

# BARNES & THORNBURG LLP

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September 29, 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 the Joint Status Report in Anticipation of Consent Agreement and Final Order, 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/njh  
Enclosures

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

DMS CDENTON 411491v1

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

**JOINT STATUS REPORT IN ANTICIPATION OF  
CONSENT AGREEMENT AND FINAL ORDER**

Respondent Allegan Metal Finishing Company (“AMFCO”), through its undersigned legal counsel, provides this Status Report regarding the progress of the amicable settlement negotiations between itself and the U.S. Environmental Protection Agency (“U.S. EPA”) in resolving the allegations raised by the Complaint in this matter. U.S. EPA, through its counsel, Jose de Leon, joins AMFCO in this Status Report.

1. Following the Regional Judicial Officer’s September 1, 2015 Order, extending through September 30, 2015 the deadline for AMFCO to Answer or otherwise plead in response to the Complaint, AMFCO and U.S. EPA diligently continued their negotiations to amicably resolve this matter.

2. The parties’ negotiations have resulted in a Consent Agreement and Final Order (“CAFO”) that has been signed by AMFCO on or about September 23, and is currently awaiting final review, signature, and entry by U.S. EPA Region 5. However, it appears unlikely that the CAFO will be entered prior to the September 30, 2015 deadline for AMFCO to Answer the Complaint. The parties expect that U.S. EPA Region 5 will complete its review and entry of the CAFO within the next several weeks.

3. Given the pending and likely settlement of the Complaint, at this time AMFCO will not be filing an Answer or other responsive pleading before the September 30, 2015 deadline.

4. Because both AMFCO and U.S. EPA agree that the negotiated CAFO should resolve all matters raised by the Complaint, the parties also agree that AMFCO's failure to Answer the Complaint by September 30, 2015 does not constitute a default pursuant to 40 C.F.R. § 22.17(a), nor is it an admission of any facts alleged in the Complaint.

5. If for any reason the CAFO is not entered by U.S. EPA, AMFCO reserves all rights, defenses, and claims in responding to the Complaint.

6. Accordingly, in the interests of judicial economy and prompt resolution of the Complaint, AMFCO and U.S. EPA wish to update the Regional Judicial Officer regarding the status of their negotiations and pending CAFO. AMFCO and U.S. EPA respectfully request that the Regional Judicial Officer continue the deadline for AMFCO to Answer or otherwise plead in response to the Complaint until entry and filing of the CAFO, and excuse AMFCO's delayed filing of an Answer to the Complaint in this matter in the interim.

7. U.S. EPA's counsel of record has reviewed and concurs in the above.

WHEREFORE, AMFCO respectfully submits this Joint Status Report, and requests the Regional Judicial Officer award such further and other relief as may be just and equitable under the circumstances.

DATED: September 29, 2015

Respectfully submitted,



Charles M. Denton

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*Counsel for Allegan Metal Finishing Company*

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a copy of "Joint Status Report in Anticipation of Consent Agreement and Final Order" has been served this 29th day of September 2015, by sending a copy by e-mail to the addresses as listed below:

Ann L. Coyle (C-14J)  
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