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BY HAND DELIVERY

March 2, 2020

Ms. Wanda Santiago, Regional Hearing Clerk
US EPA Region 1
Five 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
Exeter Scrap Metal, LLC/EPA Docket No. CAA-01-2020-39
Nichols Auto Parts, Inc. /EPA Docket No. CAA-01-2020-0021
Ross Recycling, Inc. /EPA Docket No. CAA-01-2020-0022
Yerrington's Auto Salvage, Inc. /EPA Docket No. CAA-01-2020-0023

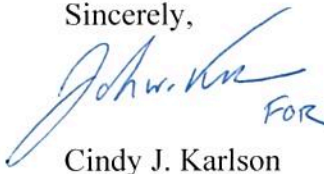
Dear Ms. Santiago,

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 matters. Also attached are an original and one copy of a Certificate of Service.

I have also delivered copies of the Motion, the Certificate of Service, and this letter to EPA via electronic mail.

Thank you for your assistance. Please call me at (860) 614-0184 if you have any questions.

Sincerely,


FOR
Cindy J. Karlson

cc: John W. Kilborn, Esq., Senior Enforcement Counsel
CT Scrap, LLC et. al

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

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IN THE MATTER OF)

City Auto Parts, Incorporated,)
Connecticut Scrap, LLC,)
Exeter Scrap Metal, LLC,)
Nichols Auto Parts, Inc.,)
Ross Recycling, Inc., and)
Yerrington's Auto Salvage, Inc.)

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-01-2020-0039
Docket No. CAA-01-2020-0021
Docket No. CAA-01-2020-0022
Docket No. CAA-01-2020-0023

**SECOND 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* against City Auto Parts, Incorporated; Connecticut Scrap, L.L.C.; Nichols Auto Parts, Inc.; Ross Recycling, Inc.; and Yerrington’s Auto Salvage, Inc.; and on February 6, 2020, EPA filed a separate *Administrative Complaint and Notice of Opportunity for a Hearing* against Exeter Scrap Metal, LLC.¹ (collectively the “Respondents”).

2. On January 16, 2020, the parties submitted a *Joint Motion to Extend Time to File Answers to Complaints*. The motion was granted by the Regional Judicial Officer on January 21, 2020. The motion granted a 45-day extension to file answers to the Complaints, to Friday,

¹ The EPA had originally filed a Complaint against Exeter Scrap Metal, Inc. on December 19, 2019 and withdrew the action without prejudice on January 16, 2020. The EPA then filed a Complaint against Exeter Scrap Metal, LLC on February 6, 2020, and Respondent agreed to accept service. Accordingly, an Answer is due in this matter on March 9, 2020. For efficiency, a request for an extension of the time to file an answer in the Exeter Scrap Metal, LLC matter is included in this Motion. Exeter Scrap Metal, LLC is related to the other entities, and Respondent asserts that the company has an inability to pay.

March 6, 2020.

3. As the basis for the prior motion, Counsel for Respondents represented to EPA that the penalties proposed in the Complaints would have serious adverse economic impacts on the Respondents' businesses. Since that time, Respondents have continued to provide 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.

4. On January 24, 2020, Counsel for Respondents provided EPA with a robust submittal, including copies of entity by-laws, balance sheets, depreciation schedules, tax returns and working and capital and cash flow information.

5. On January 28, 2020, EPA's regional financial analyst, Mary Medeiros, requested additional documentation.

6. On January 29, 2020, Counsel for Respondents provided the additional documentation requested by EPA.

7. On February 4, 2020, the parties had a conference call to discuss the financial analyst review process. Copies of additional tax records were requested, and Counsel for Respondents delivered same to EPA via overnight mail for receipt on February 5, 2020.

8. Respondents have provided full cooperation with providing documentation. Mary Medeiros requested to have a conference call with Respondents' Controller. They had such conference call on February 13, 2020.

9. On February 13, 2020, Mary Medeiros sent an e-mail to Paul Rak (Controller for Respondents) summarizing the additional documentation she was requesting to support

Respondents' ability to pay claim. The request included eight items seeking copies of loan notes for equipment, account receivable lines of credit, terms notes for equipment, loan covenant calculations for the last two quarters, spreadsheets detailing outstanding loans for each entity and specific correspondence from lenders.

10. During the past two weeks, Mr. Rak has been assembling this information. Last week, the Respondents' server went down, and they continue to have connectivity issues. Mr. Rak has completed the document package, and it is anticipated that the documents will be transmitted to EPA by Thursday, March 5.

11. Respondents believe that further litigating this matter by answering the Complaints without receiving the recommendation from Ms. Medeiros regarding 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 allow Ms. Medeiros to review and process the additional financial information, which will be delivered this week.

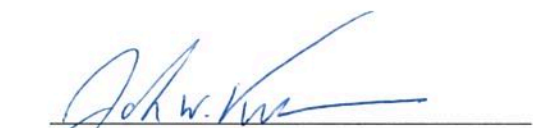
12. EPA concurs that further time is appropriate for Respondents and EPA to evaluate and discuss the Respondents' Ability to Pay claim. If EPA is satisfied with the information and documentation Respondents has provided (and will continue to provide depending on Ms. Medeiros' evaluation), then a resolution of this case may be possible without litigation.

SECOND JOINT MOTION TO EXTEND TIME TO FILE ANSWERS

13. 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 Answers in these matters for an additional 45 days, that is, to Monday, April 20, 2020.



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