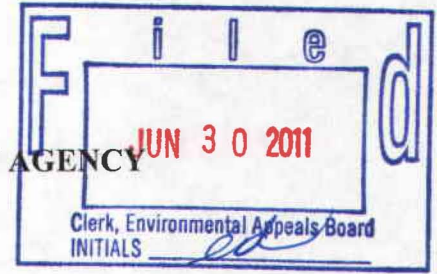


ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: \_\_\_\_\_ )  
 )  
Avenal Power Center, LLC )  
 )  
PSD Permit No. SJ 08-01 )  
\_\_\_\_\_ )

PSD Appeal Nos. 11-02, 11-03, 11-04 & 11-05

**ORDER CONSOLIDATING PETITIONS FOR REVIEW AND  
ESTABLISHING WORD LIMITATIONS FOR RESPONSES**

On May 27, 2011, the Assistant Administrator of the Office of Air and Radiation (“OAR”) within the U.S. Environmental Protection Agency (“EPA”) issued a Prevention of Significant Deterioration (“PSD”) Permit, Number SJ 08-01 (“Permit”), to Avenal Power Center, LLC (“APC”), authorizing APC to construct and operate a new 600-megawatt natural gas-fired combined cycle power plant in Avenal, California. The Environmental Appeals Board (“Board”) received four petitions for review (collectively “Petitions”) of the Permit from the following:

- (1) El Pueblo Para El Aire y Agua Limpio (“El Pueblo”);<sup>1</sup>
- (2) Greenaction for Health & Environmental Justice (“Greenaction”);<sup>2</sup>
- (3) Sierra Club and Center for Biological Diversity (“Sierra Club”);<sup>3</sup>
- and (4) Mr. Rob Simpson.<sup>4</sup>

The Board hereby consolidates review of these Petitions for administrative convenience and requests that EPA submit a single response to the Petitions. While a response brief in a New

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<sup>1</sup> El Pueblo’s petition is designated as PSD Appeal No. 11-02.

<sup>2</sup> Greenaction’s petition is designated as PSD Appeal No. 11-03.

<sup>3</sup> Sierra Club’s petition is designated as PSD Appeal No. 11-04.

<sup>4</sup> Mr. Simpson’s petition is designated as PSD Appeal No. 11-05.

Source Review (“NSR”) matter should generally not exceed 14,000 words,<sup>5</sup> the Board is cognizant that the Petitions each raise a number of issues, some of which are overlapping. The Board accordingly expands the word limitation for a response brief in this case by 7,000 words. Thus, the brief that EPA files in response to these consolidated Petitions may not exceed 21,000 words. Should APC choose to respond to the consolidated Petitions, APC’s consolidated response brief also may not exceed 21,000 words.<sup>6</sup>

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<sup>5</sup> The Board recently issued a standing order in which it adopted certain procedures intended to facilitate expeditious resolution of petitions requesting review of permits issued under the Clean Air Act New Source Review (“NSR”) Program, including PSD permits. *See* Order Governing Petitions for Review of Clean Air Act New Source Review Permits at 1-2 (Apr. 19, 2011) (“Standing Order”); *see also* 40 C.F.R. § 124.19. Among other things, the Board’s order states that petitions for review as well as any response brief in NSR appeals may not exceed 14,000 words. *See* Standing Order at 4 & n.5 (explaining that a petition or response brief should include a statement of compliance with the word limitation, and that in lieu of a word limitation, parties may instead comply with a 30-page limit). However, the Board maintains discretion to modify these procedures as appropriate on a case-specific basis. Standing Order at 6.

<sup>6</sup> The Standing Order states that if a permittee in an NSR appeal chooses to respond to a petition for review, the permittee will be required to file a response by the same deadline as the permit issuer. *See* Standing Order at 3.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: June 30, 2011

By: Kathie A. Stein

Kathie A. Stein  
Environmental Appeals Judge

### CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Consolidating Petitions for Review and Establishing Word Limitations for Responses in the matter of Avenal Power Center, LLC, PSD Appeal Nos. 11-02, 11-03, 11-04 & 11-05 were sent to the following persons in the manner indicated:

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Dated: JUN 30 2011

  
Annette Duncan  
Secretary