

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:	)	Docket No: RCRA-03-2018-0131
	)	
Silky Associates, LLC,	)	
	)	
Respondent.	)	

**COMPLAINANT’S RESPONSE TO RESPONDENT’S OCTOBER 16, 2018 LETTER**

Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency, Region III (“Complainant”), pursuant to 40 C.F.R. §§ 22.16(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), respectfully submits this response to the letter dated October 16, 2018 submitted on behalf of<sup>1</sup> Silky Associates, LLC (“Respondent’s October 16, 2018 letter”).

1. To the extent the Respondent’s October 16, 2018 letter is considered to be a motion for an extension of time to file its Prehearing Exchange, Complainant does not oppose the granting of such relief so long as the duration of such extension is reasonable given the stated circumstances and level of detail provided, and so long as a commensurate extension is granted to Complainant to file its Rebuttal Prehearing Exchange so as not to be prejudiced by having insufficient time to prepare due to Respondent’s delay.

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<sup>1</sup> Complainant notes that Respondent’s October 16, 2018 letter was signed by Silky Bagga who has not filed a “Notice of Appearance” but appears to be acting in a representative capacity on behalf of Respondent as described under 40 C.F.R. § 22.10.

2. To the extent the Respondent's October 16, 2018 letter is considered to be a motion to dismiss, Complainant opposes the granting of such relief as Respondent provides no factual or legal grounds for such remedy.
3. Complainant notes that Respondent's October 16, 2018 letter alludes to possible financial hardship. To the extent that this is construed as a claim that Respondent is unable to pay a substantial penalty in this matter, Complainant requests the Presiding Officer to issue an order requiring Respondent to provide supporting financial information and documentation, specifically, information previously requested by EPA counsel in a September 27, 2018 letter (inclusive of offshore assets and accounts), as well as additional information that may be requested in the future to enable Complainant to perform a complete and accurate analysis of Respondent's ability to pay a civil penalty in this matter, to supplement the federal tax returns that Respondent previously submitted to Complainant.

OCT 30 2018  
Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Jennifer M. Abramson, Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region III

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

In the Matter of:	)	DOCKET NO: RCRA-03-2018-0131
	)	
Silky Associates, LLC,	)	
	)	
Respondent.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that, on the date below, copies of COMPLAINANT'S RESPONSE TO RESPONDENT'S OCTOBER 16, 2018 LETTER were served upon the persons listed in the manner indicated.

**Original and one copy via the OALJ E-Filing System**

Mary Angeles, Headquarters Hearing Clerk

**One copy via the OALJ E-Filing System**

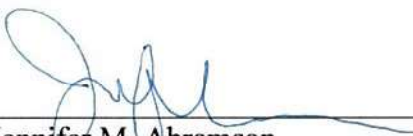
Susan L. Biro, Chief Administrative Law Judge

**Copy by UPS Next Day Air:**

Lakhmir Bagga  
Silky Associates, LLC  
200 E. Williamsburg Road  
Sandston, VA 23150

OCT 30 2018

Date

  
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