



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

August 12, 2007

REPLY TO THE ATTENTION OF:

C-14J

Marcy A. Toney
Regional Judicial Officer
U.S. EPA, Region 5 (C-14J)
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: In the Matter of John Sconiers, EPA Docket No. RCRA-05-2010-0019
Joint Motion for Extension of Time to File Answer

Dear Ms. Toney:

Please find enclosed Complainant's and Respondent's Joint Motion for Extension of Time to File Answer, and Certificate of Service, filed this date with the Regional Hearing Clerk. The parties request an extension of forty-five (45) days to provide for additional time to resolve this matter prior to the filing of an Answer.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin C. Chow", with a long, sweeping horizontal line extending to the right.

Kevin C. Chow
Associate Regional Counsel

Enclosure

cc: Regional Hearing Clerk (R-19J)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

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CLERK
U.S. EPA REGION 5

2010 AUG 12 PM 12:13

IN THE MATTER OF:)
)
JOHN SCONIERS)
100 Hugh Muir Lane)
Maywood, Illinois 60153)
)
U.S. EPA ID #: ILR 000150912)
)
Respondent.)
_____)

DOCKET NO. RCRA-05-2010-0019

**JOINT MOTION FOR EXTENSION OF TIME
TO FILE ANSWER**

Complainant, by Kevin C. Chow, Associate Regional Counsel, on behalf of the Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency, Region 5 ("U.S. EPA"), and the Respondent, Mr. John Sconiers, hereby make this joint motion before the Regional Judicial Officer to request that the date by which Respondent's Answer in this matter is due, August 13, 2010, be continued for an additional forty-five (45) days from that date, i.e., to September 27, 2010. Complainant is acting on behalf of Respondent in this instance only and solely for the purpose of filing this joint motion, and for no other purpose.

Complainant and Respondent make this joint motion in order to obtain additional time to execute and file a Consent Agreement and Final Order ("CAFO") or take other action that would settle the claims alleged by U.S. EPA in a Complaint and Compliance Order ("Complaint") filed on July 12, 2010, without burdening Respondent with the time and expense of filing an Answer. On August 11 and 12, 2010, prior to the filing of this motion, counsel for Complainant and Respondent discussed by telephone the necessity for additional time. Respondent is not represented by legal counsel in this matter and consented to such discussions without the presence of counsel. Complainant provided a copy of this motion to Respondent prior to it being filed. Respondent informs the undersigned that he concurs in this motion.

The following is represented in support of this motion:

- 1) On July 12, 2010, Complainant issued the Complaint to Respondent alleging one violation of Section 3007 of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act of 1976, as amended ("RCRA"), 42 U.S.C. § 6927, arising from Respondent's alleged failure to respond, in writing or otherwise, to an Information Request ("Request") issued by U.S. EPA on June 19, 2009. The Complaint seeks a proposed penalty of \$102,680, and includes a Compliance Order requiring a full and complete response to the Request within fourteen (14) days after the Compliance Order becomes a Final Order.
- 2) Respondent received the Complaint on July 14, 2010. The Complaint provides that Respondent's Answer and request for hearing must be filed within thirty (30) days after Respondent's receipt of the Complaint. Respondent's Answer is thus due August 13, 2010.
- 3) Subsequent to Respondent's receipt of the Complaint, Complainant and Respondent discussed by telephone the allegations in the Complaint and Respondent's financial circumstances, including Respondent's plans for filing a petition in bankruptcy. On August 4, 2010, Respondent attempted to send to U.S. EPA representative Spiros Bourgikos a written response to the questions in the Request, as well as a draft of Respondent's anticipated Voluntary Petition under Chapter 7 of the Bankruptcy Code to be filed in the U.S. Bankruptcy Court for the Northern District of Illinois, identifying Respondent's assets and liabilities. Respondent sent these materials by electronic facsimile. However, unknown to Respondent, Mr. Bourgikos has been out of the office for an extended period of time, and was not in the office to receive or retrieve Respondent's transmission. Mr. Bourgikos has not returned to the office as of the date of this motion.
- 4) On August 11, 2010, Respondent contacted counsel for Complainant to inquire about the submitted documents. Respondent then provided counsel for Complainant copies of the same documents by electronic facsimile. Respondent represents that his bankruptcy petition will be filed as early as the week of August 15, 2010.
- 5) In light of his submission of answers to the Request in advance of a Final Order, his imminent bankruptcy filing, and his willingness to seek a resolution of this matter, Respondent represents that to take the time, effort, and expense to file an Answer by August 13, 2010, would be an unnecessary burden. Complainant concurs that a resolution of the Complaint prior to the filing of an Answer may be appropriate in light of the answers to the Request and Respondent's potential inability to pay the proposed penalty of \$102,680. The parties therefore concur that additional time is necessary to seek an appropriate resolution of the Complaint prior to the filing of an Answer.

- 6) The parties jointly request that Respondent's deadline for filing an Answer be extended for forty-five (45) days from August 13, 2010. If granted, Respondent's Answer would be due September 27, 2010.
- 7) A 45-day extension of time to file an Answer will allow Complainant to obtain any necessary additional financial information, assess Respondent's ability to pay, and resolve this matter through the execution and filing of a Consent Agreement and Final Order, or through any other action consistent with the resolution of matters in a bankruptcy context.
- 8) A 45-day extension of time to file an Answer in order for the parties to reach a resolution of this matter would spare the Regional Hearing Clerk the administrative time and expense of preparing and remitting the file for this case to the Office of Administrative Law Judges.
- 9) If this motion is not ruled upon prior to the date that Respondent's Answer is due on August 13, 2010, and if Respondent does not file an Answer on such date, Complainant agrees to forego the filing of a motion for default until such time that this motion is ruled upon.
- 10) Respondent concurs with and approves the filing of this Motion.

Respectfully submitted,



Kevin C. Chow
Associate Regional Counsel

In the Matter of: John Sconiers
EPA Docket No. RCRA-05-2010-0019

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U.S. EPA REGION 5

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CERTIFICATE OF SERVICE

I hereby certify that today I filed the original of this Joint Motion for Extension of Time to File Answer in the office of the Regional Hearing Clerk, United States Environmental Protection Agency, Region 5.

I further certify that I then caused true and correct copies of the filed document to be delivered in the following manner to the persons below:

By Hand Delivery

Marcy A. Toney
Regional Judicial Officer
U.S. EPA, Region 5 (C-14J)
77 West Jackson Boulevard
Chicago, Illinois 60604

By U.S. Mail, First Class Postage

John Sconiers
100 Hugh Muir Lane
Maywood, IL 60153
Phone: (630) 248-7099

Dated: August 12, 2010



Kevin C. Chow
Associate Regional Counsel
United States Environmental
Protection Agency (C-14J)
77 West Jackson Blvd.
Chicago, IL 60604-3590
(312) 353-6181