

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY**

**BEFORE THE ADMINISTRATOR**

**In the Matter of:** )

**Sukhjinder S. Virk, Owner  
Virks Gas and Grocery** )

**Respondent** )

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**Docket No. RCRA-05-2010-0017**

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**SECOND JOINT MOTION TO EXTEND THE PERIOD  
FOR THE PREHEARING EXCHANGES**

Counsel for the Parties hereby state that they have prepared a written Consent Agreement and Final Order (CAFO) in settlement of Complainant's claims in this matter, that the written CAFO has been executed by the Respondent, and that the CAFO is currently under final review by Complainant and Complainant's management (EPA). The Parties respectfully request, by and through their counsel, that the deadlines for making the Prehearing Exchanges in this matter be extended for a short period in order to allow additional time for review and execution of the CAFO by EPA.

In support of this request, the Parties state as follows:

1. On January 19, 2011, Administrative Law Judge Barbara A. Gunning issued a Prehearing Order directing the Parties to make their Prehearing Exchanges, beginning with the Complainant's Initial Prehearing Exchange due on February 16, 2011.
2. On February 8, 2011, the Parties by and through their counsel filed a Joint Motion to Amend the Prehearing Order to Extend the Period for the Prehearing Exchanges (Joint Motion), stating in support that the Parties had reached a settlement in principle and needed additional time to prepare and execute a CAFO that embodied the settlement in principle.

3. On February 10, 2011, Judge Gunning issued an Order that granted the Joint Motion and extended the period for the Prehearing Exchanges, beginning with the Complainant's Initial Prehearing Exchange due on March 30, 2011.
4. Since that time, the Parties have prepared a written CAFO in settlement of the claims in this matter, and the Respondent has executed the CAFO.
5. EPA needs a brief period of additional time to complete review and execution of the CAFO.

The Parties, by and through their counsel, propose the following revised schedule for making the Prehearing Exchanges, should EPA fail to execute the CAFO:

April 13, 2011	Complainant's Initial Prehearing Exchange
May 11, 2011	Respondent's Prehearing Exchange
May 25, 2011	Complaint's Rebuttal Prehearing Exchange

For good cause shown, the Parties, by and through their counsel, respectfully request that this Motion be granted, and that the deadlines for making the Prehearing Exchange be revised as proposed above.

Respectfully submitted,

Counsel for Complainant

March 24, 2011  
Date

Terence Branigan  
Terence Branigan  
Associate Regional Counsel (C-14J)  
U.S. EPA/ Region 5  
77 W. Jackson Boulevard

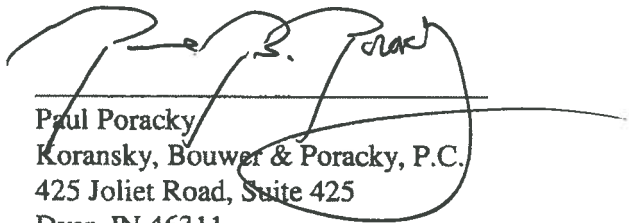
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Date

Counsel for Respondent



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U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
MAR 28 2011  
OFFICE OF REGIONAL  
COUNSEL

**CERTIFICATE OF SERVICE**

I certify that on this 28<sup>th</sup> day of March, 2011, I sent copies of the foregoing "Second Joint Motion to Extend the Period for the Prehearing Exchanges," dated March 24, 2011, in the following manner to the addressees listed below:


Original and One Copy by  
Hand Delivery to:

La Dawn Whitehead  
Regional Hearing Clerk  
U.S. EPA/Region 5  
77 W. Jackson Boulevard, E-19J  
Chicago, IL 60604-3590

Copy by UPS and Email to:

Honorable Barbara A. Gunning  
Administrative Law Judge  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
1099 14<sup>th</sup> Street, N.W.  
Washington, D.C. 20460  
Email c/o Steven Sarno, Acting Managing Attorney,  
Office of Administrative Law Judges

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Dated: March 28, 2011

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