

Whitehead, LaDawn

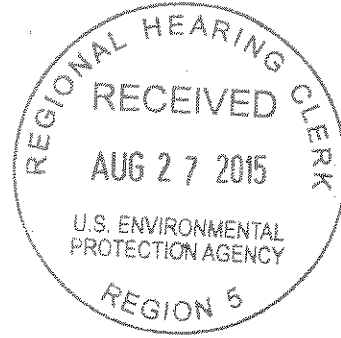
From: Denton, Charles <Charles.Denton@btlaw.com>
Sent: Thursday, August 27, 2015 2:56 PM
To: Coyle, Ann; DeLeon, Jose; Kaiser, Steven
Cc: Whitehead, LaDawn; Sosnowski, Walter; Gonzalez, Cheryl
Subject: In the Matter of: Allegan Metal Finishing Company, Docket No. EPCRA-05-2015-0010
Attachments: AMFCO Motion to Extend Deadline.pdf; AMFCO Letter to U.S. EPA.pdf

Attached please find Respondent's Motion to Extend Deadline to Answer Complaint by Agreement of the Parties, with Certificate of Service, that will be filed with the Regional Hearing Clerk today via overnight mail delivery in the above-referenced matter.

This electronic copy is your service copy. However, if you wish to receive a hard copy of the Respondent's Motion to Extend Deadline to Answer Complaint by Agreement of the Parties, please let me know and a copy will be mailed to you by first class mail.

Charlie Denton

Charles M. Denton | Partner, Environmental Law Department Chair
Barnes & Thornburg LLP
171 Monroe Avenue, N.W., Suite 1000, Grand Rapids, MI, 49503-2694
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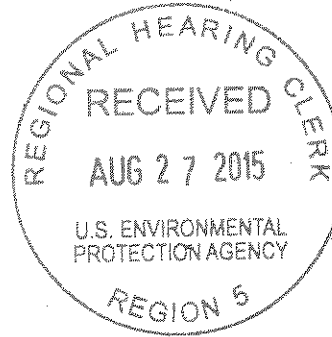
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August 27, 2015

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".

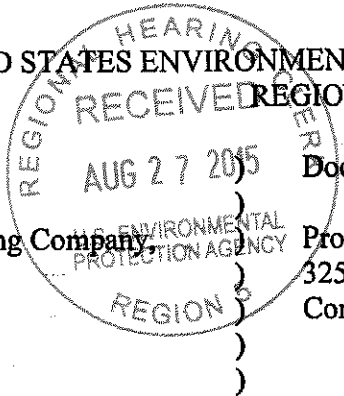
Charles M. Denton

CMD/kag
Enclosures

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

GRDS01 CDENTON 509173v1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5



In the Matter of:

Docket No. EPCRA-05-2015-0010

Allegan Metal Finishing Company,
Allegan, Michigan,

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

Respondent.

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 September 30, 2015, to allow the Parties a reasonable opportunity to conclude their settlement negotiations.

1. On July 30, 2015, the Regional Hearing Officer granted AMFCO’s fourth request for an extension of time to file its Answer to the Complaint, requiring AMFCO file its Answer or other responsive pleading no later than August 31, 2015.

2. AMFCO’s initial requests for additional time to file its Answer to the Complaint in this matter were based on the unusual, unforeseeable, and catastrophic fire that broke out on March 15, 2015, totally destroying AMFCO’s 1274 Lincoln Road, Allegan, Michigan facility.

3. Following the Regional Hearing Officer’s July 7, 2015 extension of time regarding the filing of AMFCO’s Answer or other responsive pleading, counsel for AMFCO and counsel for U.S. EPA have been engaged in settlement negotiations to amicably resolve the allegations contained in the pending Complaint without the need for hearing and additional adversarial filings, especially in light of AMFCO’s business destruction. These negotiations have progressed to an agreement in principle, but are expected to continue through AMFCO’s

August 31, 2015 filing deadline established by the Regional Hearing Officer's most recent Order. The Parties' proposed amicable resolution of the Complaint allegations will need to be confirmed in a settlement agreement, and an additional extension is necessary to finalize that agreement. As soon as that agreement is executed, counsel for the Parties will notify the Regional Hearing Clerk.

4. Counsel for AMFCO has been in communication with counsel for U.S. EPA, Jose de Leon, regarding both the settlement and an additional extension of the deadline for AMFCO to Answer the Complaint. Counsel for EPA has no objection to extending this deadline through September 30, 2015, to allow the Parties to conclude their settlement negotiations and enter into an agreement amicably resolving the Complaint.

5. Accordingly, in the interest of judicial economy, for good cause shown and with U.S. EPA's consent, AMFCO requests an additional extension of the Regional Judicial Officer's August 31, 2015 deadline for providing an Answer to the Complaint (or otherwise pleading in response), granting AMFCO through September 30, 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 September 30, 2015, together with awarding such further and other relief as may be just and equitable under the circumstances.

Dated: August 27, 2015

Respectfully submitted,



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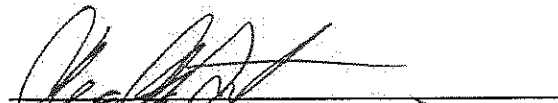
CERTIFICATE OF SERVICE

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 27th day of August 2015, by sending a copy by e-mail to the addresses as listed below:

Ann L. Coyle (C-14J)
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U.S. EPA Region 5
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coyle.ann@epa.gov

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Charles M. Denton