

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

)	
In re Deseret Generation and Transmission)	
Co-operative Bonanza Power Plant)	CAA Appeal No. 24-01
)	
Permit No. V-UO-000004-2019.00)	
)	

ORDER GRANTING EXTENSION OF TIME

On January 3, 2024, the Ute Indian Tribe of the Uintah and Ouray Reservation (“Petitioner”) filed a petition for review of an operating permit issued by U.S. Environmental Protection Agency Region 8 (“Region”) to the Deseret Generation and Transmission Co-Operative Bonanza Power Plant¹ under Title V of the Clean Air Act, 42 U.S.C. §§ 7661-7661f, and 40 C.F.R. pt. 71. On January 23, 2024, the Region filed a motion seeking an extension of time to file its response brief, a certified index of the administrative record, and relevant portions of the administrative record. *See* Motion for Extension of Time to Respond 1 (Jan. 23, 2024) (“Motion”).² The Region’s response is currently due on February 2, 2024. *See* 40 C.F.R. § 124.19(b)(2). The Region requests a forty-five-day extension of the time to file its response. Motion at 1.

¹ Although the petition uses a slightly different name in the case caption, the Board is using the name of the permittee listed on the permit as the case name.

² The Motion is dated January 24, 2024, but was filed with the Board on January 23, 2024. In this instance, the difference between the dates has no effect on the timeliness of the Motion.

In support of the Motion, the Region states that the petition raises a wide array of issues relating to the Clean Air Act and other environmental laws and policies, including environmental justice, federal Indian law, climate change, and ground water impacts. *Id.* at 1-2. The Region states that the response will require collaboration between numerous EPA offices at both headquarters and the Region and will require the input of attorneys, staff, and managers in specialized disciplines, which will take a significant amount of time. *Id.* at 2. The Region further states that it conferred with the Petitioner and the permittee and that neither opposes the Motion. *Id.*

Based on the representations in the Motion, the Environmental Appeals Board (“Board”) **GRANTS** the Motion. *See* 40 C.F.R. § 124.19(f)(6), (n). Accordingly, the Region shall file its response to the petition for review on or before **Monday, March 18, 2024**. The Region must file a certified index of the administrative record and the relevant portion of the administrative record on or before the same date. *See id.* § 124.19(b)(2). The deadlines for any other response briefs are also extended by forty-five days and such briefs shall be filed on or before **Monday, March 18, 2024**. Any reply brief allowed under 40 C.F.R. § 124.19(c)(2) shall be filed on or before **Tuesday, April 2, 2024**. *Id.*

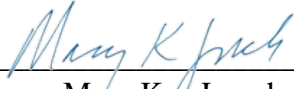
Pursuant to 40 C.F.R. § 124.19(i)(3)(iii), the Board may use email (Clerk_EAB@epa.gov) to serve orders and decisions in this matter to the addresses provided by the parties. Additionally, the Board has authorized all parties in permit appeals to use email to fulfill their service obligations under 40 C.F.R. § 124.19(i)(3)(ii). *See* Env’t Appeals Bd., U.S. EPA, *Revised Order Authorizing Electronic Service of Documents in Permit and Enforcement Appeals* (Sept. 21, 2020). The parties shall promptly notify the Board and the other parties of

any change to their email addresses. The parties should continue to use the Board's electronic filing system for filing all documents in this appeal.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: January 25, 2024

By: 
Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Extension of Time* in the matter of Deseret Generation and Transmission Co-operative Bonanza Power Plant, CAA Appeal No. 24-01, were sent to the following persons in the manner indicated:

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Dated: Jan 25, 2024

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