



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

ENVIRONMENTAL APPEALS BOARD

NOV 23 2010

Peter Ornstein, Acting Regional Counsel
Regional Counsel
U.S. EPA, Region 8
1595 Wynkoop
Denver, CO 80202

Re: BP America Production Company, Florida River
Compression Facility
Permit Number: V-SU-0022-05.00
Appeal Number: CAA 10-04

Dear Mr. Ornstein:

This is to advise you that the Environmental Appeals Board received a petition on November 18, 2010, filed by Jeremy Nichols, Climate and Energy Program Director, asking the Environmental Appeals Board to review a permit determination by U.S. Environmental Protection Agency, Region 8.

A copy of the petition and exhibits can be found on the Board's website at http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/f22b4b245fab46c6852570e6004df1bd/3b51ec0beeff5cc852577e0006f8961!OpenDocument. If you have any difficulty accessing this document, please let me know.

Please have your staff prepare a response that addresses petitioner's contentions, and whether petitioner has satisfied the requirements for obtaining review under 40 C.F.R. § 71.11(*l*). Include all relevant portions of the administrative record with the response. Please file an original (signed in blue ink) with the Environmental Appeals Board (at the address below) no later than January 10, 2011.¹

¹ The Board has issued an Order authorizing the electronic filing of documents in cases involving permit appeals. See Order Authorizing Electronic Filing in Proceedings Before the Environmental Appeals Board Not Governed by 40 C.F.R. Part 22 (Jan. 28, 2010), available at <http://www.epa.gov/eab> (click "Standing Orders" on sidebar). Instructions on registration and

Please note that all submissions, including the material due by January 10, 2011, shall reference the appeal number assigned to this petition.

Mailing and Hand Delivery Instructions²

All documents that are sent through the U.S. Postal Service, Express Mail, hand-delivered, via courier must include the name of the organization, address, facsimile number, telephone number, and an email address, if available.

Documents that are sent through the U.S. Postal Service (except by Express Mail) **MUST** be addressed to the Environmental Appeals Board's mailing address which is:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board 1103B
Ariel Rios Building
1200 Pennsylvania Avenue N.W.
Washington, DC 20460-0001

Documents that are sent to the Environmental Appeals Board's hand-delivery address (below) through the U.S. Postal Service (except by Express Mail) will be returned to the sender and shall not be considered as filed.

Hand Delivery Address:

Documents that are **hand-carried** in person, delivered via courier, mailed by Express

document filing are available by using the "Electronic Filing" link on the Board's website. Documents containing confidential business information should not be filed electronically as the Board considers business confidentiality claims waived when a document is electronically filed. *Id.* at 5-6. Please note that if a party, or its attorney or other representative, electronically files any document, such as a notice of appeal, brief, or motion, that exceeds fifty (50) pages in length, inclusive of the certificate of service, table of contents, and table of authorities, but exclusive of exhibits or attachments, it must also send one paper copy of that document to the Board by U.S. Mail, hand, courier, or commercial delivery service within one business day of the date of the electronic filing. *See id.* at 4-5. Such paper copy must be accompanied by a signed certification stating that it is identical to the electronically filed document. *Id.* at 5. If the combined page length of all of the exhibits or attachments submitted in support of a brief or motion exceeds fifty (50) pages, the requirement to submit a paper copy, and its timing, applies to the entire set of exhibits or attachments. *Id.* Anyone electronically filing exhibits or attachments in support of a brief, motion, or other document should submit them separately from the associated brief or motion. *Id.* at 3.

² Mail sent to the Environmental Protection Agency via the U.S. Postal Service may be delayed by a random sterilization procedure applied to mail delivered to the federal government. Parties are encouraged to utilize the Board's e-filing system or non-U.S. Postal Service carriers and the Board's hand-delivery address when filing pleadings with the Board. Additional information regarding mail delivery to the Board is available on the Environmental Appeals Board website (www.epa.gov/eab) at the Clerk of the Board or Frequently Asked Questions links.

Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST** be delivered to:

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

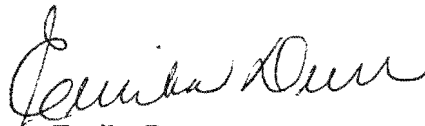
Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 10:00 p.m. and from 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays). Documents filed electronically may be filed at any time up to 11:59 PM Eastern time on the day the document is to be filed with the Board.

Filing Requirements

IMPORTANT: All documents, including the materials due January 10, 2011, must reference the appeal number. In addition, any envelope or other packaging containing documents sent to the address, as prescribed above, must bear a complete and accurate return address in the upper left hand corner. The envelope or packaging must also clearly state the case name and case identifier in the lower left hand corner.

Thank you for your attention to this matter.

Sincerely,



Eurika Durr
Clerk of the Board

cc: Jeremy Nichols
Climate and Energy Program Director
WildEarth Guardians
1536 Wynkoop, Suite 301
Denver, CO 80202

Stephen S. Tuber
Assistant Regional Administrator
U.S. EPA, Region 8
1595 Wynkoop
Denver, CO 80202