

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



MIKE COX
ATTORNEY GENERAL

P.O. Box 30755
LANSING, MICHIGAN 48909

July 8, 2008

Via UPS Overnight Mail and Electronic Submission

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
1341 G Street NW, Suite 600
Washington, D.C. 20005

Dear Clerk:

Re: Northern Michigan University
Permit Number: 60-07
Appeal Number: PSD 08-02

Enclosed for filing is an original Respondent's Motion for Extension of Time to File a Response to the Merits of the Petition and a proof of service.

Very truly yours,

A handwritten signature in black ink, appearing to read "Neil D. Gordon".

Neil D. Gordon (P56374)
Assistant Attorney General
Environment, Natural Resources
and Agriculture Division
(517) 373-7540
Attorney for Respondent the Michigan
Dept. of Environmental Quality

Encs.

c: David C. Bender, Garvey McNeil & McGillivray, S.C.
Mary Ann Dolehanty, MDEQ (via e-mail)

LF:NorthernMichUnivSierraClub-ClerkLet

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

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In the Matter of)
Northern Michigan University)
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_____)

Permit Number: 60-07

Appeal Number: PSD 08-02

PROOF OF SERVICE

On Tuesday, July 8, 2008, I sent by first-class mail a copy of the RESPONDENT'S MOTION
FOR EXTENSION OF TIME TO FILE A RESPONSE TO THE MERITS OF THE PETITION

to:

David C. Bender
Garvey McNeil & McGillivray, S.C.
634 West Main Street
Suite 101
Madison, WI 53703

I declare that the above statement is true to the best of my information, knowledge and
belief.



Anna Yott

LF:NorthernMichUnivSierraClub-POS

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

In the Matter of
Northern Michigan University

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) Permit Number: 60-07
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**RESPONDENT'S MOTION FOR EXTENSION OF TIME
TO FILE A RESPONSE TO THE MERITS OF THE PETITION**

NOW COMES respondent the Michigan Department of Environmental Quality (MDEQ), by and through its attorneys, Michael A. Cox, Attorney General of the State of Michigan, and Neil D. Gordon, Assistant Attorney General, and files this Motion for Extension of Time to File a Response to the Merits of the Petition. In support of this request, the MDEQ states as follows:

1. On June 13, 2008, petitioner the Sierra Club filed its Petition for Review in this appeal. The Petition for Review is a 58-page document (with exhibits totaling several hundred pages) that includes numerous legal arguments presented in great detail, many of which have not been previously addressed by the Environmental Appeals Board (Board) in its prior decisions. The Petition for Review also includes several arguments based on complicated factual, scientific and technical information.

2. The Board has set a deadline of July 16, 2008 for the MDEQ to file its response to the merits of the Petition for Review.

3. The Board would benefit from a complete response to the petition in order for the Board to give appropriate consideration to the issues presented to it for resolution.

4. The MDEQ anticipates that it will be unable to submit a complete response of the Petition for Review by July 16, 2008.

5. In a recent appeal raising similar issues, *In re Deseret Power Electric Cooperative*, PSD Appeal No. 07-03, the Board granted a motion for a 29-day extension of time filed by the permittee. Order of February 12, 2008.

6. An extension of time would not result in any hardship or prejudice to the Sierra Club because its filing has prevented the challenged permit from taking effect.

7. The Sierra Club concurs in this request for an extension.

For these reasons, the MDEQ respectfully requests that the Board enter an order extending the time by which the MDEQ may file a response to the Petition for Review to and including Wednesday, August 6, 2008.

Respectfully submitted,

Michael A. Cox
Attorney General



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Department of Environmental Quality

Date: July 8, 2008

LF:NorthernMichUnivSierraClub-MotionforExtensionofTime