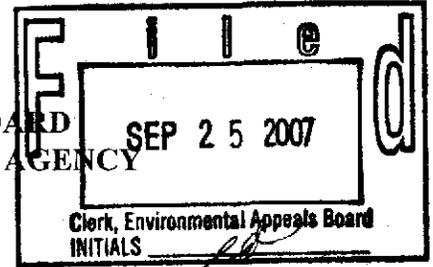


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
In re:)

Christian County Generation, LLC)

Permit No. 021060ABC)
_____)

PSD Appeal No. 07-01

ORDER REGARDING ORAL ARGUMENT

This proceeding arises in the context of a Clean Air Act prevention of significant deterioration ("PSD") permit decision, Permit No. 021060ACB (the "Permit"), issued by the Illinois Environmental Protection Agency ("IEPA"). The proceeding was commenced by Sierra Club's petition requesting that the Environmental Appeals Board review IEPA's decision to issue the Permit and requesting oral argument on the petition. IEPA filed a response to the petition on August 24, 2007. Christian County Generation, LLC ("CCG") filed a motion on August 16, 2007, requesting to participate in this proceeding by submitting a Memorandum attached to its motion and by presenting oral argument. The Board granted CCG's request to participate by Order dated August 27, 2007. The Board's August 27 Order also scheduled oral argument in this matter to be held on Wednesday, October 17, 2007.

By Order dated July 20, 2007, the Board requested that U.S. Environmental Protection Agency's Office of Air and Radiation ("OAR") and Office of General Counsel ("OGC") jointly file a brief addressing the two issues raised in Sierra Club's petition. On Monday, September 24, 2007, EPA's Office of Air and Radiation, represented by EPA's Office of General Counsel, filed its brief in this matter. The Board's August 27 Order scheduling oral argument did not invite OAR/OGC to participate in oral argument, but instead stated that the Board would issue a subsequent order addressing that question and allocating time among the oral argument participants.

OAR/OGC are hereby invited to participate in the oral argument scheduled to begin at 10:00 a.m. on Wednesday, October 17, 2007, in the Administrative Courtroom, U.S. Environmental Protection Agency, EPA East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C. The Board has allocated an hour and forty minutes total for this oral argument,¹ divided in the following order: (1) forty minutes for Sierra Club; (2) thirty minutes for IEPA; (3) ten minutes for CCG; and (4) twenty minutes for OAR/OGC. At the outset of the proceedings, Sierra Club may reserve ten minutes of its forty-minute allocated time for rebuttal.

The participants shall notify the Clerk of the Board in writing by Tuesday, October 9, 2007, of the names of counsel who will present argument. Counsel who wish to participate in this oral argument via video-conferencing shall contact the Clerk of the Board, at 202-233-0122,

¹ IEPA and CCG argue that the issues Sierra Club raises in its petition were not preserved for review. The Board has not decided this preliminary question, and, accordingly, the participants should be prepared to address whether the issues were preserved for review as well as the merits of the issues Sierra Club raises in its petition.

no later than Tuesday, October 2, 2007, to make arrangements for use of the Administrative Court Room's video-conference equipment.

So ordered.

Dated: 9/25/07

ENVIRONMENTAL APPEALS BOARD

By: 

Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Regarding Oral Argument, were sent to the following persons in the manner indicated:

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Dated: SEP 25 2007

A handwritten signature in cursive script, appearing to read "Annette Duncan", written over a horizontal line.

Annette Duncan
Secretary