

HINSHAW

& CULBERTSON LLP

January 12, 2011

Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

ATTORNEYS AT LAW

100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389

815-490-4900
815-490-4901 (fax)
www.hinshawlaw.com

Re: EPCRA-05-2011-0002 (AAF McQuay Inc.)

Dear Regional Hearing Clerk

Enclosed for filing please find an original and two copies of the Respondent's Request to Withdraw its Motion for Extension of Time as Moot, in the above referenced matter.

Please return a file-stamped copy of the attached documents to me in the enclosed self-addressed, stamped envelope. Please call (815) 490-4947 if you have any questions.

Very truly yours,

HINSHAW & CULBERTSON LLP



Nicola Nelson
nnelson@hinshawlaw.com

NN:
Enclosures

RECEIVED

JAN 13 2011

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)
AAF-McQuay Inc.,) Docket No. EPCRA-05-2011-0002
Respondent.)

NOTICE OF FILING

TO: Tamara Carnovsky (C-14J) Office of Regional Counsel U.S. EPA, Region 5 77 West Jackson Boulevard Chicago, Illinois 60604	Maynard Shaw (LC-8J) Pesticides and Toxics Compliance Section U.S. EPA, Region 5 77 West Jackson Boulevard Chicago, Illinois 60604
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Judge Marcy A. Toney
Regional Judicial Officer
USEPA Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

PLEASE TAKE NOTICE THAT on January 12, 2011, the undersigned caused to be filed with the Regional Hearing Clerk at U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604 the Respondent's Request to Withdraw its Motion for Extension of Time as Moot, a copy of which is attached hereto and served upon you.

HINSHAW & CULBERTSON LLP
By: 
Attorneys for Respondent AAF-McQuay Inc.

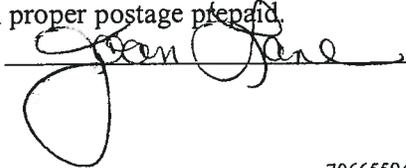
Daniel W. McGrath
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PROOF OF SERVICE

Under penalties as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that she served this Notice and Respondent's Request to Withdraw its Motion for Extension of Time as Moot on the parties listed above by depositing the same in the U.S. Mail at Rockford, Illinois by 5:00 p.m. on January 12, 2011 with proper postage prepaid.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of

AAF-McQuay Inc.,

Respondent.

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PROTECTION AGENCY

PCB No. EPCRA-05-2011-002

Proceeding to Assess a Civil
Penalty Under Section 325(c) of
the Emergency Planning and
Community Right-to-Know Act of
1986, 42 U.S.C. §11045(c)

**RESPONDENT'S REQUEST TO WITHDRAW ITS
MOTION FOR EXTENSION OF TIME AS MOOT**

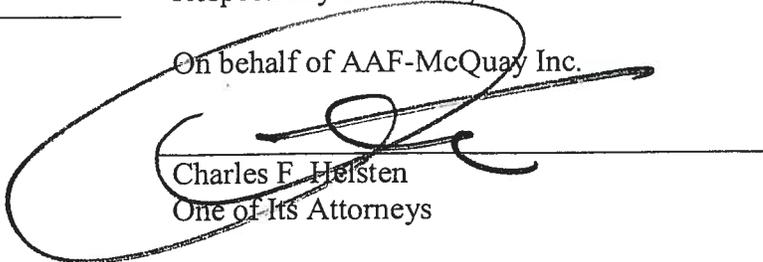
NOW COMES Respondent AAF-McQUAY Inc., and for its Request to Withdraw Its Motion for Extension of Time as Moot, states as follows:

1. On December 6, 2010, Respondent filed a Motion for Extension of Time to Answer the Complaint filed by Region 5.
2. On December 14, 2010, Respondent met with counsel for Region 5 and reached an agreement regarding settlement of the matter, and as of the filing date of the instant motion, Region 5 is finalizing the terms of the CAFO.
3. On January 10, 2011, Region 5 filed a Notice of Withdrawal of Complaint, indicating that it is withdrawing its Complaint against Respondent as authorized by 40 C.F.R. § 22.14(d).
4. Region 5's withdrawal of the Complaint moots Respondent's previously filed Motion for Extension of Time, therefore Respondent requests that its Motion for Extension of Time be withdrawn.

Dated: 1/12/11

Respectfully submitted,

On behalf of AAF-McQuay Inc.



Charles F. Helsten
One of Its Attorneys

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