

Michael T. Scanlon  
(317) 231-7387  
mscanlon@btlaw.com

11 South Meridian Street  
Indianapolis, IN 46204-3535 U.S.A.  
(317) 236-1313  
Fax (317) 231-7433

www.btlaw.com

January 16, 2009

*Via Federal Express*

Eurika Durr, Clerk of the Board  
Environmental Appeals Board  
U.S. Environmental Protection Agency  
Colorado Building  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

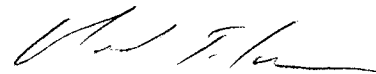
RE: In the Matter of:  
General Motors Automotive-North America  
Docket No. RCRA (3008) Appeal No. 06-02

Dear Ms. Durr:

Enclosed please find the original and one copy of General Motors Corporation's "Motion to Withdraw the Motion to Withdraw Filed on January 5, 2009 That Is Pending Before the Environmental Appeals Board" which we would appreciate your filing in the above-captioned matter. I have enclosed a self-addressed, stamped envelope for your use in returning a file marked copy to me.

If you have any questions concerning the enclosed, please do not hesitate to contact me.

Sincerely,



Michael T. Scanlon

MTS:vlw  
Enclosure

INDS01 MTS 1095914v1

RECEIVED  
JAN 12 2009  
ENVIRONMENTAL APPEALS BOARD

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

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

**MOTION TO WITHDRAW THE MOTION TO WITHDRAW  
FILED ON JANUARY 5, 2009 THAT IS PENDING  
BEFORE THE ENVIRONMENTAL APPEALS BOARD**

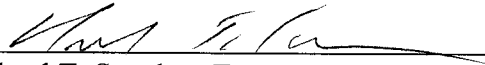
On January 5, 2009, the former attorneys for Respondent in the above-captioned matter, John M. Kyle III, Esq., and Michael T. Scanlon, Esq., of the law firm BARNES & THORNBURG LLP, filed a motion to withdraw their Appearances on behalf of General Motors Corporation ("GM") in the above-captioned matter. That motion was filed with Regional Hearing Clerk for U.S. EPA Region V as well as the Environmental Appeals Board and a copy of the motion was provided to the Honorable Barbara A. Gunning.

In filing that motion, it was Mr. Kyle's and Mr. Scanlon's intent to be granted permission to withdraw as counsel of record for GM in the above captioned matter by the Honorable Barbara A. Gunning, the presiding Administrative Law Judge for this matter. However, Mr. Kyle and Mr. Scanlon have been informed that their January 5, 2009 motion currently is pending before the Environmental Appeals Board.

Therefore, Mr. Kyle and Mr. Scanlon respectfully request that the Environmental Appeals Board grant a motion to withdraw their January 5, 2009 motion to withdraw that currently is pending before it. A new Motion to Withdraw has been submitted to the Regional Hearing Clerk for EPA Region V and the Honorable Barbara A. Gunning requesting that court grant their motion to withdraw as counsel of record in this matter. We apologize for any confusion that may have occurred.

Therefore, Mr. Kyle and Mr. Scanlon of the law firm BARNES & THORNBURG LLP respectfully request that the Environmental Appeals Board enter an Order granting this Motion to Withdraw their January 5, 2009 motion to withdraw as counsel of record that currently is pending before the Environmental Appeals Board.

Respectfully submitted,



---

Michael T. Scanlon, Esq.  
Barnes & Thornburg LLP  
11 South Meridian Street  
Indianapolis, Indiana 46204

Former Counsel for General Motors Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that on 16<sup>th</sup> day of January, 2009, service of a true and complete copy of the Motion to Withdraw the Motion to Withdraw Filed On January 5, 2009 That Is Pending Before the Environmental Appeals Board for John M. Kyle III, Esq. and Michael T. Scanlon, Esq. of the law firm BARNES & THORNBURG LLP was made upon each party or attorney of record herein by first class mail, postage prepaid, addressed to:

James P. Walle, Esq.  
General Motors Legal Staff  
Mail Code 482-C24-D24  
300 Renaissance Center  
Detroit, Michigan 48243

Robert J. Martineau, Jr. Esq.  
Edward M. Callaway, Esq.  
Michelle B. Walker, Esq.  
Waller Lansden Dortch & Davis, LLP  
511 Union Street, Ste. 2700  
Nashville, Tennessee 37219-8966

Mary Leaves, Esq.  
Office of General Counsel  
U.S. EPA  
1200 Pennsylvania Ave., N.W.  
Ariel Rios Building, Room No. 7313H  
Washington, DC 20460


Christine McCulloch, Esq.  
Office of Civil Enforcement  
U.S. EPA  
1200 Pennsylvania Ave., N.W.  
Ariel Rios Building, Room No. 4153B  
Washington, DC 20460

Karen L. Peaceman, Esq.  
James J. Cha, Esq.  
Richard Clarizio, Esq.  
Associate Regional Counsel  
Office of Regional Counsel  
U.S. EPA, Region V  
77 West Jackson Boulevard  
Mail Code C-14J  
Chicago, Illinois 60604-3590

Honorable Barbara A. Gunning  
Administrative Law Judge  
U.S. EPA, Office of Administrative  
Law Judge  
Franklin Court, Suite 350  
1099 14<sup>th</sup> Street NW

Sonja Brooks-Woodard  
Regional Hearing Clerk  
U.S. EPA, Region V  
77 West Jackson Boulevard, 13<sup>th</sup> Floor  
Mail Code E-13J  
Chicago, Illinois 60604-3590

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

  
\_\_\_\_\_  
Michael T. Scanlon