

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

)
) Appeal No. PSD 18-02
In the Matter of:)
Tucson Electric Power (“TEP”)) Pima County Department of
Irvington/H.Wilson Sundt Generating) Environmental Quality
Station)
) PSD Permit No. 1052
)

**SIERRA CLUB’S RESPONSE TO TUCSON ELECTRIC POWER’S
MOTION FOR EXPEDITED REVIEW**

Pursuant to 40 C.F.R. § 124.19(f)(3), Sierra Club respectfully files this response to Tucson Electric Power’s (“TEP”) Motion for Expedited Review. Sierra Club is not in a position to know whether expediting this appeal might harm the interest of other parties seeking review by the Environmental Appeals Board and therefore does not support TEP’s motion. TEP cited no exigent circumstances that would warrant expedited consideration ahead of such pending matters, much less the already pending NSR appeals. Instead, TEP simply claimed without support that failing to expedite this appeal would have some undefined “financial impacts for TEP and its customers” and “could jeopardize” TEP’s ability to integrate renewable energy resources on to the grid.¹ TEP did not identify a single near-term renewable energy project that would necessarily depend on the proposed addition of the ten reciprocating internal combustion engine units (“RICE Project”), nor did TEP justify its apparent claim that the RICE Project is otherwise needed to address any immediate concerns about the intermittency of the Company’s renewable energy resources. The attachment to the motion shows, at most, only TEP’s

¹ Tucson Electric Power, Mot. for Expedited Review at 3–5.

anticipated plans for building out renewable energy generation with no indication of how such additional capacity relates to any imminent need for the proposed RICE Project.

Given the importance of the issue raised in Sierra Club’s petition—the failure of the applicable permit to ensure compliance with TEP’s NO_x cap, necessary to enforce TEP’s bargain to avoid PSD permitting by promising to “net out” its NO_x emissions—due consideration by the Board is essential. Failing to adequately monitor and control NO_x emissions from the Irvington/H. Wilson Sundt Generating Station threatens the integrity of the NO_x cap and could exacerbate elevated ozone levels in Tucson and nearby recreation areas.²

Sierra Club therefore respectfully requests that the Board deny TEP’s motion for expedited review. Sierra Club further requests that the Board reject TEP’s overreaching proposal to prohibit Sierra Club from filing any motion “that may cause delay,” including but not limited to a motion otherwise allowed by the rules requesting leave to file a reply brief or present oral argument.

Respectfully submitted this 21st day of September, 2018.

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² Pet. at 4 & n.10, Exs. 7, 8.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document, SIERRA CLUB'S RESPONSE TO TUCSON ELECTRIC POWER'S MOTION FOR EXPEDITED REVIEW upon the following parties by FedEx two-day mail or e-mail if consented to by the parties, as indicated below:

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Dated at Oakland, CA, this 21st day of September of 2018.

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