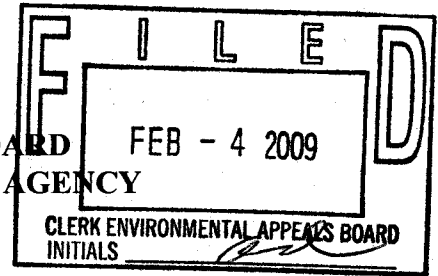


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: )  
)  
)

Desert Rock Energy Company, LLC )

PSD Permit No. AZP 04-01 )  
)

PSD Appeal Nos. 08-03, 08-04,  
08-05 & 08-06

**ORDER GRANTING MOTION TO FILE REPLY BRIEF**

On January 22, 2009, the Environmental Appeals Board ("Board") granted review of a prevention of significant deterioration ("PSD") permit decision (number AZP 04-01) (the "Permit") issued by Region 9 ("Region") of the United States Environmental Protection Agency ("EPA" or "Agency") to Desert Rock Energy Company, LLC ("Desert Rock") on July 31, 2008. *See generally* Order Granting Review, Staying the Carbon Dioxide BACT Issue, and Granting Motions to File Amicus/Nonparty Briefs Motions to File Reply Briefs ("Order Granting Review"). The Board had received four petitions for review of the Permit pursuant to 40 C.F.R. § 124.19(a): one from Diné Care, Environmental Defense Fund, Grand Canyon Trust, Natural Resources Defense Council, San Juan Citizens Alliance, Sierra Club, and WildEarth Guardians (collectively "NGO Petitioners"); one from the State of New Mexico ("New Mexico"); one from the Center for Biological Diversity ("CBD"); and from Ms. Leslie Glustrom.

In the Order Granting Review, the Board granted two motions<sup>1</sup> to file reply briefs to the responses from the Region, Desert Rock, and Diné Power Authority (“DPA”). *See* Order Granting Review at 6. Because of the lengthy briefs already received from the participants in the case, the Board restricted the length of these briefs to 50 pages. *Id.* at 7.

On February 3, 2003, the Board received a motion from another petitioner, Ms. Glustrom, requesting leave to file a short reply brief to the responses by the same date that had been granted to the other petitioners. Motion for Leave to Reply to the Responses Related to Desert Rock Energy Air Permit PSD Permit AZP 04-01. The Board hereby GRANTS Ms. Glustrom’s motion. Accordingly, Ms. Glustrom’s reply brief is due on or before Friday, February 13, 2009. The page limitations in the Board’s Order Granting Review also apply to Petitioner Glustrom; therefore, the reply brief may not exceed 50 pages.<sup>2</sup> *See* Order Granting Review at 7 & n.6.

So ordered.

ENVIRONMENTAL APPEALS BOARD



Edward E. Reich  
Environmental Appeals Judge

Date: February 4, 2009

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<sup>1</sup> One of the motions requesting leave to file a reply was jointly submitted by two petitioners, the NGO Petitioners and CBD. Thus, in actuality, three of the petitioners submitted motions requesting leave to file reply briefs.

<sup>2</sup> Ms. Glustrom is reminded that all briefs, motions, or notices must be served on all other persons who have already filed motions, briefs, and/or memoranda in this matter as a party or amicus.

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Granting Motion to File Reply Brief in the matter of Desert Rock Energy Company, LLC, PSD Appeal Nos. 08-03, 08-04, 08-05, & 08-06 were sent to the following persons in the manner indicated:

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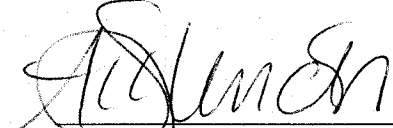
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Secretary