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

ENVIR. APPEALS BOARD

IN THE MATTER OF:)
CONOCOPHILLIPS)
COMPANY)

APPEAL NUMBER: 07-02
APPLICATION NUMBER: 06050052
FACILITY ID NUMBER: 119090AAA

NOTICE

PLEASE TAKE NOTICE that I have sent, by overnight mail, to the Clerk of the Environmental Appeals Board a MOTION FOR LEAVE TO FILE A REPLY BRIEF IN TWO PHASES and accompanying PARTIAL REPLY MEMORANDUM IN SUPPORT OF PETITION FOR REVIEW – RESPONSIVENESS SUMMARY ISSUES on behalf of Petitioners American Bottom Conservancy and Environmental Integrity Project, a copy of which is herewith served upon each of the representatives identified in the attached service list.

Respectfully submitted,



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October 26, 2007

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APPEAL NUMBER: 07-02
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MOTION FOR LEAVE TO FILE REPLY BRIEF IN TWO PARTS

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MOTION FOR LEAVE TO FILE REPLY BRIEF IN TWO PARTS

Petitioners hereby move for leave as follows:

1. To file the attached reply brief, concerning issues addressed in Respondent Illinois Environmental Protection Agency's partial Response to Petition filed September 25, 2007; and
2. To file on or before November 26, 2007 a supplemental reply brief, concerning issues that will be addressed in Respondent IEPA's additional response to the Petition that the Board previously ordered be filed October 29, 2007.

On August 22, 2007, Petitioners American Bottom Conservancy and Sierra Club ("Petitioners") petitioned the Environmental Appeals Board ("Board") for review of the Prevention of Significant Deterioration ("PSD") approval set forth in a permit issued by the Illinois Environmental Protection Agency ("IEPA") to ConocoPhillips. On September 25, IEPA submitted a partial response to the Petition addressing the first two issues raised in the Petition, which concern the Responsiveness Summary ("RS") issued in connection with the final permit. It also submitted a motion for an extension of time to file an additional response. The following day, ConocoPhillips submitted a motion to participate, accompanied by a memorandum of law addressing both the RS-related issues and the remaining issues raised in the Petition. On October 1, the Board (i) granted IEPA's motion for an extension of time to file an additional response concerning the remaining issues until October 29, 2007, and (ii) granted ConocoPhillips' motion to participate.

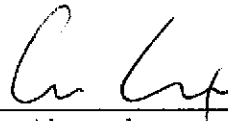
Good cause exists to allow Petitioners to submit a reply brief concerning the issues raised in the petition. First, most of the issues concern, in one way or another, new provisions added by IEPA to the final permit that were not present in the draft provisions was in the Petition, and they have not yet had the opportunity to respond to Respondents' arguments concerning these provisions. An additional procedural argument concerns flaws in the manner in which the RS was provided to the public, an issue that was also necessarily raised for the first time in the Petition. Second, ConocoPhillips raises numerous challenges to the Board's jurisdiction to hear the Petition, to which Petitioners need opportunity to respond.

The two-part response to the Petition being provided by Respondent IEPA requires that Petitioners' reply also be presented in two parts. The first part, Petitioners' "Partial Reply Memorandum in Support of Petition for Review – Responsiveness Summary Issues," concerning the RS-related issues addressed in both IEPA's partial response to the Petition submitted September 25, 2007 and in ConocoPhillips' memorandum, accompanies this motion. Petitioners propose to provide the second part after they have had sufficient opportunity to review the additional response to be submitted by IEPA on October 29, 2007. Accordingly, Petitioners move for leave to

submit the second part, addressing IEPA's additional response, on or before November 26, 2007.

October 25, 2007

Respectfully submitted,



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