

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

In re:)	
)	
Mississippi Lime Co.)	
)	PSD Appeal No. 11-01
Permit No. 157683AAC)	
)	

MOTION TO PARTICIPATE AND TO FILE SEPARATE BRIEFING

Mississippi Lime Company (Mississippi Lime) is the permittee for Permit No. 157683AAC (“Permit”). Pursuant to 40 C.F.R. Part 124, and Section III.D of the Environmental Appeals Board Practice Manual, Mississippi Lime requests leave to participate in these proceedings and to respond to the Petition for Review filed by the Sierra Club. The Permit is a Construction Permit and PSD Approval issued to Mississippi Lime to construct a lime manufacturing plant including two preheater rotary lime kilns and other related operations for the processing of limestone in Randolph County, Illinois. Mississippi Lime has invested and will invest substantial amounts in the construction of this plant, and, therefore, requests that the Board allow it to participate in all aspects of these proceedings and to respond to the Petition for Review affecting its Permit.

Mississippi Lime has conferred with the State of Illinois and it has no objection to this request. Counsel attempted to confer with counsel for Petitioner, the Sierra Club, but was unable to confer prior to filing this motion.

The Board has recognized that permittees have a significant interest in defending challenged permits, and has consistently held that it is appropriate to allow permittees to

participate in appeal proceedings and to file responses to petitions for review. See, e.g., Kulluk I, slip op. at 8; In re ConocoPhillips Co., PSD Appeal No. 07-02, slip op. at 10 (EAB, June 2, 2008); In re Christian County Generation, LLC, PSD Appeal No. 07-01, slip op. at 10 (EAB, Jan. 28, 2008); In re Newmont Nevada Energy Investments, LLC, TS Power Plant, 12 E.A.D. 429, 437 (EAB 2005). Mississippi Lime has a significant interest that is implicated by the Petition for Review.

The Board has granted the State of Illinois until April 15, 2011 to file the administrative record and its response to the merits of the Petition. Mississippi Lime requests an additional 14 days, until April 29, 2011, to file its response to the Petition for Review. Granting Mississippi Lime this additional time will allow it to avoid any duplication of the response of the State of Illinois and will permit it to have access to the certified index of the administrative record. Mississippi Lime has conferred with the State of Illinois and the Sierra Club and neither has any objection to this request.

For the reasons discussed above, Mississippi Lime requests leave to participate in these proceedings and for permission to file its response to the Petition for Review on or before April 29, 2011.

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CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2011, I electronically filed foregoing with the Clerk of the Environmental Appeals Board and on the same day mailed a copy by First Class Mail to:

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