



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 15 2006

ENVIRONMENTAL APPEALS BOARD

Ms. Renee Cipriano, Director  
Illinois Environmental Protection Agency  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Re: City of Springfield  
Permit Number: 167120AAO  
Appeal Number: PSD 06-08

Dear Ms. Cipriano:

Enclosed is a petition dated September 12, 2006 (received by the Environmental Appeals Board (the "Board") on September 12, 2006, filed by Bruce Nilles, Attorney, on behalf of Sierra Club, Madison, WI, asking the Board to review a PSD determination by Illinois Environmental Protection Agency.

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 September 29, 2006. Please include relevant portions of the administrative record with your response.

File an original (signed in blue ink) and five 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.

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 October 19, 2006. 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 five 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.

### **Mailing and Hand Delivery Instructions<sup>1</sup>**

**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 available.**

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 Riös 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 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:

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<sup>1</sup>The Environmental Protection Agency is experiencing delays in delivery of mail from the U.S. Postal Service. These delays are due to a new sterilization procedure applied to all U.S. Postal Service mail delivered to the federal government. Parties are encouraged to utilize non-U.S. Postal Service carriers and the Board's hand-delivery address when filing time-sensitive pleadings with the Board. Additional information regarding mail delivery to the Board is available on the Environmental Appeals Board website ([www.epa.gov/eab](http://www.epa.gov/eab)) at the Clerk of the Board or Frequently Asked Questions.

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**

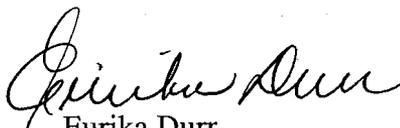
**IMPORTANT:** All documents, including the materials due September 29, 2006 and October 19, 2006, must reference the appeal number. In addition, any envelope or other packaging containing documents sent to the address, as prescribed above, must bear a complete and accurate return address in the upper 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

Enclosure

cc: w/o encl: Bruce Niles, Attorney  
Sierra Club  
122 West Washington Ave., Suite 830  
Madison, WI 53703

City of Springfield  
Attention: S. David Farris  
Environmental Health and Safety Manager  
Municipal Center Complex  
800 Monroe Street  
Springfield, IL 62757

w/encl: Bertram C. Frey, Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region V  
77 West Jackson Boulevard  
Chicago, IL 60604-3507

Cheryl Newton, Acting Director  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region V  
77 West Jackson Boulevard  
Chicago, IL 60604-3507