

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

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**REGION VII**

901 NORTH 5<sup>th</sup> STREET  
KANSAS CITY, KANSAS 66101

ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

In the Matter of

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O'Reilly Automotive, Inc.

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EPA Docket No. CAA-07-2006-0255

Emporia, Kansas 66801

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**MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT AND  
NOTICE OF OPPORTUNITY FOR HEARING**

**COMES NOW RESPONDENT, O'Reilly Automotive, Inc** [hereinafter "O'Reilly"] and requests additional time to respond to the complaint filed by the EPA and for serving notice of opportunity for hearing. In support of this motion and request, the Respondent states as follows:

1. This request follows the unopposed joint motion for extension filed on or about October 12, 2006.
2. This request for additional extension is not opposed by the Assistant Regional Counsel handling this matter on behalf of the Agency.
3. O'Reilly has actively engaged in discussion with Counsel for the EPA respecting certain Supplemental Environmental Projects and has made two proposals to Counsel for the EPA in this regard. The latest proposal was forwarded on or about November 17, 2006.
4. The most recent proposal for SEPs is being reviewed at Region 7 and EPA Headquarters (OECA). However, given the intervening Thanksgiving holiday, Counsel for EPA has informed O'Reilly that approval for the SEPs proposed would not likely occur, if at all, prior to the current extended filing date, which is November 29, 2006.
5. O'Reilly believes that an additional extension of time would allow further discussion and potential conciliation and is not made to vex or delay.

**Wherefore,** Respondent O'Reilly respectfully moves the Presiding Officer for an order of extension up to and including December 13, 2006.

### **Certificate of Service**

The undersigned hereby certifies that a copy of the foregoing was service by fax and posted in the United States mail on this 22<sup>nd</sup> day of November 2006 to:

Ms. Kathy Robinson  
Regional Hearing Clerk  
Environmental Protection Agency, Region VII  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101  
Facsimile: 913-551-9567

Ms. Julie Murray  
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