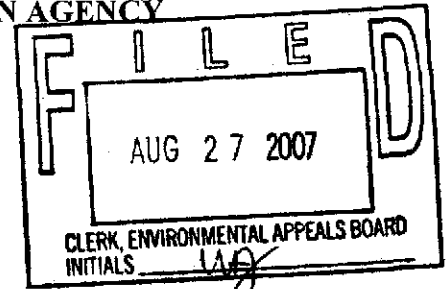


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)
)

Christian County Generation, LLC)

PSD Appeal No. 07-01

Permit No. 021060ABC)
_____))

**ORDER GRANTING REQUEST TO PARTICIPATE IN PROCEEDING
AND SCHEDULING 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”).¹ 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.

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

¹ IEPA administers the Clean Air Act PSD program in Illinois pursuant to a delegation of authority from U.S. EPA Region 5. See 40 C.F.R. §§ 52.21(u), 52.719-.744; see also *Delegation of Authority to State Agencies*, 46 Fed. Reg. 9580 (Jan. 29, 1981). Because IEPA acts as EPA’s delegate in Illinois, IEPA’s PSD permits are considered EPA-issued permits, and appeals of the permit decisions are heard by the Board pursuant to 40 C.F.R. § 124.19. See 40 C.F.R. § 124.41; see also *In re Prairie State Generating Co.*, PSD Appeal No. 05-05, slip op. at 5 n.1 (EAB Aug. 24, 2006), 13 E.A.D. __; *In re Kendall New Century Dev.*, 11 E.A.D. 40, 42 n.1 (EAB 2003).

file a brief, which is now due on or before Monday, September 24, 2007,² addressing the two issues raised in Sierra Club's petition.

Before the Board at this time is a request by the permit applicant, Christian County Generation, LLC ("CCG"), to participate in this proceeding by filing an Memorandum attached to its motion and by presenting oral argument. Upon consideration, CCG's request to participate in this proceeding is hereby granted and, accordingly, CCG's Memorandum is accepted for filing.

In addition, upon review of the appeal briefs, the Board has decided that oral argument may assist it in its deliberations of this matter. Accordingly, Sierra Club, IEPA, and CCG are hereby invited to participate in oral argument in this matter. After the Board receives OAR/OGC's brief, the Board will decide whether to invite OAR/OGC to participate in the oral argument as well, and will issue an order allocating time among the parties to present argument. The oral argument will 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 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

² The Board initially requested that OAR/OGC file their brief on or before Friday, August 24, 2007. Pursuant to an Order dated August 20, 2007, the Board granted OAR/OGC's request for an extension of time to file their brief.

shall contact the Clerk of the Board, at 202-233-0122, no later than Tuesday, October 2, 2007, to make arrangements for use of the Administrative Court Room's video-conference equipment.

So ordered.

Dated: 8/27/07

ENVIRONMENTAL APPEALS BOARD

By: 

Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Request to Participate in Proceeding and Scheduling Oral Argument, were sent to the following persons in the manner indicated:

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Dated: **AUG 27 2007**


Annette Duncan
Secretary