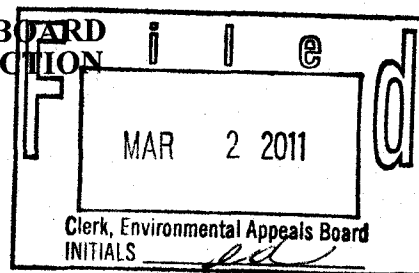


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION
WASHINGTON, D.C.



In re:

BP America Production Company,
Florida River Compression Facility

Permit No. V-SU-0022-5.00

CAA Appeal No. 10-04

ORDER GRANTING MOTION FOR LEAVE TO FILE REPLY BRIEF

By motion filed March 1, 2011, Petitioner WildEarth Guardians seeks leave to file a reply to the responses submitted by the U.S. Environmental Protection Agency, Region 8, and BP America Production Company in the above-captioned matter. *See* Petitioner's Motion for Leave to File a Reply Brief ("Motion"). The Motion states that WildEarth Guardians has conferred with counsel for the Region and for BP and that the Region takes no position, while BP opposes.

In support of the Motion, WildEarth Guardians states that the response briefs from the Region and BP raise new issues that WildEarth Guardians did not have the opportunity to address in its petition, which was filed November 18, 2010. In particular, WildEarth Guardians identifies discussions in the response briefs that concern an order that the EPA Administrator issued on February 2, 2011. Motion at 1 (citing *In re Anadarko Petroleum Corp.*, Pet. No. VIII-2010-4 (Adm'r Feb. 2, 2011) (Order Responding to Petitioners Request that the Administrator Object to Issuance of a State Operating Permit)). *See also* Anadarko Petroleum Corporation – Frederick Compressor Station, 76 Fed. Reg. 10361 (U.S. EPA Feb. 24, 2011) (notice of final action). WildEarth Guardians also seeks to respond to arguments regarding the preservation of issues for Board review and the Region's

decision not to reopen the comment period, and allegations that WildEarth Guardians did not challenge any 'facts.' Motion at 1-2.

After duly considering the matter, the Board grants WildEarth Guardians leave to file a reply brief. The reply brief must not present matters that do not relate to the Region's or to BP's responses and must be filed on or before March 9, 2011.

The Region and BP may file a sur-reply no later than March 21, 2011. Any sur-reply filed may not present matters that do not relate to Petitioner's reply.

No further briefing will be allowed except at the request of the Environmental Appeals Board.

So ordered.

Dated:

March 2, 2011

ENVIRONMENTAL APPEALS BOARD

By:

Kathie A. Stein
Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion for Leave to File Reply Brief in the matter of *BP America Production Company, Florida River Compression Facility, CAA* Appeal No. 10-04, were sent to the following persons in the manner indicated:

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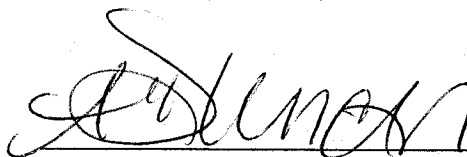
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Date: MAR - 2 2011



Annette Duncan
Secretary