

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

In re:)	
Pio Pico Energy Center)	
PSD Permit No. SD 11-01)	
)	Appeal Nos. PSD 12-04, PSD 12-05, and PSD 12-06

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

EPA Region 9 respectfully requests that the Environmental Appeals Board (“EAB” or “Board”) grant an extension of time until February 6, 2013 for Region 9 to file its response to the Petitions for Review filed in the instant case. In a letter dated December 31, 2012, the EAB set a deadline of January 21, 2013 for Region 9’s response in this matter. See letter from Eurika Durr, Clerk of the Board, to Nancy J. Marvel, EPA Region 9 Regional Counsel, re: Pio Pico Energy Center, Appeal Nos. PSD 12-04, PSD 12-05, and PSD 12-06 (Dec. 31, 2012).

The substantial number of issues raised in the three Petitions for Review filed in this case require careful consideration by Region 9. Preparation of the Region’s response to these Petitions will also require consultation and coordination by Region 9 with various offices within EPA Headquarters that have an interest in the matters raised in the petitions, including EPA’s Office of General Counsel (OGC). I am the lead attorney handling this matter for Region 9, and was out of the office on leave on December 31, 2012 as well as on the New Year’s holiday on January 1, 2013. Ms. Kristi Smith, the primary EPA OGC attorney who has been responsible to date for working with Region 9 on the Pio Pico Energy Center PSD permit, and who will

continue in this role during Region 9's preparation of the response to the Petitions for Review, has previously scheduled annual leave, including international travel, from January 5, 2013 through January 29, 2013 that will result in her being unavailable to work on this matter during this time period. Therefore, in order to allow sufficient time for Region 9's preparation of the response to the Petitions for Review, including the necessary coordination between Region 9 and EPA Headquarters offices, including EPA OGC, Region 9 requests an extension of time for Region 9 to file its response to the Petitions until February 6, 2013, one week after Ms. Smith's return to the office on January 30, 2013.

Region 9 has sent email messages to Petitioner Rob Simpson and counsel for the other two Petitioners in this matter asking for Petitioners' views on Region 9's request for an extension until February 6, 2013 for filing a response to the Petitions for Review. Mr. Simpson and counsel for both the Sierra Club and Helping Hand Tools have responded by email stating that they do not object to the Region's request for an extension until February 6, 2013. Region 9 has also consulted with counsel for the Permittee, Pio Pico Energy Center, LLC, who informed Region 9 in a telephone voice mail message left on January 4, 2013 that the Permittee does not oppose this request for an extension until February 6, 2013.

Region 9 would also like to inform the Board that all parties to this matter have agreed to accept service of filings by electronic mail only, with no hard copy service by mail or similar means. Although the Permittee has not yet requested to intervene in this matter, we anticipate that it will do so, and Region 9 has therefore requested and received confirmation from counsel for the Permittee that the Permittee has also agreed to service of filings in this matter by email only.

In conclusion, Region 9 respectfully requests that the Board grant this request for an extension of time until February 6, 2013 to file its response to the Petitions for Review in this case, and would appreciate the Board's attention to this matter at the Board's earliest convenience.

Date: January 7, 2013

Respectfully submitted,

/S/

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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the attached **MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO PETITIONS FOR REVIEW** to be served by electronic mail upon the persons listed below.

Dated: January 7, 2013

/S/

Julie Walters

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