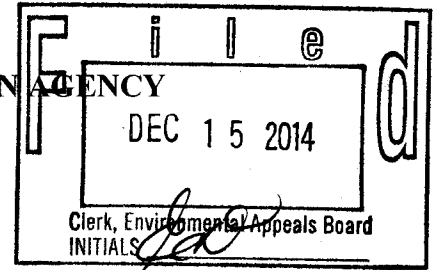


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
FutureGen Industrial Alliance, Inc.) UIC Appeal No(s): 14-68, 14-69, 14-70 &
) 14-71
Permit Nos.: IL-137-6A-001)
) IL-137-6A-002)
) IL-137-6A-003)
) IL-137-6A-004)

ORDER GRANTING MOTIONS FOR LEAVE TO FILE SURREPLY

Before the Board in the above-captioned matter are two motions for leave to file a surreply: one from FutureGen Industrial Alliance (“FutureGen”) and the other from EPA Region 5 (“Region”). Both seek an opportunity to respond to Petitioners’ Consolidated Reply in Support of their Petition for Review, which Petitioners filed on December 4, 2014. The Region’s motion includes its proposed four-page surreply. FutureGen requests a deadline of Friday, December 19, 2014 by which to file its surreply.

In support of its motion, the Region argues that Petitioners have raised a new issue in its reply brief, in contravention of 40 C.F.R. § 124.19(c)(2), to which the Region seeks to respond. Region’s Motion at 1. Both the Region and FutureGen argue that Petitioners’ reply brief contains misstatements of the record. Region’s Motion at 1-2; FutureGen’s motion at 3-4. FutureGen specifically identifies eight statements or arguments in Petitioners’ reply that purportedly are misleading or inaccurate. FutureGen’s Motion at 3, 4. Both motions seek the

opportunity to point out and provide correction to misstatements or inaccuracies in the reply, presumably with direct citation to the record.

Having duly considered the motion, and pursuant to the Board's discretion under 40 C.F.R. § 124.19(n), the Board **GRANTS** both motions for leave to file a surreply. The Board accepts and will consider the Region's surreply, as filed. FutureGen must file its surreply no later than **Friday, December 19, 2014**. FutureGen's surreply is limited to directly addressing any of the purportedly misleading or inaccurate statements that FutureGen identified in its motion by providing specific citation to the record. FutureGen's surreply must not exceed five pages.

No further briefing by any party will be permitted.

So ordered.

Dated: DEC 15 2014

ENVIRONMENTAL APPEALS BOARD

By: 

for Leslye M. Fraser
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the forgoing Order Granting Motions for Leave to File Surreply in *In re FutureGen Industrial Alliance, Inc.*, UIC Appeal Nos. 14-68 through 14-71, were sent to the following persons in the manner indicated:

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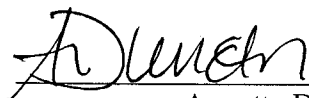
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Dated: DEC 15 2014



Annette Duncan
Secretary