



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

VIA EAB Electronic Filing System

May 5, 2021

Ms. Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3332
Washington, DC 20004

Re: In re Silky Associates, LLC
Appeal No. RCRA 21-02

Dear Ms. Durr:

Regarding EPA's Motion for Leave to File a Reply Brief, I indicated that Appellant had not consented to the motion. Yesterday, during a routine clean out of my spam/junk email folder, I found an email from Appellant's representative, Mr. Bagga, replying to my request for Appellant's consent to EPA's motion wherein Mr. Bagga asked "I do not understand meaning of Leave to reply to your recent filings."

As a matter of clarification to the Board, although Appellant never consented to EPA's Motion for Leave to File a Reply, Appellant did not affirmatively decline its consent. On no previous occasion were emails from Mr. Bagga routed to junk/spam on my computer, thus there was no expectation on my part that Mr. Bagga's communication to me would not come directly to my primary email folder. Since I had asked Mr. Bagga to respond to my request for consent by 5 PM that day, I reasonably assumed his apparent non-response indicated Silky Associates would not consent to EPA's Motion for Leave to File a Reply Brief. Although my representation that Appellant had not consented to EPA's motion is technically true, in my duty to be candid to the tribunal, I write to clarify the circumstances which were unknown to me until late yesterday

Respectfully submitted,

/s/

Joyce A. Howell
Senior Assistant Regional Counsel

cc: Lakhmir Bagga, Silky Associates, L.L.C. (via electronic mail)
Melissa Toffel

**THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re: _____ :

Silky Associates, L.L.C. : Appeal No. RCRA 21-02

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing letter was filed electronically with the EAB's electronic filing system and to Appellant via electronic mail on this Fifth day of May, 2021.

Via electronic mail:
Lakhmir Bagga
Silky Associates, L.L.C.
200 E. Williamsburg Road
Sandston, VA 23150
luckymart200@gmail.com

/s/
Joyce A. Howell
Signed per revised EAB Order on electronic filing in EAB
Part 22 proceedings dated August 12, 2013.

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