



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 7 2009

VIA HAND

OFFICE OF
GENERAL COUNSEL

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

Re: PSD Appeal No. 09-01
PSD Permit No. 052-120-MA14
Dominion Energy Brayton Point, LLC

May 7, 2009

Dear Ms. Durr,

Enclosed please find the original of a Response to Petition for Review and Request for Expedited Decision in the above-captioned case, filed on behalf of Region 1 of the U.S. Environmental Protection Agency, with an attached certificate of service. These documents have also been sent via overnight mail, fax, and email to Petitioner's counsel of record today. In lieu of five additional paper copies for the Board, an electronic copy has been posted to the CDX system.

As explained within, the Region respectfully requests that the Board issue its decision on an expedited basis due to the extraordinary adverse environmental consequences of even slight delay in the effective date of the challenged permit. For the same reasons, in light of the demonstrated facial inadequacy of the Petition and the unusual urgency of a final decision, the Region further requests that the Board deny review of the Petition summarily, without affording Petitioner an opportunity to file a reply.

Sincerely,

A handwritten signature in cursive script that reads "Elliott B. Zenick".

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cc: Arthur D. Frank, Jr., Esq.
Mary Jo Sheeley, Esq.