

August 25, 2009

Regional Hearing Clerk (E-13J)  
U.S. EPA, Region 5  
77 W. Jackson Blvd  
Chicago, IL 60604

Cc: Marcy Toney  
John Steketee  
Terry Bonace

Dear Regional Hearing Clerk,

Attached is a copy of my letter dated August 11, 2009 to the Regional Judicial Officer requesting an extension of time for filing an answer to Kenall Manufacturing Complaint, EPCRA-05-2009-002.

Also attached is a copy of the Order Granting Extension Of Time dated August 18, 2009 from Marcy A. Toney



Dennis Gackowski  
Vice President  
Kenall Manufacturing dba Subtronics Assembly Corp.

**RECEIVED**  
AUG 26 2009  
REGIONAL HEARING CLERK  
USEPA  
REGION 5

# SUBTRONICS

rec'd  
8/12/09

August 11, 2009

United States Environmental Protection Agency  
Region 5  
Office of Regional Council  
77 West Jackson Blvd.  
Chicago, IL 60604  
Attn. Marcy Toney  
Mail Code C-14J

Ref: EPCRA-05-2009-0021  
Kenall Manufacturing, Gurnee IL.

Dear Marcy,

Per the recommendation of Terry Bonace, I am requesting an extension to the time required for filing an answer to the above referenced docket number. I would like to pursue the recommendation of a settlement of \$8,938 to close this matter in a timely manner. Thank You.

Dennis Gackowski  
Vice President, Kenall Mfg dba Subtronics Assembly

Cc:  
John Steketee, C-14J  
Terry Bonace, LC-8J  
Jim Haerle

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

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**

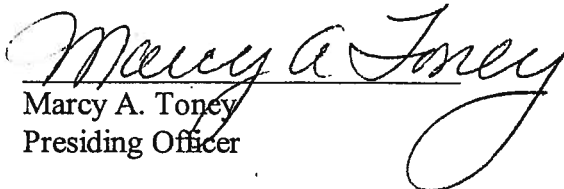
I have received a letter dated August 11, 2009, signed by Dennis Gackowski, Vice President, Kenall Manufacturing Company, d/b/a Subtronics Assembly Corporation. Mr. Gackowski is requesting an extension of time to file an answer to the complaint filed by U.S. EPA Region 5 in this matter. It appears from 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

RECEIVED  
REGIONAL HEARING CLERK  
U.S. EPA REGION 5  
2009 AUG 18 AM 11:31

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of: )  
 )  
Kenall Manufacturing Company )  
d/b/a Subtronics Assembly )  
Corporation, )  
 )  
Respondent. )  
\_\_\_\_\_ )

Docket No. EPCRA-05-2009-0021

**ORDER GRANTING EXTENSION OF TIME**

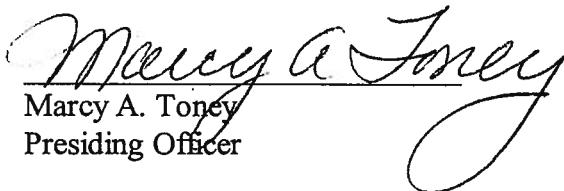
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SO ORDERED.

Dated: August 18, 2009

  
Marcy A. Toney  
Presiding Officer

## Gackowski, Dennis

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**From:** Bonace.Terence@epamail.epa.gov  
**Sent:** Thursday, August 20, 2009 9:58 AM  
**To:** Gackowski, Dennis  
**Cc:** Steketee.John@epamail.epa.gov  
**Subject:** RE: Civil administrative complaint

Dennis:

As I mentioned in our conversation yesterday, please forward a copy of your August 11, 2009 letter to Marcy Toney (Regional Judicial Officer) to the Regional Hearing Clerk as soon as possible. Send the letter and attachment (via Express Mail) to:

Regional Hearing Clerk (E-13J)  
U.S. EPA, Region 5  
77 W. Jackson Blvd  
Chicago, Illinois 60604

The copy should have a cover letter stating that attached is a copy of your August 11, 2009 motion to the Regional Judicial Officer requesting an extension of time for filing an answer to the Kennall Manufacturing Complaint, EPCRA-05-2009-002. Please cc in this cover letter both Marcy Toney and John Steketee.

We will shortly be sending you a Consent Agreement for review and signature. Please do not sign the Consent Agreement until after the Regional hearing Clerk receives the letter. You will know this date via tracking of your Express mail package. Please note we will need to have the CAFO returned as soon as possible after the Regional Hearing Clerk receives a copy of your letter because the CAFO must be executed by all parties and filed with Regional Hearing Clerk by September 10, 2009 .

Thanks very much.  
Regards  
Terry Bonace  
312 886 3387