

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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2009 AUG 18 AM 11:31

In the Matter of:)
)
Kenall Manufacturing Company) Docket No. EPCRA-05-2009-0021
d/b/a Subtronics Assembly)
Corporation,)
)
Respondent.)
_____)

ORDER GRANTING EXTENSION OF TIME

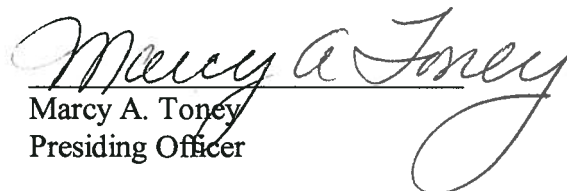
I have received a letter dated August 11, 2009, signed by Dennis Gackowski, Vice President, Kenall Manufacturing Company, d/b/a Subtronics Assembly Corporation. Mr. Gackowski is requesting an extension of time to file an answer to the complaint filed by U.S. EPA Region 5 in this matter. It appears from the record that the complaint was filed on June 29, 2009, and served on Respondent July 2, 2009. Thus, the answer was due August 1, 2009. It further appears that Respondent is not represented by counsel in this matter and that Complainant does not object to Respondent's request.

This matter is governed by the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties*, 40 C.F.R. Part 22. These rules provide that extensions of time may be granted upon the filing of a timely motion by a party and for good cause shown. Motions should be filed sufficiently in advance of the due date so as to allow other parties reasonable opportunity to respond and to allow the Presiding Officer a reasonable opportunity to issue an order. See 40 C.F.R. 22.7(b). Given Respondent's *pro se* status, I will permit the filing of Respondent's letter and treat it as a motion filed pursuant to the Consolidated Rules.

Given that the parties are engaged in settlement discussions, I conclude that an extension of time is appropriate at this time. Respondent is here by ORDERED to file an answer or otherwise plead in this matter within thirty days of the date of its request, on or before **September 10, 2009**.

SO ORDERED.

Dated: August 18, 2009


Marcy A. Toney
Presiding Officer

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In the Matter of Kenall Manufacturing, d/b/a Subtronics Assembly Corporation,
Respondent, Docket No. EPCRA-05-2009-0021

CERTIFICATE OF SERVICE

I certify that the foregoing Order, dated August 18, 2009, was sent this day in the following manner:

Original hand delivered to: Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Copy hand delivered to Attorney for Complainant: John Steketee
U. S. Environmental Protection
Agency, Region 5
Office of Regional Counsel
77 West Jackson Boulevard
Chicago, IL 60604-3590

Copy by U.S. Mail First Class to: Dennis Gackowski
Vice President
Kenall Manufacturing Company
940 Lakeside Drive
Gurnee, IL 60031

Dated: 8/18/09

By: 
Darlene Weatherspoon
Administrative Program Assistant