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October 26, 2010

VIA FIRST CLASS MAIL

La Dawn Whitehead
US EPA Region 5
Office of the Regional Hearing Clerk
77 W. Jackson Blvd., Mailcode: E-19J
Chicago, IL 60604-3590

RECEIVED
OCT 28 2010

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Re: In the Matter of Sukhjinder S. Virk, Owner Virks Gas and Grocery, Michigan City, IN
Docket No. RCRA-05-2010-0017
Subject: Motion for Extension of Alternative Dispute Resolution deadline

Dear Ms. Whitehead:

Enclosed please find an original and one (1) copy of the Respondent's Motion for Extension of Alternative Dispute Resolution Process and Automatic Termination. This is the result of a recent teleconference before the Honorable Judge Spencer T. Nissen and Terence Branigan, Associate Regional Counsel for US EPA/Region 5.

Please see that the enclosed Motion is docketed accordingly. I have enclosed for you a self-addressed stamped envelope for purposes of returning a file-stamped copy to my office.

I have forwarded a copy by regular mail to all individuals listed below. 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: Honorable Susan L. Biro, Chief Administrative Law Judge, US EPA (w/encl.)
Honorable Spencer T. Nissen, Judge, US EPA (w/encl.)
Terence Branigan, Associate Regional Counsel, US EPA (w/encl.)
Maria Whiting-Beale, Staff Assistant, US EPA (w/encl.)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

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

Docket No. RCRA 05-2010-0017

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**RESPONDENT’S MOTION FOR EXTENSION OF ALTERNATIVE DISPUTE
RESOLUTION PROCESS AND AUTOMATIC TERMINATION**

COMES NOW Respondent, Sukhijinder S. Virk, Owner Virks Gas and Grocery, Michigan City, Indiana (hereinafter “Virk” or “Respondent”) and respectfully submits his Motion requesting that the alternative dispute resolution process be continued for an additional thirty (30) days beyond the November 3, 2010 date as currently set, and in support of same would state 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. Since that time, the parties have conducted two (2) conference calls with Judge Nissen discussing the merits of the case and steps taken by the parties’ to address issues stemming out of the original Complaint as filed by the United States Environmental Protection Agency, Region 5.
2. During the course of the second conference with Judge Nissen conducted on October 21, 2010, there was indication from the EPA that it was on the verge of confirming compliance by Respondent, and that thereafter once compliance was confirmed, would decide whether or not to make a counter-offer to the settlement proposal already on the table by the Respondent.
3. The request for an additional thirty (30) days will serve the ends of justice and will not serve as a penalty to either the Complainant or Respondent.

4. EPA, Region 5, during the course of the October 21, 2010 conference indicated no objection to the extension of the alternative dispute deadline by thirty (30) days to and including December 3, 2010.

WHEREFORE, the Respondent, Sukhjinder S. Virk, Owner of Virks Gas and Grocery, Michigan City, Indiana, respectfully requests that motion extending the alternative dispute resolution process to and including December 3, 2010 be granted.

Respectfully submitted,

KORANSKY, BOUWER & PORACKY, P.C.

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