

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

)	
In re:)	
)	
Christian County Generation, LLC)	PSD Appeal No. 12-01
)	
PSD Permit No. 02106ACB)	
)	

**MOTION FOR EXTENSION OF TIME TO FILE BRIEF
ADDRESSING ISSUES RAISED IN AMENDED PETITION FOR REVIEW**

The Environmental Protection Agency (EPA) Office of Air and Radiation (OAR) and EPA Region 5 respectfully request an extension of time of three additional working days to file a joint brief in the above-captioned matter.

This case involves a challenge to a Clean Air Act Prevention of Significant Deterioration (PSD) permit issued by the Illinois Environmental Protection Agency (IEPA) to Christian County Generation, LLC (CCG). On June 19, 2012, Petitioners filed an amended petition raising five different PSD issues for the Board's consideration. In an order dated June 20, 2012, the EAB requested that OAR and Region 5 file a brief addressing all five issues raised in the amended petition and set a deadline of July 12, 2012 for filing that brief. Under a previously issued order of the Board, IEPA and CCG will file their briefs responding to the amended petition on July 10, 2012. *See Order Establishing Filing Deadlines for Amended Petition and Responses to Amended Petition (June 14, 2012).*

In its order requesting that OAR and Region 5 file a brief in this case, the Board noted that consideration of a brief providing these offices' views of the five specific issues raised in the

amended petition would assist the Board in its resolution of the case. In order to provide this assistance on all issues raised in the amended petition for review, OAR, Region 5, and counsel in OGC will need to consider the arguments made in all briefs filed in this case, including those by IEPA and CCG. OAR, Region 5, and counsel in OGC understand the need for expedition in resolving PSD permit appeals and support efforts of the Board to avoid delay in such cases, but two days is simply not enough time to complete the various actions needed for these EPA offices to file a brief that reflects consideration of both the arguments in the Petition and the responses by IEPA and CCG. After receiving the filings due on July 10, counsel for OAR and Region 5 and staff in these offices will need to review two additional 14,000-word briefs filed in this matter, consult across offices within EPA to formulate appropriate responses to the issues addressed by the parties, and complete the drafting and review by all offices of a brief for filing.

EPA offices will take all possible steps to begin this process before the IEPA and CCG briefs are filed and to work expeditiously after those filings. However, three additional working days (plus the intervening weekend as necessary) will enable OAR, Region 5, and counsel in OGC to better assist the Board in this matter by addressing the arguments of all parties. Additional time will also enable EPA offices to improve the efficiency of the Board's review by avoiding unnecessary duplication of relevant background material and arguments, to the extent OAR and Region 5's views are in alignment with those of the other parties.

We have contacted counsel for the other parties in this matter regarding this extension request. Counsel for NRDC and CCG indicated that they do not oppose the extension request. As of the time of filing, we have not received a position on the motion from counsel for Sierra Club and IEPA.

For the reasons set forth above, EPA OAR and Region 5 respectfully request that the Board grant this Motion for Extension of Time and extend the deadline to file the requested brief to July 17, 2012.

Date: June 22, 2012

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the attached **MOTION FOR A SEVEN DAY EXTENSION OF TIME TO FILE BRIEF ADDRESSING ALL ISSUES RAISED IN AMENDED PETITION FOR REVIEW** to be served by electronic mail upon the persons listed below.

Dated: June 22, 2012

/s/_____

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