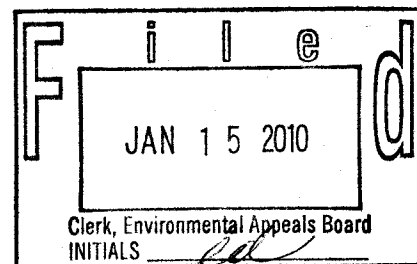


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)
))
Power Holdings of Illinois, LLC)
))
Permit No. 081801AAF)
_____))

PSD Appeal No. 09-04



ORDER DENYING REQUEST TO WITHDRAW MOTION FOR RECONSIDERATION

By motion filed with the Board on January 4, 2010, the State of Illinois sought a 60-day extension of time to file a response to the Sierra Club's Petition for Review in the above-captioned matter. Motion for Extension of Time to File Response to Petition for Review ("Motion") (Jan. 4, 2010). The Motion stated that the matter was referred to the Office of the Illinois Attorney General on December 16, 2009, and that the State required additional time to complete its review and to compile the administrative record. Motion at 1. By order dated January 5, 2010, the Board granted the State of Illinois' request for a sixty-day extension of time (until March 4, 2010) to file its response. Order Extending Time to File Response to Petition for Review ("Extension Order") (Jan. 5, 2010).

By motion filed on January 7, 2010, Power Holdings of Illinois, LLC ("Power Holdings"), the permittee in this matter, requested reconsideration of the Board's Extension Order. Permittee's Objection, Motion for Reconsideration of Order Extending Time to File Response to Petition for Review, and Motion for Expedited Review ("Motion to Reconsider") (Jan. 7, 2010). Power Holdings argued that the extension was unwarranted and that the State should be able to compile the administrative record in less than sixty days. Power Holdings

urged the Board to establish a revised deadline of February 3, 2010, for submission of the State's response.

By order dated January 13, 2010, the Board denied the Motion to Reconsider. *See* Order Denying Motion for Reconsideration ("Denial Order") (Jan. 13, 2010). The Board found no reason to question the State's representation that it required an additional sixty days to complete its review and to compile the administrative record, nor did the Board consider the additional 60 days to constitute an unreasonable delay in the proceedings. After the Board had issued its Denial Order, Power Holdings filed a motion seeking leave to withdraw its Motion to Reconsider. Permittee's Request for Leave to Withdraw Objection and Motion for Reconsideration of Order Extending Time to File Response to Petition for Review ("Motion to Withdraw").

In light of the Board's Denial Order, Power Holdings' Motion to Withdraw is denied as moot.¹

So ordered.

Dated: 1/15/10

ENVIRONMENTAL APPEALS BOARD

By: _____

Edward E. Reich
Environmental Appeals Judge

¹ Power Holdings has also renewed its request that the Board expedite review in this matter. As the Board stated in its Denial Order, the Board already assigns a high priority to permit appeals under 40 C.F.R. part 124 involving new source construction.

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Denying Request to Withdraw Motion for Reconsideration in the matter of Power Holdings of Illinois, LLC, PSD Appeal No. 09-04, were sent to the following persons in the manner indicated:

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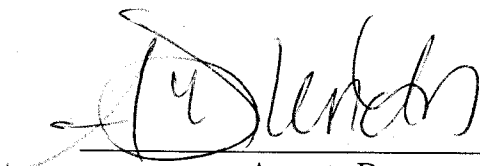
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Annette Duncan
Secretary