



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

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ENVIR. APPEALS BOARD

OFFICE OF
GENERAL COUNSEL

August 16, 2007

Ms. Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
1341 G Street NW, Suite 600
Washington, DC 20005

Re: Christian County Generation, LLC, PSD Appeal No. 07-01

Dear Ms. Durr:

Enclosed for filing with the Environmental Appeals Board in the above-referenced matter is an original and five copies of the Office of Air and Radiation and the Office of General Counsel's Unopposed Request for Extension of Time to File Response to the Board's July 20, 2007 Order. Copies of this document have been served on Petitioner and Respondent in accordance with the enclosed Certificate of Service.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kristi M. Smith".

Kristi M. Smith
U.S. EPA, Air and Radiation Law Office
(202) 564-3068 (office)
(202) 564-5603 (fax)

Enclosures

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

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ENVIR. APPEALS BOARD

In re:)
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Christian County Generation, LLC)
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PSD Appeal No. 07-01

**UNOPPOSED REQUEST FOR EXTENSION OF TIME
TO FILE RESPONSE TO BOARD'S JULY 20, 2007 ORDER**

The Office of Air and Radiation (OAR) and the Office of General Counsel (OGC) of the Environmental Protection Agency request an additional 30 days to respond to the Board's July 20, 2007 Order Requesting That EPA's Offices of Air and Radiation and General Counsel File a Brief in the above-captioned matter. This case involves an appeal of a Prevention of Significant Deterioration (PSD) permit issued by the Illinois Environmental Protection Agency (IEPA) under the Clean Air Act to Christian County Generation to construct a coal-fired integrated gasification combined cycle power plant and associated emission units, known as the Taylorville Energy Center, in Christian County, Illinois. In support of this request, OAR and OGC state the following:

1. In its July 20, 2007 Order, the Board requested that OAR and OGC file a brief addressing questions raised by Petitioner's arguments that IEPA improperly excluded consideration of carbon dioxide (CO₂) emissions from the analysis of Best Available Control Technology (BACT) for the proposed facility. In summary, the Board asked OAR and OGC to address the following two issues: (1) whether the permit requires

a CO₂ emission limit based on BACT, and (2) whether IEPA erred in failing to consider the collateral impacts of CO₂ emission's in its BACT analysis.

2. The Board's Order asks OAR and OGC to address legal and policy questions that are currently under consideration in OAR, in consultation with OGC, following issuance of the U.S. Supreme Court decision in *Massachusetts v. EPA*, 127 S. Ct. 1438 (2007). OAR and OGC staff are working to develop a response that fully reflects the position of EPA. However, OAR has not yet completed the development of its position, and will need additional time to do so before OAR and OGC will be able to provide a substantive response to the Board's July 20 Order.

3. Based on discussions to date, OAR anticipates that it will need an additional 30 days to complete deliberations and develop its position on these issues, in consultation with OGC. The Board's granting of this extension of the filing date will ensure that the response filed by OAR and OGC will be fully informed by the potential ramifications it has for the PSD program.

4. Prior to filing this motion, counsel for OGC contacted counsel for Petitioner and counsel for Respondent IEPA, and both indicated that their clients do not oppose the proposed extension of time.

WHEREFORE, OAR and OGC respectfully request that the Board grant this Unopposed Request for Extension of Time to File Response to the Board's July 20, 2007

Order and thereby allow the filing of OAR and OGC's Response to be served with the Board no later than September 23, 2007.

Date: August 16, 2007

Respectfully submitted,



Kristi M. Smith
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Brian L. Doster
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CERTIFICATE OF SERVICE

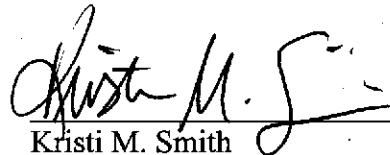
I hereby certify that copies of this Unopposed Request for Extension of Time to File Response to the Board's July 20, 2007 Order were served on the following persons by Facsimile and First Class U.S. Mail:

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Date: August 16, 2007



Kristi M. Smith