

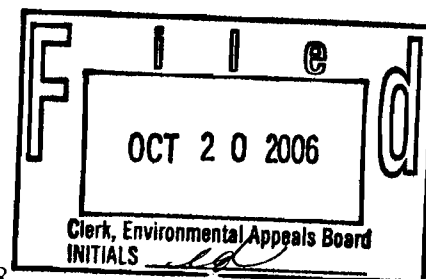
**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

\_\_\_\_\_  
In re: )  
)  
)

City of Springfield )

PSD Permit No. 167120AAO )  
\_\_\_\_\_ )

PSD Appeal No. 06-08



**ORDER DENYING MOTION TO INTERVENE**

By motion filed<sup>1</sup> on October 10, 2006, Mr. David Maulding seeks leave to intervene in the above-captioned matter. David Maulding's Motion for Leave to Intervene (Oct. 10, 2006) ("Motion").<sup>2</sup> The Motion also requests permission to file an attached document titled: "Suggestion of Late Filing" in which Mr. Maulding argues that the Sierra Club's petition for review in this matter was untimely. The Sierra Club has filed an objection to the Motion as well as a substantive response to the Suggestion of Late Filing. Sierra Club's Response to David Maulding's Motion for Leave to Intervene (Oct. 17, 2006). As support for the Motion, Mr. Maulding states that he has filed his own petition for review (designated as PSD Appeal No. 06-07) and that he "as a citizen and rate payer has an interest in expediting the termination of the Sierra Club's Petition." Motion at 1.

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<sup>1</sup> Documents are "filed" with the Board on the date they are *received*.

<sup>2</sup> The permittee in this matter, the City of Springfield, Illinois, opposes the Motion. See Objection to Motion for Leave to Intervene (Oct. 17, 2006).

For the following reasons the Motion is denied. First, on October 5, 2006, the Board dismissed Mr. Maulding's petition for review (designated as PSD Appeal No. 06-07). *See* Order Dismissing Petition for Review (Oct. 5, 2006). Thus, Mr. Maulding no longer has a related matter pending before this Board. Second, the Motion fails to establish that Mr. Maulding has a sufficient interest in this matter to justify his intervention. Mr. Maulding's sole argument in his attached filing is that the petition for review filed by the Sierra Club is untimely. Given the dismissal of his petition and the narrow basis of his Motion, Mr. Maulding has failed to convince this Board that the interests of citizens and taxpayers in Illinois will not be sufficiently represented by the Illinois Environmental Protection Agency ("IEPA") and the City of Springfield, Illinois ("City"). If either IEPA or the City believe that the petition filed by the Sierra club is untimely, they are free to raise this issue for the Board's consideration. Further, when appropriate, the Board may review the timeliness of filings on its own initiative.

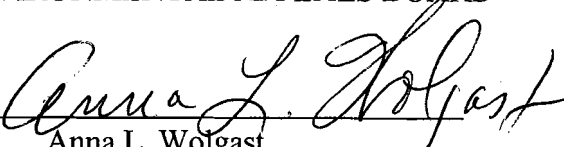
Accordingly, the Motion is denied and the attached "Suggestion of Late Filing" will not be admitted to the record before us in the above-captioned matter.

So ordered.

Dated:

October 20, 2006

ENVIRONMENTAL APPEALS BOARD

  
\_\_\_\_\_  
Anna L. Wolgast  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Denying Motion to Intervene in the matter of City of Springfield, PSD Appeal No. 06-08, were sent to the following persons in the manner indicated:

**By First Class Mail:**


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Date: **OCT 20 2006**

  
Arnette Duncan  
Secretary