

# KORANSKY, BOUWER & PORACKY, P.C.

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June 25, 2010

**VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

RECEIVED  
JUN 29 2010

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

Tywanna Greene  
Regional Hearing Clerk  
U.S. E.P.A.  
Ralph Metcalfe Federal Building  
77 West Jackson Blvd.  
Chicago, IL 60604

Re: In the Matter of Skhjinder S. Virk, Owner Virks Gas and Grocery, Michigan City, IN  
Docket No. RCRA-05-2010-0017

Dear Ms. Greene:

Enclosed for filing please find the following:

**Respondent's Motion to Extend Period for Filing Written Answer to Complaint**

Kindly enter the enclosed document on record and return a date-stamped copy of this document to this writer. A self-addressed, stamped envelope is enclosed for your convenience. By copy of this correspondence, both the Regional Judicial Officer and Associate Regional Counsel are receiving a copy of the enclosed pleading.

Thank you for your kind attention to this matter.

Very truly yours,

KORANSKY, BOUWER & PORACKY, P.C.

BY: PAUL B. PORACKY

PBP:bls

Enclosure: as stated

cc: Marcy A. Toney, RJO (via first class mail and overnight mail)  
Terry Branigan (via first class mail and e-mail)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>Docket No. RCRA-05-2010-0017</b>
	)	
<b>Sukhjinder S. Virk, Owner</b>	)	<b>Proceeding to Assess a Civil Penalty and</b>
<b>Virks Gas and Grocery</b>	)	<b>Issue a Compliance Order Under Section</b>
<b>Michigan City, Indiana,</b>	)	<b>9006 of the Solid Waste</b>
	)	<b>Disposal Act, as amended</b>
<b>Respondent.</b>	)	<b>42 U.S.C. § 6991e</b>

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**RESPONDENT'S MOTION TO EXTEND PERIOD FOR FILING  
WRITTEN ANSWER TO COMPLAINT**

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

COMES NOW Respondent, Sukhijinder S. Virk, Owner Virks Gas and Grocery, Michigan City, Indiana (hereinafter "Virk" or "Respondent") and for his Motion to Extend the Time for Filing a Written Answer to Complaint would state as follows:

1. On or about June 9, 2010, the United States Environmental Protection Agency Region 5 ("US EPA") filed its Complaint against Virk pursuant to the Solid Waste Disposal Act, as amended ("SWDA") concerning the operation of underground storage tanks at Respondent's gas station location in Michigan City, Indiana.
2. That it had been the intent of the Respondent to conduct an informal conference with the US EPA representatives in advance of the time for answering the Complaint and arrangements for a meeting were to go forward.
3. That discussions were had between the environmental engineering representative for Virk, Thompson Environmental, Inc. by James Thompson, with US EPA representatives; however, an attempted planned meeting during the week of June 21, 2010 was not able to be conducted because James Thompson was called out of town on other business and reports and studies of the underground storage tanks and other environmental records which shed light on the allegations as contained in the Complaint have not been fully evaluated.

4. It is the Respondent's position that an additional thirty (30) days in which to answer the Complaint, if necessary, be granted in this matter so that the informal meeting can take place to see whether or not the issues as raised in the Complaint can be fully addressed and a resolution of the charges and penalties reached between the parties.

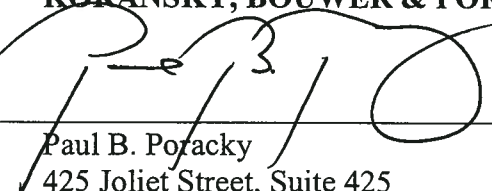
5. That undersigned counsel has had the opportunity to speak with Associate Regional Counsel, Terry Branigan of the US EPA, concerning both the informal meeting and the herein request for additional time to answer the Complaint. As shown by a copy of e-mail correspondence from Mr. Branigan dated June 24, 2010, the US EPA has no objection to the Respondent seeking to extend the period of time to file the answer to the Complaint, up to thirty (30) days.

6. That pursuant to 40 C.F.R 22 et seq. (Part 22 – Consolidated Rules of Practice) and specifically Section 22.5(b)(2), this Motion is being served to the Regional Judicial Officer, Marcy A. Toney, RJO, via both first class mail and overnight mail to 77 West Jackson Blvd., C-14J, Chicago, IL 60604-3590; to the Regional Hearing Clerk by first class mail certified, return receipt requested and by e-mail and first class mail to Terry Branigan.

WHEREFORE, the Respondent, Sukhjinder S. Virk, Owner of Virks Gas and Grocery, Michigan City, Indiana, respectfully requests that he be granted an additional thirty (30) days within which to file an answer to the Complaint.

Respectfully submitted,  
**KORANSKY, BOUWER & PORACKY, P.C.**

BY: \_\_\_\_\_

  
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