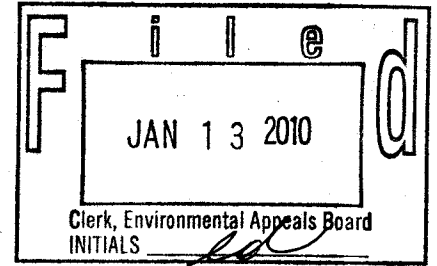


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



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

PSD Appeal No. 09-04

ORDER DENYING 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, requests 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 states that the extension is unwarranted and that the State should be able to compile the administrative record in less than sixty days. Power Holdings further states that

moving forward with this proceeding is critical because of the approaching construction season. Motion to Reconsider at ¶ 6. Under these circumstances, Power Holdings urges the Board to establish a revised deadline of February 3, 2010, for submission of the State's response. *Id.* at ¶ 8.

Upon consideration, the Motion to Reconsider is denied. The Board has no reason to question the State's representation that it requires an additional sixty days to complete its review and to compile the administrative record, nor do we consider the additional 60 days to constitute an unreasonable delay in these proceedings. Of course, should the State determine that it is able to submit its response before March 4, 2010, it is encouraged to do so. Finally, Power Holdings has requested that the Board expedite its review in this matter. The Board notes that it already assigns a high priority to permit appeals under 40 C.F.R. part 124 involving new source construction.

So ordered.

Dated: 1/13/10

ENVIRONMENTAL APPEALS BOARD

By: 

Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Denying 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:

First Class Mail:

David C. Bender
McGillivray Westerberg & Bender, LLC
305 S. Paterson Street
Madison, WI 57303

Bruce Nilles, Sierra Club
408 C. St., NE
Washington, DC 20002

James Gignac, Sierra Club
70 E. Lake St., Suite 1500
Chicago, IL 60601

Matthew J. Dunn
Susan Hedman
Assistant Attorneys General
Environment Division
69 West Washington St., Suite 1800
Chicago, IL 60602

Patricia F. Sharkey
McGuire Woods, LLP
77 West Wacker Dr., Suite 4100
Chicago, IL 60601-1818

John J. Kim
Chief Legal Counsel
Illinois EPA
1021 N. Grand Ave. East
Springfield, IL 62794-9276

Pouch Mail:

Robert Kaplan, Regional Counsel
U.S. EPA Region 5
77 W. Jackson, Blvd.
Chicago, IL 60604-3507

Dated: JAN 13 2010



Annette Duncan
Secretary