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From: Karen Peaceman

Fax#: 312 886-7160

Date: 6/28/06

Subject: 2<sup>nd</sup> motion for Extension  
of time GM

Number of Pages: 6





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGIONS 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

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ENVIR. APPEALS BOARD

June 28, 2006

REPLY TO THE ATTENTION OF:

Ms. 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

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 **JUN 28 PM 2:13**  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. ENVIR. APPEALS BOARD

IN RE: )  
 )  
General Motors Automotive - North America ) RCRA Appeal No. (3008) 06-02  
Docket No. RCRA-05-2004-0001 )  
\_\_\_\_\_ )

**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 4<sup>th</sup> 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*

Karen L. Peaceman  
Associate Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection  
Agency  
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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]

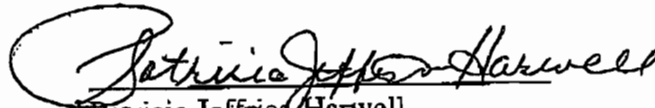
Sonja Brooks  
Regional Hearing Clerk  
U.S.EPA  
Region 5  
77 West Jackson Boulevard  
Chicago, Il. 60604-3590 [hand delivered copy]

Judge Barbara A. Gunning  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
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