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April 30, 2015

LaDawn Whitehead (E-19J)
Regional Hearing Clerk
U.S. EPA Region 5
77 West Jackson Boulevard
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 Status Report and Unopposed Verified Motion for Extension of Time to Answer Complaint, with Certificate of Service that we sent today via United States mail, first class postage prepaid 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: Regional Judicial Officer, Ann L. Coyle
Jose de Leon, Esq.
Steven P. Kaiser, Esq.
Walter Sosnowski

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

Allegan Metal Finishing Company
Allegan, Michigan,

Respondent.

) Docket No. EPCRA-05-2015-0010

) Proceeding to Assess a Civil Penalty Under
) 325(c)(1) of the Emergency Planning and
) Community Right-to-Know Act of 1986



**RESPONDENT'S STATUS REPORT and UNOPPOSED VERIFIED MOTION FOR
EXTENSION OF TIME TO ANSWER COMPLAINT**

Respondent Allegan Metal Finishing Company ("AMFCO"), through its undersigned legal counsel, provides this Status Report regarding its current business operations and, based on good cause shown by the Status Report, requests that the Regional Judicial Officer extend AMFCO's time to file its Answer to the Complaint in the above-captioned matter through June 30, 2015:

1. As the Regional Judicial Officer is aware, following receipt of the U.S. Environmental Protection Agency's ("EPA's") Complaint in the above-captioned matter ("Complaint"), on or about March 2, 2015, AMFCO's facility at 1274 Lincoln Road, Allegan, Michigan—the same facility at issue in the Complaint—was totally destroyed by a fire on March 15, 2015.

2. As a result of the fire, AMFCO moved for an indefinite extension of time to file its Answer to the Complaint on March 24, 2015. EPA responded to the motion on March 27, 2015; AMFCO filed its reply on the same day. Based on these filings, the Regional Judicial Officer granted AMFCO until May 30, 2015 to file its answer or "otherwise plead in this matter." The Regional Judicial Officer also ordered AMFCO to file a status report and a new motion for an extension of time on or before May 1, 2015.

3. The cause of the March 15, 2015 fire was not determined until April 22, 2015. The cause of the fire was determined to be a machinery malfunction related to a gas line. This cause was determined by investigators for AMFCO's insurance carrier, and has been adopted by the State Fire Marshall.

4. While AMFCO has received some information about the fire's cause, the company has been unable to reach resolution on many other important issues that affect its ability to evaluate its prospects for future operation. For example, AMFCO's insurance coverage for the fire remains uncertain, and no claims have been paid.

5. Additionally, AMFCO has only just begun to address damage from the fire to the facility. While some demolition work has been done at the facility, other areas were off-limits to recovery efforts until after the investigation into the cause of the fire was concluded. AMFCO just received a release from the State Fire Marshall to access certain damaged areas of its facility last week (on April 23, 2015). AMFCO will need to fully assess damage to both its machinery and buildings before it can consider operating in the future.

6. The Complaint relates to wholly past alleged paperwork violations, and does not pertain to any continuing violations. However, AMFCO's business records stored at the facility are a total loss as a result of damage from both fire and water. Additional time is needed to assess whether copies are available elsewhere that may be relevant to the company's Answer and challenge to the Complaint.

7. Despite the damage to the facility, there have been no significant environmental concerns that have resulted from the fire.

8. Based on the unknowns regarding possible insurance coverage and the current state of AMFCO's machinery and facility, the company's limited resources are still required to

coordinate and pursue AMFCO's recovery efforts, and they cannot be diverted to responding to the Complaint at this time.

9. Accordingly, for good cause shown, AMFCO requests an additional thirty day extension of the Regional Judicial Officer's May 30, 2015 deadline for providing an Answer to the Complaint or otherwise plead in this matter. AMFCO moves that it be granted until June 30, 2015 to respond to the Complaint as allowed by the Consolidated Rules in 40 C.F.R §§ 22.7(b) and 22.15.

10. On April 29, 2015, counsel for AMFCO contacted EPA's attorneys regarding this request to extend the deadline for filing an Answer. Associate Regional Counsel Jose de Leon responded that EPA does not oppose AMFCO's motion for a thirty day extension of the deadline to file AMFCO's Answer to the Complaint.

WHEREFORE, AMFCO respectfully moves that the Judicial Officer GRANT its Unopposed Verified Motion for Extension of Time to Answer Complaint, allowing AMFCO's Answer to the Complaint and any other responsive pleading to be filed with the Regional Hearing Clerk on or before June 30, 2015, together with and AWARD such further and other relief as may be just and equitable under the circumstances.

Respectfully submitted,



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Counsel for Allegan Metal Refinishing Company

Verification

I, Walter Sosnowski, President of Allegan Metal Finishing Company, have reviewed the factual representations in this combined status report and motion. These facts are based on my personal knowledge. I affirm under the penalties for perjury that the foregoing factual representations are true to the best of my information and belief.

A handwritten signature in black ink, appearing to read "Walter C. Sosnowski". The signature is written in a cursive style with a large, sweeping flourish at the end.

Walter Sosnowski, President
Allegan Metal Finishing Company

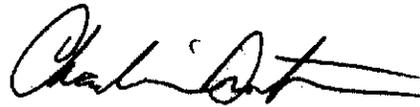
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of "Respondent's Status Report and Unopposed Verified Motion for Extension of Time to Answer Complaint" has been served this 30th day of April 2015, by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to the following:

Jose de Leon (C-14J)
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Chicago, IL 60604

Steven P. Kaiser
Office of Regional Counsel
U.S. EPA Region 5
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Ann L. Coyle (C-14J)
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