

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

IN THE MATTER OF: )  
 )  
MGP INGREDIENTS OF ILLINOIS, INC. ) PSD APPEAL NO. 09-03  
PERMIT NUMBER 07030058 )

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

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through its attorneys, the Office of Illinois Attorney General, and moves the ENVIRONMENTAL APPEALS BOARD (“Board”) for an extension of time to file its Response to the Petition for Review (hereinafter “Petition”) filed by the Petitioner SIERRA CLUB (“Sierra Club”), in the above-captioned matter. In support thereof, the Respondent states:

1. Sierra Club filed its Petition with the Board on or about July 21, 2009, seeking review of a June 22, 2009, Prevention of Significant Deterioration (“PSD”) program permit determination by the Illinois EPA involving MGP Ingredients of Illinois, Inc. (“MGP”).

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 July 23, 2009. The Illinois EPA received the materials on or about July 28, 2009.

3. By the instructions contained in the Board’s cover letter, the Illinois EPA was requested to file a formal Response to the Petition, including any relevant excerpts from the administrative record. Any response seeking summary disposition was to be filed no later than August 4, 2009. In the absence of summary disposition, a formal response was due by August

19, 2009.

4. On August 6, 2009, the Illinois EPA notified this Office of this proceeding and requested that the Illinois Attorney General's Office ("AGO") appoint one of Illinois EPA's attorneys as a Special Assistant Attorney General to handle this case.

5. The representational issue was recently resolved and the AGO informed the Illinois EPA that the AGO would be handling this appeal.

6. By an October 30, 2009, Order of the Board, the Illinois EPA was to file a Certified Index of the Administrative Record as well as its Response by November 12, 2009.

7. On November 12, 2009, Illinois EPA filed the Certified Index of the Administrative Record. However due to the complexity of the issues involved in this matter and Illinois EPA's primary counsel contact for this matter being out of the Office for the last three weeks due to personal reasons, the Illinois EPA will not be able to file its Response to the Petition on November 12, 2009.

8. At the time of filing its Petition Sierra Club had requested leave to supplement its Petition once the Record was filed. In consultation with counsel for Sierra Club, the Sierra Club would now like to file a Reply to the Illinois EPA's Response rather than supplementing its Petition. The Illinois EPA has no objection to this briefing format.


9. Because of the complexity of the issues involved in this matter and the availability of Illinois EPA staff, the Illinois EPA respectfully request that it be given to and until December 18, 2009 to file its brief in response to the Petition. Counsel for the Sierra Club has been consulted and has no objection to this date.

WHEREFORE, the Illinois EPA respectfully requests that the Board grant this Motion

for Extension of Time and set a filing deadline for the response brief of the Illinois EPA of  
December 18, 2009.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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DATED: November 10, 2009