

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 & K Petroleum Corporation)
d/b/a Infinite Oil)
3824 Hamilton Street)
Omaha, Nebraska 68131)

Docket No. RCRA-07-2010-0020

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 May 27, 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 \$141,360.

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 9th day of January, 2012.

A handwritten signature in blue ink, appearing to read "Robert Patrick", is written over a horizontal line.

ROBERT L. PATRICK
Regional Judicial Officer
Region 7

IN THE MATTER OF B & K Petroleum Corporation, Respondent
Docket No. RCRA-07-2010-0020

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. 5th 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