

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS**

In the Matter of:)
)
RK Distributing, Inc.,)
)
Respondent.)

Docket No. RCRA-06-2011-56

FILED
 2011 MAR 28 PM 2:18
 REGIONAL HEARING CLERK
 EPA REGION VI

ORDER EXTENDING ANSWER DATE

This action was initiated by the Complainant, the Director of the Multimedia Planning and Permitting Division, United States Environmental Protection Agency Region 6 ("EPA"), under the authority of Section 9006 of the Solid Waste Disposal Act ("SWDA"), as amended, 42 U.S.C. § 6991e. This action is governed by procedures set forth in the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits codified at 40 C.F.R. Part 22. Pursuant to 40 C.F.R. § 22.4(b), I have been assigned to act as Presiding Officer in this matter until the Respondent files an answer to the complaint. As of the date of this Order, Respondent has not filed an answer.

Complainant filed the Administrative Complaint ("Complaint") in this action on January 21, 2011. The Certificate of Service attached to the Complaint indicates that copy of the Complaint was sent by certified mail, return receipt requested, addressed to Respondent on January 21, 2011. A return receipt or other proof of service of the Complaint has not been filed with the Regional Hearing Clerk as of the date of this Order. On February 10, 2011, a representative of the Respondent filed a letter with the Regional Hearing Clerk. While Respondent's letter appears to be intended to comply with the requirement to file a timely response to the Complaint and preserve Respondent's rights in this matter, the letter does not contain the elements necessary to constitute an "answer" set out in 40 C.F.R. § 22.15, nor does it specifically state that Respondent requests a hearing. Respondent's letter also does not indicate that a copy of the letter was sent to EPA, and there is no certificate of service accompanying the letter as required by 40 C.F.R. § 22.5(a)(2).

After giving due consideration to the entire record in this case and taking into account the Presiding Officer's responsibility to avoid delay in these proceedings, it is **ORDERED** that the parties shall comply with following measures for the orderly and efficient conduct of these proceedings:

1. With this Order, a copy of Respondent's letter filed on February 10, 2011, is being forwarded to the Complainant.
2. If the Respondent addresses any future document in this matter to the Regional Hearing Clerk or the Presiding Officer, Respondent shall comply with the service

CERTIFICATE OF SERVICE

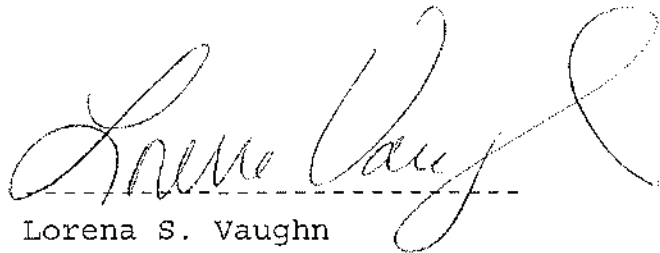
I, Lorena S. Vaughn, the Regional Hearing Clerk, do hereby certify that a true and correct copy of the Order Extending Answer Date for RCRA 06-2011-5601 was provided to the following on the date and in the manner stated below:

Steven B. Hanska
RK Distributing, Inc.
1001 West Memorial Road
P.O.Box 20790
Oklahoma City, OK 73156

CERTIFIED MAIL

Jay Przyborski
U.S. Environmental Protection Agency
1445 Ross Avenue
Dallas, Texas 75202

INTEROFFICE MAIL



Lorena S. Vaughn
Regional Hearing Clerk

3-28-11

Date