

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

RECEIVED
U.S. E.P.A.

2007 OCT 26 AM 9: 47

ENVIR. APPEALS BOARD

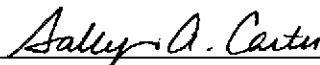
IN THE MATTER OF:)
)
CONOCOPHILLIPS WOOD RIVER REFINERY) PSD APPEAL NO. 07-02
I.D. NO. 119090AAA)
PERMIT APPLICATION NO. 06050052)

NOTICE

PLEASE TAKE NOTICE that I have today sent, by UPS, to the Clerk of the Environmental Appeals Board a **MOTION FOR EXTENSION OF TIME TO FILE RESPONSE** on behalf of the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, a copy of which is herewith served upon each of the representatives identified in the attached service list.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Sally Carter
Assistant Counsel
Division of Legal Counsel

Date: October 24, 2007
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544

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

RECEIVED
U.S. E.P.A.

2007 OCT 26 AM 9:47

ENVIR. APPEALS BOARD

IN THE MATTER OF:)
)
CONOCOPHILLIPS WOOD RIVER REFINERY) PSD APPEAL NO. 07-02
I.D. NO. 119090AAA)
PERMIT APPLICATION NO. 06050052)

**MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE**

NOW COMES the Respondent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through its attorney, and moves the ENVIRONMENTAL APPEALS BOARD (“Board”) for an extension of time to file a full Response, together with an accompanying Certified Index of the Administrative Record, to the Petition for Review (hereinafter “Petition”) filed by the Petitioners, NATURAL RESOURCES DEFENSE COUNCIL *et al.*, in the above-referenced cause.

1. Petitioners filed their Petition with the Board on August 21, 2007.
2. Based on information known to the Illinois EPA attorney involved in this case, the Illinois EPA has not received service of the Petition from Petitioners. However, a copy of the Petition and attached exhibits was received from the Board, together with the Board’s initial order requesting a response to the Petition on August 28, 2007.
3. By the instructions contained in the Board’s cover letter to the order, the Illinois EPA was requested to file a formal Response to the Petition, including any relevant excerpts from the administrative record. If summary disposition was being sought, the Response was due with the Board by no later than September 11, 2007. If a

more detailed response to the merits of the petition is being sought, the Response is due with the Board by no later than September 26, 2007.

4. On September 26, 2007, the Illinois EPA submitted a Partial Response to Petition and a Motion for Extension of Time to File Response seeking until November 15, 2007 to respond to the remaining substantive issues raised in the Petition. In an order dated, October 1, 2007, the Environmental Appeals Board granted, in part, the Illinois EPA's Motion for Extension of Time to File Response until October 29, 2007.

5. On October 12, 2007, my colleague, Mr. Robb Layman, in *In re Christian County Generation. LLC*, PSD Appeal No. 07-01, informed this tribunal of a disagreement between the Illinois EPA and the Illinois Attorney General's Office ("AGO") over the scope of the Illinois EPA's legal representation before this tribunal and a similar state board. In a footnote contained within the letter, Mr. Layman apprised the Board that the undersigned attorney would notify it of her ability to represent the Illinois EPA in this proceeding. On today's date, the Illinois Attorney General's Office provided this attorney with a formal appointment letter to provide the Illinois EPA with legal representation in this matter. This letter is attached to this filing for the Board's review.

6. Anticipating that such a letter would be forthcoming, since September 26, 2007, the undersigned attorney has spent a considerable amount of time, both during regular work hours and her own personal time delving into the technical and legal aspects of claims made in Petitioners' Petition for Review. Despite countless extra hours at the office, as previously anticipated in the Illinois EPA's previous Motion for Extension of Time, the undersigned attorney will not be able to meet the October 29, 2007, deadline. This is due not only to prior time commitments, particularly, the press of other case

assignments, but the need for considerable legal research and extensive collaboration with the Illinois EPA's technical staff to fully address the issues raised in the Petition.

7. As a result of the breadth of the issues raised in the Petition, particularly with respect to the flaring issue, the anticipated resources that will be required to prepare the Illinois EPA's full Response, and the current caseload maintained by the assigned attorney, the Illinois EPA expects that this effort will require an additional eight days beyond the October 29, 2007, deadline until Tuesday, November 6, 2007.

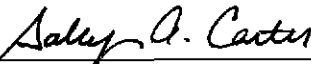
8. For the reasons stated above, the Illinois EPA formally requests an extension of time of 8 days from October 29, 2007, in which to file its formal Response with the Board.

9. The granting of this extension of the filing date will ensure that the Response will fully address all of the technical issues raised by the Petitioners in their appeal.

10. An extension of this time period will not result in any hardship or prejudice to the Petitioners.

WHEREFORE, the Illinois EPA respectfully requests that the Board grant this Motion for Extension of Time to File Response and thereby allow the filing of the full Response to be served with the Board no later than Tuesday, November 6, 2007.

Respectfully submitted,



Sally A. Carter
Assistant Counsel
Division of Legal Counsel

Dated: October 24, 2007
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5544



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

FAX TRANSMITTAL SHEET

TO: Sally A. Carter

Fax No. (217) 782-9807

DATE: October 24, 2007

PAGE 1 of 2

FROM: Ann M. Spillane
Chief of Staff
(312) 814-5092
(312) 814-5024 (Fax)

COMMENTS: Hard copy to follow in the mail.

IF YOU DO NOT RECEIVE ANY OF THE PAGES, PLEASE CONTACT SENDER.

NOTICE

THIS IS A FAX TRANSMISSION OF ATTORNEY PRIVILEGED AND/OR CONFIDENTIAL INFORMATION, IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY THE SENDER AT THE ABOVE TELEPHONE NUMBER AND DESTROY THIS TRANSMITTAL. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY RETENTION OR DISSEMINATION OF THIS INFORMATION IS STRICTLY PROHIBITED.

James R. Thompson Center - 12th Floor - 100 W. Randolph Street, Chicago, Illinois.



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 24, 2007

Ms. Sally A. Carter
Illinois Environmental Protection Agency
1021 N. Grand Avenue East, P. O. Box 19276
Springfield, Illinois 62794-9276

Re: In the Matter of Conoco Phillips Wood River Refinery, EAB PSD, No. 07-02

Dear Ms. Carter:

I am writing to appoint you as a Special Assistant Attorney General to represent the Illinois Environmental Protection Agency in the above-captioned matter for the fiscal year ending June 30, 2008. As a Special Assistant Attorney General, you will serve at the pleasure of the Attorney General and work under the control, direction and supervision of Roger Flahaven of the Attorney General's Office.

The compensation for your services is included in the salary and compensation paid to you by the Illinois Environmental Protection Agency. You will not be compensated for your services by this office.

Your appointment is conditioned on your full compliance with the Attorney General's Rules of Professional Conduct as provided in Rule 8.1.11 (a copy of which is enclosed). Please indicate your acceptance of this appointment and your agreement to be bound by its terms by completing and executing the enclosed Affidavit of Compliance with Attorney General's Rules of Professional Conduct and returning it to me as soon as possible.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ann M. Spillane", is written over the typed name.

ANN M. SPILLANE
CHIEF OF STAFF

Enclosures

cc: Robert A. Messina, Chief Legal Counsel, IL Environmental Protection Agency
Roger Flahaven, Deputy Attorney General, Civil Litigation Division
Matthew J. Dunn, Chief, Attorney General's Environmental & Asbestos Litigation Division


CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of October 2007, I did send, by UPS postage prepaid, one (1) original and five (5) copies of the following instrument entitled

MOTION FOR EXTENSION OF TIME TO FILE RESPONSE to:

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

and that on the same day, the 24th day of October, 2007, I did send a true and correct copy of the same foregoing instruments, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to those representatives identified in the service list.



Sally Carter
Assistant Counsel
Division of Legal Counsel

SERVICE LIST

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

Richard Ossias
Associate General Counsel
Office of General Counsel
1200 Pennsylvania Ave., NW
Washington, D.C. 20460-0001

Ann Alexander
Natural Resources Defense Counsel
101 North Wacker Drive, Suite 609
Chicago, Illinois 60606

James H. Russell
Winston & Strawn LLP
35 W. Wacker Drive
Chicago, Illinois 60601

Robert A. Kaplan,
Acting Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3507

Robert J. Myers
Acting Assistant Administrator
Office of Air and Radiation
U.S. EPA (MC-6101A)
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Karla Raettig
Environmental Integrity Project
1920 L Street NW, Suite 800
Washington, D.C. 20036

Steffen N. Johnson
Luke W. Goodrich
Winston & Strawn LLP
1700 K Street, N.W.
Washington, D.C. 20006