

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

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2006 OCT 11 AM 11: 20

ENVIR. APPEALS BOARD

IN THE MATTER OF: )  
 )  
CITY OF SPRINGFIELD )  
APPLICATION NO.: 04110050 )  
I.D. NO.: 167120AAO )

PSD APPEAL NO. 06-08

NOTICE

To:  
Eurika Durr, Clerk of the Board  
Environmental Appeals Board  
U.S. Environmental Protection Agency  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

**SEE ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that I have today filed with the Clerk of the Environmental Appeals Board an original (1) and five (5) copies of the **MOTION FOR EXTENSION OF TIME TO FILE RESPONSE** of the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,



Sally Carter  
Assistant Counsel  
Division of Legal Counsel

Date: October 10, 2006

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544

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

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IN THE MATTER OF: )

CITY OF SPRINGFIELD )

PSD PERMIT NO. 167120AAO )

PSD APPEAL NO. 06-00

**MOTION FOR EXTENSION OF TIME  
TO FILE RESPONSE**

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through one of its attorneys, and moves the Environmental Appeals Board (“Board”) for an extension of the time to file a Response to the Petition for Review (hereinafter “Petition”) filed by the Petitioner, Sierra Club, in the above-captioned matter.

1. Petitioner filed its Petition with the Board on September 12, 2006, seeking a review of a Construction Permit – PSD Approval issued by the Illinois EPA involving the municipal utility of the City of Springfield, City Water, Light and Power (“CWLP”). The Board received the Petition on the same date.

2. The Clerk of the Board sent a copy of the Petition, together with a cover letter detailing instructions for responding to the appeal, to the Illinois EPA on September 15, 2006. The Illinois EPA received the materials on September 19, 2006. The undersigned attorney accessed an electronic copy of the Petition from the Board’s web page on September 18, 2006.

3. By the instructions contained in the Board’s cover letter, the Board requested that the Illinois EPA file a formal Response to the Petition, including any relevant excerpts from the Administrative Record and a certified index of the entire Administrative Record. If summary disposition would be sought, the Response was due with the Board by September 29, 2006. If a

more detailed response to the merits of the Petition would be sought, the Response was due with the Board by no later than October 19, 2006.

4. At this juncture, the undersigned attorney for the Illinois EPA anticipates that a handful of issues raised in the Petition may present possible grounds for summary disposition. By and large, most of the issues raised in the Petition will require a detailed response to their respective merits.

5. The Petition itself identifies eight<sup>1</sup> principal issues of appeal, including a number of sub-issues and, based on current estimates, many of the issues including sub-issues involve complex technical matters.

6. The undersigned attorney became involved with permitting issues relating to the CWLP project as early as late 2005 and since that time, a good deal of this attorney's resources have been devoted to this project. However, this attorney is also responsible for numerous other state construction and operating permit appeals and Title V permit appeals unrelated to the CWLP project.

7. Prior to the filing of this appeal, the undersigned attorney's involvement in the matter has included the assembly and preparation of an extensive Administrative Record for this cause (i.e., estimated to consist of approximately 15,000 pages), the preparation and assembly of numerous state Freedom of Information Act requests, a motion filing in the related appeal, *In re City of Springfield*, PSD Appeal No. 06-07, and providing review and comments to draft permits and Responsiveness Summary documents. Due to the press of those related case matters, as well as other permitting matters unrelated to the present appeal, the undersigned attorney was generally unable to begin responding to the issues raised in the Petition until the week of October 2, 2006.

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<sup>1</sup> While the Petition identifies nine issues, the Petition skipped issue seven.

8. As a result of the delays occasioned by the number of the issues raised in the appeal and the additional caseload of the undersigned attorney, the Illinois EPA expects that a Response will require at least an additional two months (60 days) beyond the October 19 deadline to prepare and finalize.

9. Based on the foregoing, the Illinois EPA formally requests an extension of 60 days in which to file its formal Response with the Board. Upon the granting of this Motion, every effort will be made by the undersigned attorney to file the Illinois EPA's Response, together with relevant copies of the Administrative Record and a certified index of the entire Administrative Record, with the Board by Tuesday, December 19, 2006.

10. The grant of this extension of the filing date will ensure that the Response will fully address all of the legal and technical issues raised by the Petitioner in its appeal. In addition, an extension of this time period will not result in any hardship or prejudice to the Petitioner.

WHEREFORE, the Illinois EPA respectfully requests that the Board grant this Motion for Extension of Time to File Response to thereby allow the filing of the Response to be served with the Board no later than Tuesday, December 19, 2006.

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

  
\_\_\_\_\_  
Sally Carter  
Assistant Counsel

Dated: October 10, 2006  
Illinois Environmental Protection Agency  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217)782-5544

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of October, 2006, I did send, by Federal Express, postage prepaid, one (1) original and five (5) copies of the following instrument entitled **MOTION FOR EXTENSION OF TIME TO FILE RESPONSE** to:

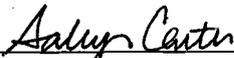
Eurika Durr,  
Clerk of the Board  
Environmental Appeals Board  
U.S. Environmental Protection Agency  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

and a true and correct copy of the same foregoing instruments, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service to:

**SEE ATTACHED SERVICE LIST**

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

  
\_\_\_\_\_  
Sally Carter  
Assistant Counsel  
Division of Legal Counsel

Date: October 10, 2006

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
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Springfield, IL 62794-9276  
217/782-5544

This filing is submitted on recycled paper.

## SERVICE LIST

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