respondent, Gurmeet Gas Station, Inc.

The February 25 order grants only the relief that had been requested. Accordingly, the extension of time granted applies only to respondent, Gurmeet Gas Station, Inc.

Because of the apparent potential for a possible other interpretation of the February 25 order - which presumably gave rise to Complainant's phone call - as a matter of fairness, the relief extended to Gurmeet Gas Station, Inc. shall be extended to the other named respondent in the proceeding, 1833 Nostrand Avenue Corporation.

Accordingly, the prehearing exchange of all respondents shall be due on or March 25, 1994 with replies to all initial prehearing exchanges due on or before April 14, 1994.


Jon G. Lotis
Administrative Law Judge

Dated: March 9, 1994
Washington, D.C.

IN THE MATTER OF 1833 NOSTRAND AVENUE CORPORATION, AND
GURMEET GAS STATION, INC., Respondents
[UST] Docket No. II-RCRA-93-0209

CERTIFICATE OF SERVICE

I certify that the foregoing Order Modifying Prior Order, dated March 9, 1994, was sent in the following manner to the addressees listed below:

Original by Regular Mail to:

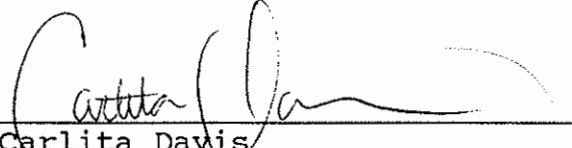
Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region II
26 Federal Plaza
Room 437
New York, NY 10278

Copies by Certified Mail,
Return Receipt Requested to:

Counsel for Complainant: Naomi Shapiro, Esq.
Assistant Regional Counsel
U.S. Environmental Protection
Agency, Region II
26 Federal Plaza
New York, NY 10278

Counsel for Respondents: Jay M. Schornstein, Esq.
328 Sixth Avenue, #1
Brooklyn, NY 11215

Carl S. Levine, Esq.
Carl S. Levine & Associates, P.C.
1800 Northern Boulevard
Roslyn, New York 11576



Carlita Davis
Legal Clerk, Office of
Administrative Law Judges
U.S. Environmental Protection
Agency
401 M Street, S.W.
Washington, D.C. 20460

Dated: March 9, 1994
Washington, D.C.