

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF: )

South Holland Metal Finishing Co., Inc. )  
26100 South Whiting Way )  
Monee, Illinois 60449 )

ILR 000 107 334 )

Respondent. )

DOCKET NO.: RCRA-05-2007-0014

RECEIVED  
REGIONAL HEARING CLERK  
US ENVIRONMENTAL AGENCY  
2007 DEC 17 PM 4:44

NOTICE OF FILING

TO: Regional Hearing Clerk (E-13J)  
United States Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
**(VIA FEDERAL EXPRESS)**

Thomas J. Kenney  
Senior Attorney  
United States Environmental  
Protection Agency, Region 5  
Office of Regional Counsel (C-14J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
**(VIA ELECTRONIC MAIL  
and FIRST CLASS MAIL)**

(PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Regional Hearing Clerk of the United States Environmental Protection Agency, Region 5 an original and one copy of South Holland Metal Finishing Co., Inc.'s **MOTION FOR EXTENSION OF TIME**, a copy of which is herewith served upon you.

Respectfully submitted,  
SOUTH HOLLAND METAL  
FINISHING CO., INC.,  
Respondent,

Dated: December 14, 2007

By: Edward W. Dwyer  
One of Its Attorneys

Edward W. Dwyer # 6197577  
Lauren C. Lurkins # 6290854  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705  
(217) 523-4900  
SOHO:001/Filings/NOF 2ndMET

**THIS FILING SUBMITTED ON RECYCLED PAPER**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

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**MOTION FOR EXTENSION OF TIME**

NOW COMES Respondent, SOUTH HOLLAND METAL FINISHING CO., INC. (hereinafter "South Holland"), by and through its attorneys, HODGE DWYER ZEMAN, and hereby requests an extension of time for thirty (30) days, or until Wednesday, January 16, 2008, in which to file its Answer or otherwise respond to the First Amended Complaint and Compliance Order (hereinafter "Amended Complaint") filed by the United States Environmental Protection Agency, Region 5 (hereinafter "U.S. EPA") in this matter. In support of this Motion, South Holland states as follows:

1. On April 7, 2004, a representative of U.S. EPA performed a Compliance Evaluation Inspection at the South Holland facility in Monee, Illinois (hereinafter "Facility").
2. On July 12, 2004, U.S. EPA sent an Information Request to South Holland requesting South Holland to submit certain information relating to hazardous waste management issues at the Facility.
3. On August 3, 2004, South Holland responded in writing to U.S. EPA's Information Request.

4. On September 20, 2004, U.S. EPA sent a Notice of Violation (hereinafter "NOV") to South Holland based on the findings of the Compliance Evaluation Inspection conducted on April 7, 2004.

5. On October 18, 2004, South Holland responded in writing to U.S. EPA's NOV.

6. On October 29, 2004, U.S. EPA informed South Holland in writing that, upon review of South Holland's response to U.S. EPA's NOV, U.S. EPA had determined that no further enforcement action would be taken at that time.

7. On May 26, 2005, a representative of U.S. EPA performed a second Compliance Evaluation Inspection at the Facility.

8. On September 30, 2005, U.S. EPA sent a second NOV to South Holland based on the findings of the Compliance Evaluation Inspection conducted on May 26, 2005.

9. On October 28, 2005, South Holland responded in writing to U.S. EPA's September 30, 2005 NOV.

10. On August 23, 2006, U.S. EPA sent a pre-filing notice letter to South Holland informing it that U.S. EPA was prepared to file an administrative complaint for civil penalties against South Holland based on U.S. EPA's April 7, 2004 inspection, South Holland's response to U.S. EPA's July 12, 2004 Request for Information, South Holland's response to U.S. EPA's September 20, 2004 NOV and U.S. EPA's May 26, 2005 inspection. U.S. EPA also notified South Holland that it would be given the opportunity to confer with U.S. EPA about the filing of an administrative complaint and the proposed penalty that would be sought by such an action.

11. On October 20, 2006, U.S. EPA, South Holland and their respective counsel convened for the pre-filing meeting.

12. Over the course of the next year, the parties engaged in discussion regarding South Holland's ability to pay the civil penalty proposed by U.S. EPA, and the possibility of settlement of the matter.

13. On September 24, 2007, U.S. EPA filed an Administrative Complaint and Compliance Order (hereinafter "Complaint") in this matter.

14. On September 27, 2007, South Holland was served with U.S. EPA's Complaint through its registered agent.

15. On October 24, 2007, U.S. EPA filed its Amended Complaint in this matter.

16. On October 26, 2007, South Holland was served with U.S. EPA's Amended Complaint through its registered agent.

17. Pursuant to 40 C.F.R. § 22.14(c), South Holland was required to answer or otherwise respond to the Amended Complaint by November 15, 2007.

18. On November 7, 2007, counsel for South Holland spoke with counsel for U.S. EPA, who was in the process of reviewing prior submittals regarding settlement and therefore, had no objection to a request for an extension of time being granted.

19. On November 13, 2007, counsel for South Holland filed with the Regional Hearing Clerk of U.S. EPA a Motion for Extension of Time, which was granted by the Regional Hearing Clerk in its Order entered on November 14, 2007.

20. U.S. EPA and South Holland remain actively engaged in negotiations to resolve this matter.

21. On December 14, 2007, counsel for South Holland received e-mail conformation from counsel for U.S. EPA, that he has no objection to this request for an extension of time being granted until January 16, 2008.

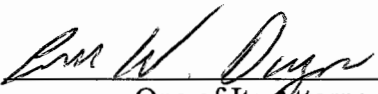
22. Therefore, in order to avoid unnecessary legal costs associated with preparing a responsive pleading if settlement negotiations prove fruitful in the near term, Respondent is seeking a second extension of the due date.

23. Respondent does not file this Motion for purposes of delay or for any other improper purpose, but rather for the reasons set forth above.

WHEREFORE, for the above and foregoing reasons, Respondent, SOUTH HOLLAND METAL FINISHING CO., INC., hereby moves the Regional Hearing Clerk to grant it an extension of time for thirty (30) days, or until Wednesday, January 16, 2008, in which to file its response to the First Amended Complaint and Compliance Order filed by U.S. EPA.

Respectfully submitted,

SOUTH HOLLAND METAL  
FINISHING CO., INC.,  
Respondent,

By:   
One of Its Attorneys

Dated: December 14, 2007

Edward W. Dwyer # 6197577  
Lauren C. Lurkins # 6290854  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705  
(217) 523-4900

SOHO:001/Filings/Motion for Extension of Time - 2

**CERTIFICATE OF SERVICE**

The undersigned, Edward W. Dwyer, certifies that he has served a copy of the foregoing

MOTION FOR EXTENSION OF TIME, upon:

Regional Hearing Clerk (E-13J)  
United States Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Ms. Marcy A. Toney  
Regional Judicial Officer  
77 West Jackson Boulevard  
Mail Code: C14-J  
Chicago, Illinois 60604

via Federal Express on December 14, 2007, and upon:

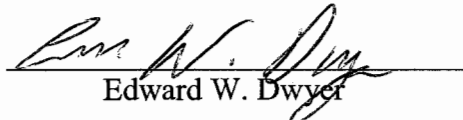
Thomas J. Kenney  
Senior Attorney  
United States Environmental Protection Agency, Region 5  
Office of Regional Counsel (C-14J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
[kenney.thomas@epa.gov](mailto:kenney.thomas@epa.gov)

by electronic mail and by depositing said documents in the United States Mail, postage prepaid,

in Springfield, Illinois on December 14, 2007, and upon:

Ms. Margaret M. Guerriero  
Director  
Land and Chemicals Division  
United States Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois  
on December 14, 2007.

  
Edward W. Dwyer

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