

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Sukhjinder S. Virk, Owner)
Virks Gas and Grocery)
Michigan City, Indiana)
)
Respondent)
_____)

Docket No. RCRA-05-2010-0017

2010 DEC -3 PM 1:12
REGIONAL HEARING CLERK
U.S. EPA REGION 5

**COMPLAINANT’S MOTION TO EXTEND THE PERIOD FOR
ALTERNATIVE DISPUTE RESOLUTION**

Complainant hereby respectfully requests, by and through counsel for Complainant, that the alternative dispute resolution (ADR) process in this matter be continued for an additional twenty-eight (28) days beyond December 3, 2010, the current date for termination of the ADR process, and in support of this request states as follows:

1. On September 3, 2010, Chief Administrative Law Judge Susan L. Biro, issued an Order Initiating Alternative Dispute Resolution Process and appointing as a neutral, Judge Spencer T. Nissen.
2. Since that time, the parties have discussed the merits of the case between themselves and in conference calls with Judge Nissen.
3. During the course of these discussions, the parties have made significant progress towards an agreement in settlement of this matter.
4. An extension of the period for the ADR process would facilitate additional discussion between the parties to determine whether a settlement agreement can be achieved.
5. Counsel for Respondent has indicated that Respondent does not object to an extension of the period for the ADR process.

For good cause shown, Complainant respectfully requests that this Motion be granted, and that the date for termination of the ADR process be extended to December 31, 2010.

Respectfully submitted,

Counsel for Complainant



Terence Branigan
Associate Regional Counsel (C-14J)
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12-03-10
Date

CERTIFICATE OF SERVICE

I certify that on this 3rd day of December, 2010, I sent the foregoing "Complainant's Motion to Extend the Period for Alternative Dispute Resolution," dated December 3, 2010, 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

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Copy by UPS and Fax to:

Honorable Spencer T. Nissen
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Ave., NW
Mail Code 1900L
Washington, DC 20005
Fax (202) 565-0044

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Chicago, IL 60604

Dated: December 3, 2010