

BEFORE THE ENVIRONMENTAL APPEALS BOARD
U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

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In RE: Desert Rock Energy Corporation, LLC)	
PSD Permit Number AZP 04-01)	PSD Appeal No. 08-03, 08-
)	04, 08-05 and 08-06
)	
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**MOTION FOR LEAVE TO REPLY TO RESPONSES RELATED TO
DESERT ROCK ENERGY AIR PERMIT
PSD PERMIT AZP 04-01**

Petitioner Leslie Glustrom hereby moves the Environmental Appeals Board for leave to file a short reply to the response briefs which address the Petition to Review filed by me in the above captioned proceeding related to the issuance of a Prevention of Significant Deterioration (“PSD”) permit (“PSD Permit AZP 04-01”) issued by Region 9 of the United States Environmental Protection Agency (“EPA”) on July 31, 2008 to Desert Rock Energy Company, LLC (“Desert Rock Energy”) for the Desert Rock Energy Facility (“Desert Rock” or “DREF”). The Permit authorizes construction of a 1500 Megawatt (“MW”) coal-fired power plant on the Navajo Reservation between Farmington and Ship Rock, New Mexico.

The response briefs filed by the Desert Rock Energy Company and the Environmental Protection Agency Region 9 contain several inaccurate and misleading statements regarding the arguments in my Petition for Review of the Desert Rock Air Permit. I understand the Environmental Appeals Board desire to keep reply briefs short and will ensure that my reply brief will indeed be brief.

In support of this Motion, I will not repeat the procedural history of this case, but will merely note that by order dated January 22, 2009 Environmental Appeals Judge Edward Reich granted permission for New Mexico and the NGO Petitioners to file reply briefs by February 13, 2009. This Motion requests that I also be granted permission to file a short reply by February 13, 2009.

Respectfully submitted this 2nd day of February 2009 by:

Leslie Glustrom
4492 Burr Place
Boulder, CO 80303
303-245-8637
lglustrom@gmail.com