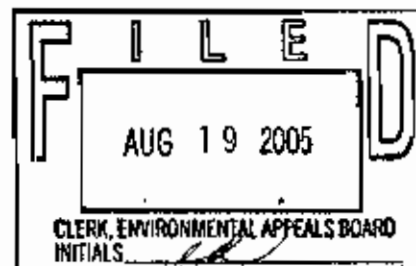


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Prairie State)
Generation Facility)
)
PSD Permit No. 189808AAB)
_____)

PSD Appeal No. 05-05

ORDER GRANTING MOTION TO FILE REPLY BRIEF

By Motion filed ¹ on August 15, 2005, the Petitioners in the above-captioned matter, the American Bottom Conservancy, the American Lung Association of Metropolitan Chicago, the Clean Air Task Force, Health and Environmental Justice-St. Louis, the Lake County Conservation Alliance, the Sierra Club, and Valley Watch ("Petitioners"), seek leave to file a brief replying to responses filed by the Illinois EPA and the Prairie State Generating Station, LLC, ("Prairie State").² See Motion for Leave to File Reply Brief ("Motion") (Aug. 15, 2005). Petitioners raise three arguments in support of the Motion.

First, Petitioners state that the Board's recent decision in *In re BP Cherry Point*, PSD Appeal No. 05-01 (EAB, June 21, 2005), 12 E.A.D. ___, was not favorable to one of Petitioners' claims. Petitioners state that they have not had an opportunity to consider this decision, and that

¹ Documents are "filed" with the Board on the date they are received.

² Prairie State is the permittee in this matter. By Order dated June 16, 2005, the Board granted Prairie State's motion to intervene in this matter and file a response to the petition for review. See Order Granting Leave to File Response (June 16, 2005).

their reply would “respond to that decision as it relates to Petitioners’ claims.” Motion at 3. Second, Petitioners assert that the proposed project in this case is identical to a project in Kentucky, known as “the Peabody Thoroughbred Project.” *Id.* Petitioners state that on August 8, 2005, a Kentucky hearing examiner recommended that the PSD permit for the Peabody Thoroughbred Project be remanded. If permitted by the Board, Petitioners’ reply brief “would reference the findings from the Kentucky decision that are relevant to assist the Board in resolving the Prairie State matter.” *Id.* Finally, Petitioners state that their reply would address assertions made in the responses to the petition filed by the Illinois EPA and Prairie State that numerous issues raised in the petition were not raised during the comment period on the draft permit. *Id.* at 3-4. Because of several scheduling conflicts, as well as the need to review the “549 pages of responses and three boxes of documents filed by Illinois EPA and Prairie State Petitioners,” *id.* at 4, Petitioners request until September 16, 2005 to file a reply brief.

Prairie State opposes Petitioners’ Motion. *See* Response of Prairie State Generating Co., LLC to Petitioners’ Motion for Leave to File Reply (Aug. 16, 2005). The Illinois EPA does not oppose the Motion.

Upon review, the Board concludes that good cause exists for granting the Motion.³ However, given the length of the previous filings and the need to expedite the Board’s consideration of this matter, Petitioners’ reply brief shall not exceed thirty (30) double-spaced

³ In granting this Motion, the Board makes no determination on the relevance in the present context of the Kentucky hearing examiner’s recommendation in the Peabody Thoroughbred Project.


pages. The reply brief shall be filed with the Board no later than September 16, 2005. No further responses will be permitted in this matter.

So ordered.

Dated:

8/19/05

ENVIRONMENTAL APPEALS BOARD


for Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion to File Reply Brief in the matter of Prairie State Generating Station, PSD Appeal No. 05-05, were sent to the following persons in the manner indicated:

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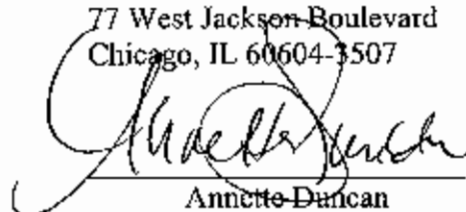
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