

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 23 2009

Mr. Douglas P. Scott, Director
 Illinois Environmental Protection Agency
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, IL 62794-9276

Re: MGP Ingredients of Illinois, Inc.
 Appeal Number: PSD 09-03

Dear Mr. Scott:

This is to advise you that the Environmental Appeals Board (the "Board") received on July 21, 2009, a petition filed by David C. Bender, Attorney, McGillivray Westerberg & Bender LLC, on behalf of the Sierra Club, asking the Board to review a PSD determination by your Department.

A copy of the petition and exhibits can be found on the Board's website at http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/f22b4b245fab46c6852570e6004df1bd/214738f790e9c9fb852575fa006c915c!OpenDocument. If you have any difficulty accessing this document, please let me know.

To assist the Board in deciding whether the matters raised by Petitioner should be reviewed, please have your staff prepare a response that addresses Petitioner's contentions and whether Petitioner has satisfied the requirements for obtaining review under 40 C.F.R. Section 124.19.

Response Seeking Summary Disposition. If you believe that the petition in its entirety may be appropriate for summary disposition, either because the Board does not have jurisdiction to consider the petition, the appeal is untimely, Petitioner lacks standing to file an appeal, or none of the issues raised in the petition were preserved for review, please file a response to that effect by no later than August 4, 2009. Please include relevant portions of the administrative record with your response.

File an original (signed in blue ink) and two copies of these materials with the Board (at the address shown below) by the date specified above, and send a copy to Petitioner, with a certificate of service showing the date and method of service. Petitioner shall have 10 days from the date of service of a response seeking summary disposition to file a reply with the Board, unless the Board determines otherwise.¹

¹The Environmental Appeals Board has an innovative system that allows parties to

		CONCURRENCES			
SYMBOL	submit copies of documents, including exhibits, electronically in PDF. Instructions on registration and document submission, are available by using the "Electronic Submission" link.				
SURNAME	Drew Edick				
DATE	7/22/09	7/22/09			

If the Board determines that summary disposition is appropriate, the Board will issue an order to that effect. If the Board determines that summary disposition is not appropriate, or that the issue of summary disposition should be reserved until after a response to the merits of the petition is filed, the Board will issue an order directing that a response to the merits of the petition be filed within 15 days of the Board's order.

Response not Seeking Summary Disposition. If you do not file a response seeking summary disposition, please file a response to the merits of the petition by not later than August 19, 2009. Please include with your response relevant portions of the administrative record, together with a certified index of the entire administrative record.

File an original (signed in blue ink) and two copies of these materials with the Board, and send a copy to petitioner, with a certificate of service showing the date and method of service.

All documents that are sent through the U.S. Postal Service, Express Mail, hand-delivered, via courier must include the name of the organization, address, facsimile number, telephone number, and an email address, if available².

Documents that are sent through the U.S. Postal Service (except by Express Mail) **MUST** be addressed to the Environmental Appeals Board's mailing address which is:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board 1103B
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Documents that are sent to the Environmental Appeals Board's hand-delivery address (below) through the U.S. Postal Service (except by Express Mail) will be returned to the sender

on the Board's website. Please note that, at the present time, electronic submissions will not be considered a substitute for filing an original document with the Clerk of the Board. The Clerk of the Board still must actually receive the original document by the document's due date in order for it to be timely filed. However, Agency offices and private parties that use this system for submitting electronic copies will be excused from the requirement to submit multiple paper copies with their original filing.

²Mail sent to the Environmental Protection Agency via the U.S. Postal Service may be delayed by a random sterilization procedure applied to mail delivered to the federal government. Parties are encouraged to utilize the Board's e-filing system or non-U.S. Postal Service carriers and the Board's hand-delivery address when filing pleadings with the Board. Additional information regarding mail delivery to the Board is available on the Environmental Appeals Board website (www.epa.gov/eab) at the Clerk of the Board or Frequently Asked Questions.

and shall not be considered as filed.

Hand Delivery Address

Documents that are **hand-carried** in person, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST** be delivered to:

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

Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays).

Filing Requirements

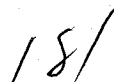
IMPORTANT: All documents, including the materials due August 4, 2009 and August 19, 2009, must reference the appeal number. In addition, any envelope or other packaging containing documents sent to the address, as prescribed above, must bear a complete and accurate return address in the upper left hand corner. The envelope or packaging must also clearly state the case name and case identifier in the lower left hand corner.

No further briefing will be allowed except by order of the Board.

A copy of this letter is being sent to the petitioner as notification of these filing requirements.

Thank you for your attention to this matter.

Sincerely,



Eurika Durr
Clerk of the Board

cc: David C. Bender
McGillivray Westerberg & Bender LLC
305 S. Paterson Street
Madison, WI 53703

Robert A. Kaplan, Regional Counsel
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U.S. Environmental Protection Agency
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Cheryl L. Newton, Director
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MGP Ingredients of Illinois, Inc.
Attention: David Wilbur
1301 South Front Street
Pekin, IL 61555