

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

_____))
In re:))
) PSD Appeal No. 08-09
Seminole Electric Cooperative, Inc.))
Palatka, Florida))
_____))

MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TO BOARD'S MAY 19, 2009 ORDER

Region 4 of the Environmental Protection Agency (EPA) requests an additional 30 days in which to respond to the Board's May 19, 2009 Order Requesting EPA Region 4 to File Brief in the above-captioned matter after consultation with the Office of General Counsel. This case involves an appeal of a Prevention of Significant Deterioration (PSD) permit issued by the Florida Department of Environmental Protection (FDEP) to the Seminole Electric Cooperative (Seminole) for the construction of a new 750 megawatt electric generating unit at Seminole's Palatka, Florida facility. In support of this request, Region 4 states the following:

1. In its May 19, 2009 Order, the Board requested that Region 4 file a brief addressing several questions regarding applicable requirements for a permit that was issued in draft form under a PSD program that was delegated by Region 4 to Florida but then issued in final form by Florida after Region 4 fully-approved the PSD program in Florida's state implementation plan (SIP).

2. As part of the Board's Order, Region 4 was asked to provide relevant guidance and other documents regarding applicable requirements for this permitting

situation. The Region has not previously faced the issues presented in the Board's order and has begun a search for relevant guidance in consultation with OGC staff. However, additional time is necessary to ensure that Region 4 and OGC complete a comprehensive search and obtain all relevant guidance available from other EPA offices. In addition, considering the novelty of these issues in Region 4, the Region desires time to consult with the Office of Air and Radiation (OAR) regarding the questions in the Board's order. The completion of this process of consulting with OAR has been affected to some extent by the Administration change and the recent confirmation of a new Assistant Administrator for OAR.

3. Based on discussions to date, Region 4 anticipates that it will need an additional 30 days to complete a comprehensive search for guidance and its consultations with other EPA offices before submitting its response. The Board's granting of this extension will help Region 4 to ensure that its response will be thoroughly-researched and fully-informed by input from all the relevant offices within EPA.

4. Prior to filing this motion, counsel for Region 4 contacted counsel the Sierra Club, FDEP, Seminole to determine their positions. All parties indicated that they do not oppose the proposed extension of time.

For the reasons set forth above, Region 4 respectfully requests that the Board grant this Motion for Extension of Time to File Response to the Board's May 19, 2009 Order and thereby allow the filing of the Response to be filed with the Board no later than July 16, 2009.

June 9, 2009.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of this Request for Extension of Time to File Response to the Board's May 19, 2009 Order were served on the following persons in the manner indicated below:

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