

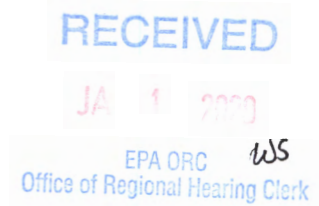


U. S. ENVIRONMENTAL PROTECTION AGENCY – NEW ENGLAND
5 POST OFFICE SQUARE, SUITE 100 (OES04-3)
BOSTON, MA 02109-3912

JAN 16 2020

BY HAND DELIVERY

Ms. Wanda Santiago, Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912



Re: City Auto Parts, Inc./EPA Docket No. CAA-01-2020-0018
Connecticut Scrap, LLC./EPA Docket No. CAA-01-2020-0019
Nichols Auto Parts, Inc./EPA Docket No. CAA-01-2020-0021
Ross Recycling, Inc./EPA Docket No. CAA-01-2020-00122
Yerrington's Auto Salvage, Inc./EPA Docket No. CAA-01-2020-0023

Dear Ms. Santiago:

Attached for filing in the above-referenced matters are an original and one copy of a *Joint Motion to Extend Time to File Answers to Complaints* ("Motion") for the above-referenced matter. Also attached are an original and one copy of a Certificate of Service.

EPA has also sent copies of the Motion, the Certificate of Service, and this letter to the Respondents by First Class Mail.

Thank you for your assistance. Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "John W. Kilborn".

John W. Kilborn
Senior Enforcement Counsel

Cc: David Waddington, President, Connecticut Scrap, LLC
Garon Camassar, Registered Agent, Connecticut Scrap, LLC

Ecc: Cindy J. Karlson, Counsel for Connecticut Scrap, LLC
Christine Sansevero, EPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

_____))
IN THE MATTER OF))
))
City Auto Parts, Incorporated))
28-30 Fishfry Street))
Hartford, CT 06120))
))
Connecticut Scrap, L.L.C.))
140 Route 32))
North Franklin, CT 06254))
))
Nichols Auto Parts, Inc.))
46 Meadow Road))
Clinton, CT 06413))
))
Ross Recycling, Inc.))
64 Tucker Hill Road,))
Putnam, CT 06260))
))
Yerrington's Auto Salvage, Inc.))
655 Norwich Westerly Road,))
North Stonington, CT 06359))
))
))
Respondents))
))
Proceeding under Section))
113 of the Clean Air Act))
_____)



Docket No. CAA-01-2020-0018
Docket No. CAA-01-2020-0019
Docket No. CAA-01-2020-0021
Docket No. CAA-01-2020-0022
Docket No. CAA-01-2020-0023

**JOINT MOTION TO EXTEND TIME
TO FILE ANSWERS TO COMPLAINTS**

BACKGROUND OF MOTION TO EXTEND

1. On December 19, 2019, the United States Environmental Protection Agency – Region 1 (“EPA” or “Complainant”) filed separate *Administrative Complaints and Notices of Opportunity for a Hearing* (“Complaints”) pursuant to Section 113(d) of the Clean Air Act (“CAA” or “Act”), 42 U.S.C. § 7413(d), and the *Consolidated Rules of Practice* (“Consolidated

Rules of Practice”), 40 C.F.R. Part 22, to Connecticut Scrap, L.L.C. and the other above-referenced Respondents (collectively, “Respondents”).

2. EPA served the Complaints upon Respondents the next day, December 20, 2019, by overnight mail. Pursuant to Section 22.15(a) of the Consolidated Rules of Practice, an answer to a complaint must be filed “within 30 days after service of the complaint.” 40 C.F.R. § 22.15(a).

3. Thirty days from December 20, 2019 falls on January 19, 2020, which is a Sunday. The next day is a federal holiday, so the Respondents’ answers are due Tuesday, January 21, 2020. See 40 C.F.R. § 22.7(a).

4. Counsel for Respondents has represented to EPA that the penalties proposed in the Complaints would have serious adverse economic impacts on the Respondents’ businesses. Counsel for Respondents intends to provide EPA with documentation to that effect that is consistent with EPA’s *Guidance on Evaluating a Violator’s Ability to Pay a Civil Penalty in an Administrative Enforcement Action*, dated June 29, 2015, other relevant EPA guidance, and direction from EPA’s regional financial analyst.

5. Respondents believe that further litigating this matter by answering the Complaints without first discussing with EPA the economic impacts of the proposed penalties would not be an efficient use of resources or in the public interest. Respondents seek further time to document their financial status by submitting the appropriate documentation to EPA.

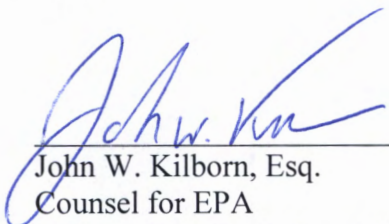
6. EPA concurs that further time is appropriate for Respondents to submit their financial information and for EPA to evaluate the documentation. If Respondents can document

their financial status pursuant to EPA guidance, then a resolution of this case may be possible without litigation.

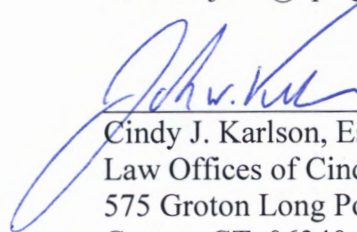
7. EPA notes that it filed a related action against Exeter Scrap Metal, Inc., *In the Matter of Exeter Scrap Metal, Inc.* (EPA Docket No. CAA-01-2020-0020), on December 19, 2019. EPA intends to withdraw that Complaint without prejudice pursuant to Section 14(d) of the Consolidated Rules of Practice. Accordingly, that Complaint is not part of this Motion.

JOINT MOTION TO EXTEND TIME TO FILE ANSWERS

8. For the reasons stated above, and pursuant to Section 22.16 of the Consolidated Rules of Practice, both Respondents and EPA respectfully move and request that you extend the time for the Respondents to file an Answer for an additional 45 days, that is, to Friday, March 6, 2020.

 01/16/2020
John W. Kilborn, Esq.
Counsel for EPA

Office of Regional Counsel
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912
(617) 918-1893
Kilborn.john@epa.gov

 FOR 01/16/2020
Cindy J. Karlson, Esq.
Law Offices of Cindy J. Karlson, LLC
575 Groton Long Point Road
Groton, CT 06340
(860) 614-0184
Cindy@karlsonlawfirm.com

In re: City Auto Parts, Inc./EPA Docket No. CAA-01-2020-0018
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Yerrington's Auto Salvage, Inc./EPA Docket No. CAA-01-2020-0023

CERTIFICATE OF SERVICE

I hereby certify that a *Joint Motion to Extend Time to File Answers to Complaints* ("Motion") has been sent to the following persons on the date and in the manner noted below:

Original and one copy,
hand-delivered:

Ms. Wanda Santiago, Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3812

Copy, by First Class Mail:

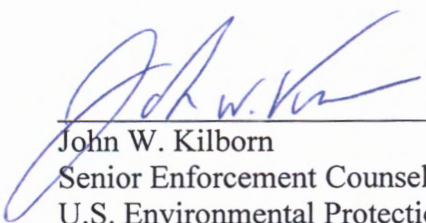
David Waddington, President
Connecticut Scrap, LLC
140 Route 32
North Franklin, CT 06254

Garon Camassar, Registered Agent
181 Broad Street
New London, CT 06385

Copy, by email

Cindy Karlson, Counsel for Connecticut Scrap, LLC

Date: 01/16/2020



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