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BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7

In the matter of:)	U.S. EPA Docket No.:
)	
)	
B & A Petroleum Corporation)	RCRA-07-2010-0019
d/b/a Infinite Oil)	RCRA-07-2010-0020
)	RCRA-07-2010-0021
B & K Petroleum Corporation)	(not consolidated)
d/b/a Infinite Oil)	
)	
M & A Petroleum Corporation)	
d/b/a Infinite Oil)	
)	
Respondents,)	

COMPLAINANT'S RESPONSE TO ORDER TO SHOW CAUSE

On June 18, 2012 the Regional Judicial Officer for the United States Environmental Protection Agency Region 7 assigned to this matter issued an order entitled "Order to Complainant to Show Cause" requiring Complainant to show cause no later than June 20, 2012 why these proceedings should not be dismissed for Complainant's failure to prosecute. In its response, Complainant is setting forth the history of the filings in these proceedings, as well as Complainant's intentions for filing additional pleadings that will likely conclude this matter, and the anticipated date for filing such materials.

Complainant states as follows:

1. In accordance with 40 C.F.R. §§ 22.5(a) and 22.14, on April 2, 2010, the original Complaints in these proceedings, and one copy of each, were filed with the Regional Hearing Clerk, EPA Region 7. In accordance with 40 C.F.R. § 22.5(b)(1), on April 21, 2010, Complainant delivered a copy of each of the Complaints, via UPS, with proof of service requested, to Respondent's registered agent and president, Mohammed Ali. Mohammed Ali, registered agent and president of the respondents, and a person who is authorized to receive a copy of a complaint under 40 C.F.R. § 22.5(b)(1)(ii)(a), received a copy of each of the original complaints in these matters on April 21, 2010. As evidence of his receipt of these documents, he signed the UPS receipt form.
2. As per 40 C.F.R. § 22.15, a respondent must file an answer to a complaint with the EPA Regional Hearing Clerk, within thirty (30) days after service of the complaint. As of the date of this current filing, none of the respondents in this matter have filed an answer to the original

complaints, nor requested an extension of time within which to file an answer, nor have they had any communication at all with Complainant or the Regional Hearing Clerk for EPA Region 7.

3. On May 27, 2011, Complainant filed a Motion for Default Order as to Liability and Penalty in all three of these cases. Accompanying these motions, Complainant filed a Memorandum in Support of the motions and a declaration of the EPA Compliance Officer, Wilfredo Rosado-Chaparro setting explaining how EPA calculated its proposed penalty.

4. On February 22, 2012, the EPA Regional Judicial Officer assigned to these cases issued an initial decision in the B & A Petroleum Corporation case, denying the Complainant's motion for Default Order as to Liability and Penalty. The order gave Complainant 10 days to file a notice stating whether Complainant intended to amend the original complaint in the B & A Petroleum Corporation case, and if so, when Complainant intended to file such an amended complaint.

5. In response, on February 29, 2012, Complainant filed a notice with the Regional Officer requesting 30 days in which to file an amended complaint in the B & A Petroleum Corporation case. Complainant then filed an amended complaint in the matter of B & A Petroleum Corporation on March 29, 2012. Although the respondent was served with this amended complaint on April 5, 2012, it has never filed an answer to the amended complaints, as required by 40 C.F.R. Part 22.

6. On April 30, 2012, Complainant filed an amended complaint in both B & K Petroleum Corporation case and the M & A Petroleum Corporation case. Although the respondents were served with these amended complaints on May 3, 2012, they have never filed an answer to these amended complaints, as required by 40 C.F.R. Part 22.

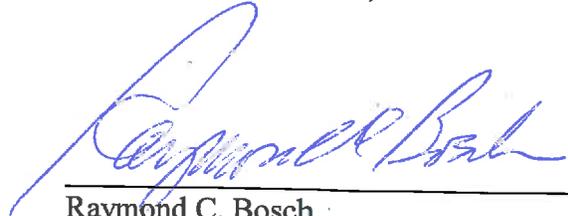
7. On June 13, 2012, Complainant notified the Regional Judicial Officer assigned to this matter that it intends to file a motion for default order as to liability and penalty as to each of the amended complaints in these cases. The Complainant informed the Regional Judicial Officer that such motions will be filed herein no later than June 27, 2012.

8. All of the above activities demonstrate that Complainant has prosecuted these matters in earnest and at no time has allowed them to languish. This occurred despite the fact that the respondents have not answered any of the complaints or motions filed in this matter and have not communicated with the Complainant, the EPA Regional Hearing Clerk or the EPA Regional Judicial Officer at any time during the course of these proceedings. Further, Complainant has filed, or has given notice of its intent to file in the near future, all of the information necessary to allow the Regional Judicial Officer assigned to this case to rule on these matters on their merits.

For the above and foregoing reasons, Complainant respectfully requests that these matters not be dismissed for failure to prosecute. Complainant further requests that it be allowed to file its motions for default order on liability and penalty, regarding the amended complaints filed in these proceedings, no later than June 27, 2012.

Respectfully submitted,

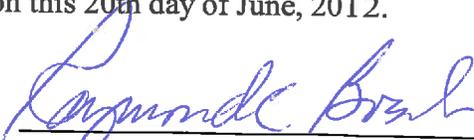
June 20, 2012
Date



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CERTIFICATE OF SERVICE

I hereby certify that the original and one true and correct copy of the foregoing COMPLAINANT'S RESPONSE TO ORDER TO SHOW CAUSE was hand delivered to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 901 North Fifth Street, Kansas City, Kansas 66101; and a true and correct copy was sent to Mohammed Ali, Registered Agent, B & A Corporation, B & K Corporation and M & A Corporation, 215 North Prospect Avenue, Streamwood, IL 60107, on this 20th day of June, 2012.



Raymond C. Bosch
Assistant Regional Counsel