

# BARNES & THORNBURG LLP

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June 26, 2015

**VIA OVERNIGHT MAIL**

US EPA Region 5  
Office of the Regional Hearing Clerk  
Attention: La Dawn Whitehead  
77 W. Jackson Blvd.  
Mailcode: E-19J  
Chicago, IL 60604-3590



Re: *In the Matter of: Allegan Metal Finishing Company,*  
Docket No. EPCRA-05-2015-0010

Dear Ms. Whitehead:

Enclosed please find an original and one copy of Respondent's Motion to Extend Deadline to Answer Complaint by Agreement of the Parties, with Certificate of Service, that we sent to the parties by e-mail in the above-referenced matter.

Very truly yours,

BARNES & THORNBURG LLP

A handwritten signature in black ink, appearing to read "Charles M. Denton".

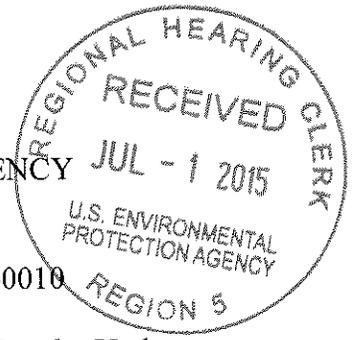
Charles M. Denton

CMD/kag  
Enclosures

cc: Walter C. Sosnowski  
Regional Judicial Officer, Ann L. Coyle  
Jose de Leon, Esq.  
Steven P. Kaiser, Esq.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5



In the Matter of: ) Docket No. EPCRA-05-2015-0010  
)  
Allegan Metal Finishing Company, ) Proceeding to Assess a Civil Penalty Under  
Allegan, Michigan, ) 325(c)(1) of the Emergency Planning and  
) Community Right-to-Know Act of 1986  
Respondent. )  
)

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**MOTION TO EXTEND DEADLINE TO ANSWER COMPLAINT**  
**BY AGREEMENT OF THE PARTIES**

Respondent Allegan Metal Finishing Company (“AMFCO”), through its undersigned legal counsel, respectfully requests that the Regional Judicial Officer extend AMFCO’s time to file its Answer or other responsive pleading to the Complaint in the above-captioned matter through July 31, 2015.

1. On May 8, 2015, the Regional Hearing Officer granted AMFCO an extension of time to file its Answer to the Complaint, requiring AMFCO file its Answer or other responsive pleading no later than June 29, 2015.

2. Counsel for AMFCO conferred with counsel for U.S. EPA, Jose de Leon, on June 24, 2015, and counsel for U.S. EPA agreed to a further extension of the deadline for AMFCO to Answer the Complaint until the end of July while the parties discuss further proceedings in light of recent developments following AMFCO’s facility destruction by the catastrophic fire earlier this Spring.

3. As explained to counsel for U.S. EPA, AMFCO should be granted additional time to file its Answer or other responsive pleading in this matter because, following the March 15, 2015 fire that totally destroyed AMFCO’s 1274 Lincoln Road, Allegan, Michigan facility:

a. Demolition of AMFCO’s facility continues but is not yet complete;

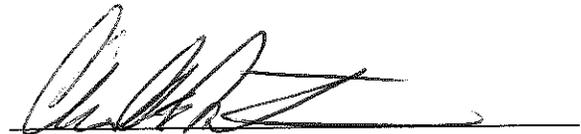
- b. Insurance coverage for the fire, facility, and lost business has not been finally determined or resolved; and
- c. There is no ongoing commercial business activity by AMFCO.

4. Accordingly, for good cause shown and with U.S. EPA's consent, AMFCO requests an additional extension of the Regional Judicial Officer's June 29, 2015 deadline for providing an Answer to the Complaint (or otherwise pleading in response), allowing AMFCO through July 31, 2015 to respond to the Complaint as allowed by the Consolidated Rules in 40 C.F.R § 22.7(b).

WHEREFORE, Respondent AMFCO respectfully moves the Hearing Officer to GRANT the Motion for Extension of Time to Answer Complaint By Agreement of the Parties and allow AMFCO's Answer to the Complaint or other responsive pleading to be timely filed with the Regional Hearing Clerk on or before July 31, 2015, together with awarding such further and other relief as may be just and equitable under the circumstances.

Dated: June 26, 2015

Respectfully submitted,



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*Counsel for Allegan Metal Finishing Company*

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of "Motion to Extend Deadline to Answer Complaint By Agreement of the Parties" has been served this 26th day of June, 2015, by sending a copy by e-mail to the addresses as listed below:

Ann L. Coyle (C-14J)  
Regional Judicial Officer  
U.S. EPA Region 5  
77 West Jackson Boulevard  
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[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

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Charles M. Denton