

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

In the Matter of La Paloma Energy Center, LLC))))))	Appeal No. PSD 13-10 PSD Permit No. PSD-TX-1288-GHG
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NOTICE OF APPEARANCE BY LA PALOMA ENERGY CENTER, LLC

On December 6, 2013, Sierra Club filed a Petition for Review of the Prevention of Significant Deterioration Permit issued by EPA Region VI for the La Paloma Energy Center, to be located in Harlingen, Texas (PSD permit number PSD-TX-1288-GHG). As the permit applicant, La Paloma Energy Center, LLC, by and through its counsel, Bracewell & Giuliani LLP, hereby files a notice of appearance to participate in the permit appeal process.

This notice is filed pursuant to a relatively new regulation that allows the permit applicant to file a response to a petition as of right. 40 C.F.R. § 124.19(b)(3) (“A permit applicant who did not file a petition but who wishes to participate in the appeal process must file a notice of appearance and a response to the petition.”). This regulatory change, which became effective on March 26, 2013, “eliminates the [then] current practice that typically involves the permit applicant filing a motion to participate in the appeal, which the Board typically grants, followed by filing a

substantive brief according to the Board’s briefing schedule.” 78 Fed. Reg. 5,281, 5,283 (Jan. 15, 2013); *see also* EAB Revised Order Governing Petitions for Review of Clean Air Act New Source Review Permits, March 27, 2013 at 3 (“A permit applicant or permittee who did not file a petition may file a notice of appearance and a response to the petition.”). As EPA has explained, providing the permit applicant “explicit authorization to file” would “streamline and make more efficient the appeal process, by removing the need to request permission from the Board to participate, and eliminating the corresponding additional time needed to grant participation....” 78 Fed. Reg. at 5,283.

La Paloma will file a timely response to the petition for review.

Dated: December 16, 2013

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served, electronically, the foregoing NOTICE OF APPEARANCE through the Environmental Appeal Board's electronic filing system. I also certify that the following parties have consented to be, and have been, served by electronic mail:

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