

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF LEGAL COUNSEL
 1021 NORTH GRAND AVENUE EAST, POST OFFICE BOX 19276
 SPRINGFIELD, ILLINOIS 62794-9276
 TELEPHONE (217) 782-5544 FACSIMILE (217) 782-9807

RECEIVED
 U.S. E.P.A.

2005 JUL -7 AM 8:48

ENVIR. APPEALS BOARD

DATE: July 6, 2005

FACSIMILE TRANSMITTAL SHEET

PLEASE DELIVER THE FOLLOWING PAGES TO:

PARTY'S NAME: Eurika Durr

FIRM/COMPANY NAME: Environmental Appeal Board

FACSIMILE NO: (202) 233-0121

TELEPHONE NO: (202) 233-0122

FROM: Robt hayman

RE: Prairie State Generating Station, PSD Appeal

TOTAL NUMBER OF PAGES (INCLUDING THIS PAGE): _____

HARD COPY WILL X WILL NOT _____ FOLLOW

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (217) 782-5544

COMMENTS: Appearance and Motions for Extension of Time by which to file our formal Response

IMPORTANT - THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED; AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THE MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT READING, DISSEMINATING, DISTRIBUTING, OR COPYING THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

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

IN THE MATTER OF:

PRAIRIE STATE GENERATING STATION
PERMIT NUMBER 189808AAB

)
)
)
)

PSD APPEAL NO. 05-05

NOTICE

To:

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

Bertram C. Frey,
Acting Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency,
Region V
77 W. Jackson Boulevard
Chicago, Illinois 60604-3507

Bruce Nilles
Sierra Club
200 N. Michigan Avenue, Suite 505
Chicago, Illinois 60601

Kevin Pinto
Hunton & Williams
Riverfront Plaza East Tower
951 East Byrd Street
Richmond, Virginia 23219

Verena Owen
Lake County Conservation Alliance
421 Ravine Drive
Winthrop Harbor, Illinois 60096

John Blair
Valley Watch
800 Adams Avenue
Evansville, Indiana 47713

Ann Brewster Weeks
Clean Air Task Force
88 Summer Street, 8th Floor
Boston, Massachusetts 02110

Kathy Andria
American Bottom Conservancy
614 North 7th Street
East St. Louis, Illinois 62201-1372

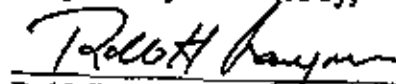
Kathleen Logan-Smith
Health & Environmental Justice-St. Louis
P.O. Box 2038
St. Louis, Missouri 63158

Brian Urbaszewski
American Lung Associates of
Metropolitan Chicago
1440 West Washington Boulevard
Chicago, Illinois 60607

NOTICE continued...

PLEASE TAKE NOTICE that I have today filed with the Clerk of the Environmental Appeals Board an original (1) and five (5) copies of APPEARANCES and a MOTION FOR EXTENSION OF TIME TO FILE RESPONSE of the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, a copy of which is herewith served upon you.

Respectfully submitted by,



Robb H. Layman
Assistant Counsel

Dated: July 6, 2005
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)524-9137

RECEIVED
U.S. E.P.A.

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

2005 JUL -7 AM 8:43

ENVIR. APPEALS BOARD

IN THE MATTER OF:

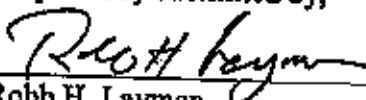
PRAIRIE STATE GENERATING STATION
PERMIT NUMBER 189808AAB

PSD APPEAL NO. 05-05

APPEARANCE

NOW COMES Robb H. Layman, Assistant Counsel, and enters his appearance on behalf of the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, in the above-captioned matter.

Respectfully submitted by,


Robb H. Layman
Assistant Counsel

Dated: July 6, 2005
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)524-9137

RECEIVED
U.S. E.P.A.

BEFORE THE ENVIRONMENTAL APPEALS BOARD JUL -7 AM @ 49
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. ENVIR. APPEALS BOARD

IN THE MATTER OF:

PRAIRIE STATE GENERATING STATION
PERMIT NUMBER 189808AAB.

)
)
) PSD APPEAL NO. 05-05
)

APPEARANCE

NOW COMES Sally Carter, Assistant Counsel, and enters her appearance on behalf of the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, in the above-captioned matter.

Respectfully submitted by,

Sally A. Carter
Sally Carter
Assistant Counsel

Dated: July 6, 2005
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5581

RECEIVED
U.S. EPA

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

ENVIR. APPEALS BOARD

IN THE MATTER OF:)	
)	
PRAIRIE STATE GENERATING STATION)	PSD APPEAL NO. 05-05
PERMIT NUMBER 189808AAB)	

**MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE**

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by and through its attorneys, and moves the ENVIRONMENTAL APPEALS BOARD ("Board") for an extension of the time to file a Response to the Petition for Review (hereinafter "Petition") filed by the Petitioners, SIERRA CLUB ("Sierra Club"), *et al.*, in the above-captioned matter.

1. Petitioners filed their Petition with the Board on June 8, 2005, seeking a review of a PSD permit determination by the Illinois EPA involving PRAIRIE STATE GENERATING STATION ("Prairie State"). The Board received the Petition on the same date.

2. The Clerk of the Board sent a copy of the Petition, together with a cover letter detailing instructions for responding to the appeal, to the Illinois EPA on June 10, 2005. The Illinois EPA received the materials on June 16, 2005. Counsel for Petitioners had previously sent the Illinois EPA an electronic copy of the Petition on June 8, 2005.

3. By the instructions contained in the Board's cover letter, the Board requested that the Illinois EPA file a formal Response to the Petition, including any relevant excerpts from the administrative record and a certified index of the entire

administrative record. If summary disposition would be sought, the Response was due with the Board by June 24, 2005. If a more detailed response to the merits of the Petition would be sought, the Response was due with the Board by no later than July 11, 2005.

4. At this juncture, the undersigned attorneys for the Illinois EPA anticipate that a handful of issues raised in the Petition may present possible grounds for summary disposition. By and large, most of the issues raised in the Petition will require a detailed response to their respective merits.

5. The Petition itself identifies twenty-one principal issues for appeal. However, the total number of sub-issues raised in the Petition is sixty and, based on current estimates, many of those sixty sub-issues involve complex technical matters.

6. One of the undersigned attorneys became involved with permitting issues relating to the Prairie State project as early as January 2004 and since that time, most of that attorney's resources have been devoted to this project alone. Prior to the filing of this appeal, her primary involvement in the case has included the assembly and preparation of a voluminous Administrative Record for this cause (i.e., estimated to consist of approximately 40,000 pages), the preparation and assembly of two state Freedom of Information Act requests, motion filings and providing review and comments to draft permits and Responsiveness Summary documents. Due to the press of those related case matters, that attorney was generally unable to begin responding to the issues raised in the Petition until shortly after a copy of the Petition was emailed to the Illinois EPA on June 8, 2005.

7. The other undersigned attorney became involved with the permitting issues relating to Prairie State in mid to late February 2005. His primary involvement

included the assembly and preparation of two state Freedom of Information Act requests, motion filings and providing review and comments to the most recent Responsiveness Summary document. Due to the press of those matters, as well as other enforcement case matters unrelated to the present appeal, that attorney was generally unable to begin responding to the issues raised in the Petition until on or after June 15, 2005.

8. As a result of the delays occasioned by the breadth of the issues raised in the appeal and other matters, the undersigned attorneys expect that a Response will require at least an additional two and one-half weeks (i.e., 18 days) to prepare and finalize. Of the sixty sub-issues raised in the appeal, the attorneys have generated draft responses to approximately one-half of the issues at the time of the filing of this Motion. Because of the magnitude of the project, it should be noted that the attorneys' supervisors recently authorized the enlistment of three other attorneys and one paralegal to assist in the development of the Illinois EPA's response.

9. Based on the foregoing, the Illinois EPA formally requests an extension of 18 days in which to file its formal Response with the Board. Upon the granting of this Motion, every effort will be made by the undersigned attorneys to file the Illinois EPA's Response, together with relevant copies of the Administrative Record and a certified index of the entire Administrative Record, with the Board by Friday, July 29, 2005.

10. The grant of this extension of the filing date will ensure that the Response will fully address all of the legal and technical issues raised by the Petitioners in their appeal. In addition, an extension of this time period will not result in any hardship or prejudice to the Petitioners.

WHEREFORE, the Illinois EPA respectfully requests that the Board grant this Motion for Extension of Time to File Response to thereby allow the filing of the Response to be served with the Board no later than Friday, July 29, 2005.

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Sally Carter
Assistant Counsel



Robb H. Layman
Assistant Counsel

Dated: July 6, 2005
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)524-9137

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of July, 2005, I did send, by express mail for next-day delivery, one (1) original and five (5) copies of the following instruments entitled **APPEARANCES** and **MOTION FOR EXTENSION OF TIME TO FILE RESPONSE** to:

Burika Durr,
Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street N.W. Suite 600
Washington, D.C. 20005

and a true and correct copy of the same foregoing instruments, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service on the 7th day of July, 2005, to:

Bertram C. Frey,
Acting Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region V
77 W. Jackson Boulevard
Chicago, Illinois 60604-3507

Bruce Nilles
Sierra Club
200 N. Michigan Avenue, Suite 505
Chicago, Illinois 60601

Verena Owen
Lake County Conservation Alliance
421 Ravine Drive
Winthrop Harbor, Illinois 60096

Ann Brewster Weeks
Clean Air Task Force
88 Summer Street, 8th Floor
Boston, Massachusetts 02110

Kevin Finto
Hunton & Williams
Riverfront Plaza East Tower
951 East Byrd Street
Richmond, Virginia 23219

John Blair
Valley Watch
800 Adams Avenue
Evansville, Indiana 47713

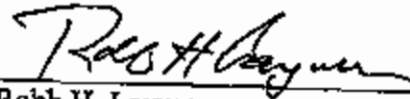
Kathy Andria
American Bottom Conservancy
614 North 7th Street
East St. Louis, Illinois 62201-1372

Certificate of Service continued...

Kathleen Logan-Smith
Health & Environmental Justice-St. Louis
P.O. Box 2038
St. Louis, Missouri 63158

Brian Urbaszewski
American Lung Associates of
Metropolitan Chicago
1440 West Washington Boulevard
Chicago, Illinois 60607

A copy of the instruments was also faxed to both the Clerk of the Board and Bruce Nilles,
Counsel for Sierra Club, on July 6, 2005.



Robb H. Layman
Assistant Counsel

This filing is submitted on recycled paper.