



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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June 28, 2006 ENVIR. APPEALS BOARD

REPLY TO THE ATTENTION OF:

Ms. Eureka Durr
Clerk of the Board, Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Re: Second Motion for Extension of Time
In the Matter of General Motors Automotive-North America
Docket No. RCRA-05-2004-0001/RCRA Appeal No.(3008) 06-02

Dear Ms. Durr:

Enclosed please find the original and five copies of Complainant's Second Motion for Extension of Time, filed herewith the U.S. EPA Environmental Appeals Board.

Respectfully submitted,

A handwritten signature in cursive script that reads "Karen L. Peaceman".

Karen L. Peaceman
Associate Regional Counsel

Enclosures

cc: Judge Barbara A. Gunning
Sonja Brooks
John Kyle
Michael Scanlon
Robert J. Martineau, Jr. Esq.
Edward M. Callaway, Esq.
Michelle B. Walker, Esq.
Michelle T. Fisher

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BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

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IN RE:

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General Motors Automotive - North America)
Docket No. RCRA-05-2004-0001)

RCRA Appeal No. (3008) 06-02

**SECOND MOTION FOR EXTENSION OF TIME TO FILE BRIEF IN RESPONSE TO
GM'S NOTICE OF APPEAL AND BRIEF IN SUPPORT OF NOTICE OF APPEAL**

Complainant in the above action hereby requests a additional extension of time to file its Brief in Response to the Notice of Appeal filed by Respondent, General Motors on May 19, 2006, appealing the Order of Administrative Law Judge Barbara A. Gunning, issued on March 30, 2006.

Pursuant to Section 22.30(a)(2) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits*, ("Consolidated Rules" or "CROP"), Complainant's brief in response to Respondent's notice of appeal and brief was originally due on June 8, 2006. By motion filed June 5, 2006, Complainant requested a thirty day extension of time to file its brief because Respondent has raised numerous issues of national significance in its appeal and because Complainant is required to consult and coordinate with various offices within Headquarters so as to provide the Environmental Appeals Board with the unified view of the Agency. On June 6, 2006, this Board granted Complainant's Motion for Extension of Time to File Response and Ordered that Complainant file its response by July 10,

2006.

On or about June 26, 2006, severe flooding in the Washington D.C. area caused EPA's Headquarters office to close and that office remains closed today. Complainant does not know currently when that office will reopen. Next week is the week of the July 4th holiday and several of the Headquarters staff members integral to this matter will be out of the office for all or part of that week. As Complainant asserted in its original Motion for Extension of Time, the issues of national importance raised in this appeal may have a significant impact on the Agency's administrative enforcement actions and may affect the conduct of its business throughout the nation. Because of the unexpected flooding of the Headquarters office and the national holiday immediately following, EPA's Region 5 office has not had (and does not anticipate having) sufficient time to consult and coordinate with various offices within Headquarters. Therefore, Complainant is requesting an additional 14 days extension up to and including July 24, 2006 in which to submit its Brief in Response to GM's Notice of Appeal and accompanying brief.

Counsel for Complainant has discussed this request for extension of time with counsel for

GM. Counsel for GM has represented that GM has no objection to this request for extension of time.

Respectfully submitted,



Karen L. Peaceman
Associate Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection
Agency
77 West Jackson Blvd.
Chicago, IL 60604
(312) 353-5751

OF COUNSEL:

Gary A. Jones
Senior Counsel for Strategic Litigation
Office of Civil Enforcement (Mail Code 2241-A)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dated: June 28, 2006

CERTIFICATE OF SERVICE

I hereby certify that the original and copies of this Motion for Extension of Time were filed in the following manner on June 28, 2006

Eurika Durr
Clerk of the Board, Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001 [by fax and by pouch mail]

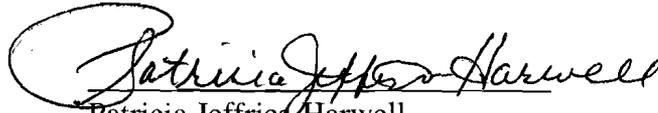
Sonja Brooks
Regional Hearing Clerk
U.S.EPA
Region 5
77 West Jackson Boulevard
Chicago, Il. 60604-3590 [hand delivered copy]

Judge Barbara A. Gunning
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202-564-6291 [via federal express]

John Kyle III, Esq.
Michael Scanlon
Barnes & Thornburg
11 South Meridian Street
Indianapolis, IN 46204 [via federal express]

Robert J. Martineau, Jr. Esq.
Edward M. Callaway, Esq.
Michelle B. Walker, Esq.
Waller Lansden Dortch & Davis, LLP
Nashville City Center
511 Union Street, Suite 2700
Nashville, TN 37219-8966 (via federal express)

Michelle T. Fisher, Esq.
General Motors Corporation
300 Renaissance Center
P.O. Box 300
Detroit, MI 48265-3000 (via federal express)



Patricia Jeffries Harwell
Legal Technician
EPA, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604
(312) 353-7464

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