



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

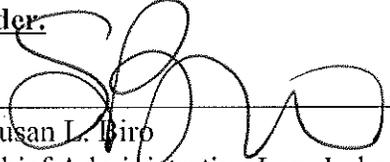
IN THE MATTER OF:)
)
SPIRIT AEROSYSTEMS, INC.,) Docket No. RCRA-07-2009-0012
)
Respondent.)

ORDER GRANTING MOTION TO FILE AMENDED COMPLAINT

By Motion dated November 24, 2009, Complainant moved to file an Amended Complaint. The stated purpose of the Motion is to amend the Complaint filed on September 29, 2009 to correct the date of the EPA inspection referred to in numerous paragraphs therein. The Motion indicates that the Respondent has no opposition to the relief sought.

Section 22.14(c) of the Rules of Practice (40 C.F.R. § 22.14(c)) provides that once an answer has been filed, the Complainant may amend the Complaint only upon motion granted by the Presiding Officer. However, the Rules of Practice provide no standard for determining when leave to amend should be granted. Rule 15(a) of the Federal Rules of Civil Procedure concerning amended pleadings provides that "leave [to amend] shall be freely given when justice so requires." The United States Supreme Court has interpreted this Rule to mean that there should be a "strong liberality...in allowing amendments" to pleadings. *Forman v. Davis*, 371 U.S. 178 (1962). Leave to amend pleadings under Rule 15(a) should be given freely in the absence of any apparent or declared reason, such as undue delay, bad faith, or dilatory motive on the movant's part, repeated failure to cure deficiencies by previous amendment, undue prejudice, or futility of amendment. *Id.*

Therefore, the Motion is hereby, **GRANTED**, and **Complainant shall file its Amended Complaint within 10 days from the date of this Order.**



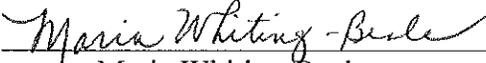
Susan L. Biro
Chief Administrative Law Judge

Date: December 17, 2009
Washington, D.C.

In the Matter of Spirit AeroSystems, Inc., Respondent
Docket No. RCRA-07-2009-0012

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion To File Amended Complaint**, dated December 17, 2009, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: December 17, 2009

Original And One Copy By Hand Delivery To:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA
Office of Administrative Law Judges
Mail Code 1900L
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Copy By Pouch Mail To:

Kristen Nazar, Esquire
Office of Regional Counsel
U.S. EPA
901 North 5th Street
Kansas City, KS 66101

Copy By Regular Mail To:

Charles P. Efflandt, Esquire
Foulston Siefkin, LLP
Commerce Bank Center
1551 N. Waterfront Parkway, Suite 100
Wichita, KS 67206-4466