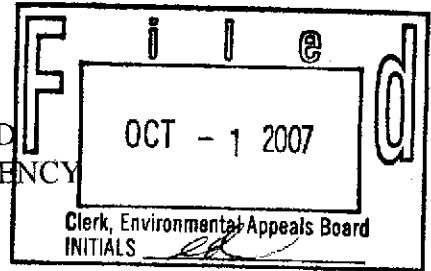


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



\_\_\_\_\_  
In re: ConocoPhillips Co.  
Permit No. 06050052  
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PSD Appeal No. 07-02

**ORDER**

On August 22, 2007, American Bottom Conservancy and Environmental Integrity Project (“Petitioners”) petitioned the Environmental Appeals Board (“Board”) for review of the Prevention of Significant Deterioration (“PSD”) approval set forth in Permit No. 06050052, which the Illinois Environmental Protection Agency (“IEPA”) issued to ConocoPhillips Company (“ConocoPhillips”) on July 19, 2007. To assist the Board in deciding whether the matters raised by Petitioners should be reviewed, the Board requested that IEPA submit a response to the Petition by September 11, 2007, if that response would seek summary disposition, and by September 26, 2007, for any response not seeking summary disposition. *See* Board’s Letter to Donald P. Scott, Illinois Environmental Protection Agency, Requesting Response to Petition for Review (Aug. 24, 2007). On September 26, 2007, IEPA submitted a Partial Response to Petition that responds to two procedural issues raised in the petition, and a

Motion for Extension of Time fo File Response that seeks an additional fifty days (until November 15, 2007) to respond to all remaining issues in the Petition.<sup>1</sup>

Also on September 26, 2007, the Board received from ConocoPhillips a Motion to Participate in which ConocoPhillips seeks to submit an attached substantive Memorandum and also to participate in any oral argument scheduled, should the Board determine oral argument is necessary.<sup>2</sup> The Board **GRANTS** ConocoPhillips' Motion to Participate and accepts ConocoPhillips' Memorandum. At this time, the Board defers any decision regarding the necessity of oral argument.

In its Motion, ConocoPhillips also seeks expedited consideration of the Petition. As we have noted in previous matters before the Board, it is the Board's practice to assign PSD permit appeals the highest priority in its docket, relative to other appeals where resolution of the appeal is not a prerequisite to a facility's construction or operation. Consistent with that practice, and balancing the Board's obligation to give appropriate consideration to the issues presented to it for

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<sup>1</sup> IEPA's Partial Response to Petition responds to the following two procedural issues raised in the Petition: (1) the alleged failure of IEPA to serve its "Responsiveness Summary" with the notice of permit issuance; and (2) the alleged failure of IEPA to adequately specify in its "Responsiveness Summary" the provisions of the draft Permit that were changed in the final Permit, and its reasons for those changes.

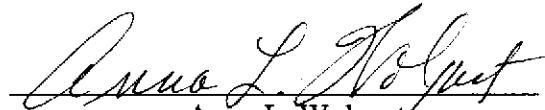
<sup>2</sup> Petitioners requested oral argument in the Petition. Pet. for Rev. at 1. As indicated above, the Board makes no determination regarding Petitioners' oral argument request at this time.

resolution, the Board **GRANTS IN PART** IEPA's Motion for Extension of Time to File Response, allowing less time than IEPA requested. IEPA shall have until **October 29, 2007**, to file any additional response to the Petition.<sup>3</sup>

So ordered.

Dated: October 1, 2007

ENVIRONMENTAL APPEALS BOARD

  
Anna L. Wolgast  
Environmental Appeals Judge

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<sup>3</sup> Documents are "filed" with the Board on the date they are received by the Clerk. 40 C.F.R. § 22.5(a).

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order, PSD Appeal No. 07-02, were sent to the following persons in the manner indicated.

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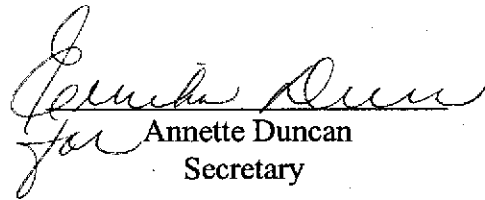
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Dated: October 1, 2007

  
for Annette Duncan  
Secretary