

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII

901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF:

Learjet, Inc.

**One Learjet Way
Wichita, Kansas 67209**

RCRA I.D. No. KSD007234313

Respondent.

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) **MEMORANDUM IN**
) **SUPPORT OF THE JOINT**
) **MOTION FOR**
) **EXTENSION OF TIME TO**
) **FILE COMPLAINANT'S AND**
) **RESPONDENT'S**
) **PREHEARING EXCHANGE**
)
)

) Docket No. RCRA-07-2005-0402
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)

**MEMORANDUM IN SUPPORT OF THE JOINT MOTION FOR EXTENSION OF
TIME TO FILE
COMPLAINANT'S AND RESPONDENT'S PREHEARING EXCHANGE**

I. Introduction/Background

Complainant EPA filed the Complaint, Compliance Order, and Notice of Opportunity for Hearing ("Complaint") on September 30, 2005, pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 ("RCRA" or "the Act"), and the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), 42 U.S.C. § 6928(a) and (g). The Complaint alleges violations of RCRA which include: 1) failure to make a hazardous waste determination on 4 separate waste streams, 2) failure to comply with the manifest system and failure to provide LDR notice, 3) operating as a storage facility without a permit, and 4) failure to label and date universal waste and used oil.

Respondent Learjet, Inc. filed its answer on January 6, 2006, denying all allegations in the Complaint and setting forth several affirmative defenses. Respondent and Complainant ("the Parties") have engaged in informal settlement negotiations and participated in Alternative Dispute Resolution. As a result of those discussions, the Parties have agreed upon a specific cash penalty amount and Respondent has advanced a Supplemental Environmental Project ("SEP") proposal. Per EPA's SEP policy,

Respondent's "environmental compliance promotion" SEP requires approval from EPA's Office of Compliance Assurance and Enforcement ("OECA"). The SEP provides a benefit to human health and the environment, and additional time for approval of the SEP will allow a beneficial resolution of this matter for the community located near Respondent's facility.

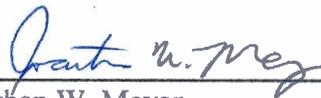
II. Controlling Legal Authority

Pursuant to 40 C.F.R. § 22.7(c), the Presiding Officer may grant an extension of time for filing any document upon the timely motion of a party, for good cause shown, and after consideration of prejudice to other parties. This motion for extension of time is submitted in advance of the August 25, 2006, deadline for Complainant to file its Prehearing Exchange. This motion will not cause prejudice to either party because Complainant and Respondent submit this motion jointly.

In support of the requirement that good cause be shown in order to grant an extension of time, the Parties advance that the Respondent's SEP proposal will provide a benefit to the community located near Respondent's facility, and settlement of the matter with the inclusion of the SEP is in the public's interest. EPA's SEP policy requires approval from OECA, and additional time is necessary in order to obtain OECA's approval of the SEP. Rather than expend a large effort in preparing the parties' Prehearing Exchange when settlement of the matter appears imminent, Complainant and Respondent respectfully request that the Presiding Officer extend the schedule in the Prehearing Order by 21 days.

WHEREFORE, Complainant EPA and Respondent Learjet, upon timely motion and for good cause shown, jointly request a 21 day extension of time to the schedule contained in the Prehearing Order.

Respectfully Submitted,

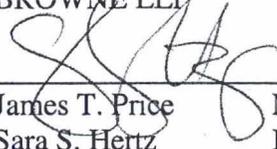


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