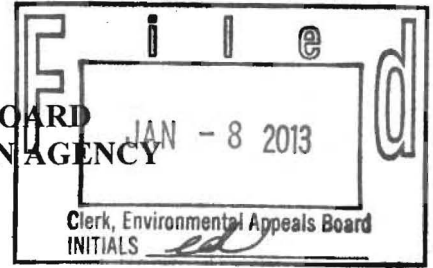


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____))
In re:))
))
Pio Pico Energy Center) PSD Appeal Nos. 12-04 through 12-06
))
PSD Permit No. SD 11-01))
_____))

**ORDER GRANTING REQUEST FOR EXTENSION OF TIME TO FILE
RESPONSE TO PETITIONS FOR REVIEW**

On January 7, 2013, U.S. EPA Region 9 (“Region”) filed a motion with the Environmental Appeals Board (“Board”) requesting an extension of time to file a response to the three petitions of review filed in the above-captioned matter.¹ The Region currently has until January 21, 2013, to file a response. See Letter from Eurika Durr, Clerk of the Board, to Nancy J. Marvel, Regional Counsel U.S. EPA Region 9, *Pio Pico Energy Center* (Dec. 31, 2012). The Region requests that the time for filing a response be extended until February 6, 2013.

In its motion, the Region explains that the substantial number of issues raised in the petitions, the need for consultation and coordination with EPA Headquarters, previously scheduled commitments of the two attorneys assigned to this matter, including international travel of the primary EPA Office of General Counsel attorney, will make it difficult to file a

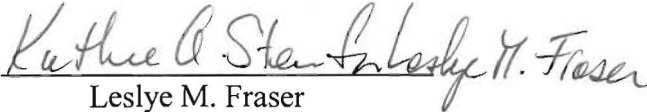
¹ On December 19, 2012, Helping Hand Tools, Mr. Robert Simpson, and Sierra Club each filed a petition seeking review of the above-captioned prevention of significant deterioration (“PSD”) permit. The permit authorizes Pio Pico Energy Center, LLC to construct and operate a 300 megawatt natural gas-fired power plant in Otay Mesa, California. The Petitions challenge the Region’s issuance, as well as several conditions, of the permit.

response on January 21. The Region represents that it contacted all three petitioners, as well as permittee, Pio Pico Energy Center, LLC, and none object to the request for an extension of time until February 6, 2013.

For good cause shown, the Board GRANTS the Region's request for an extension of time for filing a response to the three petitions filed in this case. The Region's response is now due on or before **February 6, 2013**. The Board similarly extends permittee's deadline for filing a response to the petitions. The Board, however, instructs the Region to file the certified index of the entire administrative record on or before **January 21, 2013**.²

So ordered.³

ENVIRONMENTAL APPEALS BOARD



Leslye M. Fraser

Environmental Appeals Judge

Date: *January 8, 2013*

² Early filing of the certified index enables the Board to begin prompt review of the record even before all of the briefs are filed.

³ The Board acknowledges that the parties have agreed to accept service of filings by electronic mail only. However, while the parties may accept electronic service from each other, the Board will serve the parties by U.S. Mail. At this time the Board does not have procedures in place for electronic service. The parties may monitor the Board's website for faster notice of Board Orders.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Request for Extension of Time to File Response to Petitions for Review in the matter of Pio Pico Energy Center, PSD Appeal Nos. 12-04 through 12-06, were sent to the following persons in the manner indicated:

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Dated: JAN - 8 2013


Annette Duncan
Secretary