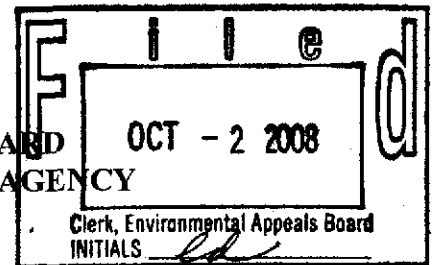


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
In re:)
)
Northern Michigan University) PSD Appeal No. 08-02
Ripley Heating Plant)
)
PSD Permit No. 60-07)
_____)

ORDER REGARDING ORAL ARGUMENT

By order dated September 17, 2008, the Environmental Appeals Board ("Board") scheduled oral argument in the above-captioned case for Wednesday, October 22, 2008, beginning at 10 a.m. EDT. *See* Order Scheduling Oral Argument (Sept. 17, 2008). As a follow-up to that order, the Board hereby informs the parties that it will not entertain arguments on October 22nd pertaining to the greenhouse gas issues raised in Parts I.B.1 and I.B.2 of the Sierra Club's petition for review of PSD Permit No. 60-07. Those sections contend that the PSD permit lacks Best Available Control Technology emissions limits for carbon dioxide and nitrous oxide, respectively. The arguments presented therein, and in Part II of the Sierra Club's reply brief as well, involve questions of law and fact pertaining to: (1) section 821 of the Clean Air Act Amendments of 1990, Public Law No. 101-549, and its implementing regulations; (2) certain state implementation plans approved by EPA; (3) certain municipal solid waste landfill emission regulations approved by EPA; and (4) Title V permitting issues.

Accordingly, the Board directs the parties to give primary focus in their preparation for oral argument in the instant case to other Best Available Control Technology and air quality

issues. The Board reserves its discretion to ask any other questions or raise any other issues it deems appropriate at the time of oral argument.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 10/2/08

By: Charles J. Sheehan
Charles J. Sheehan
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Regarding Oral Argument** in the matter of *Northern Michigan University, Ripley Heating Plant*, PSD Appeal No. 08-02, were sent to the following persons in the manner indicated:

By Facsimile and First Class U.S. Mail:

David C. Bender, Esq.
Garvey McNeil & McGillivray, S.C.
634 West Main Street, Suite 101
Madison, Wisconsin 53703
telephone: (608) 256-1003
facsimile: (608) 256-0933

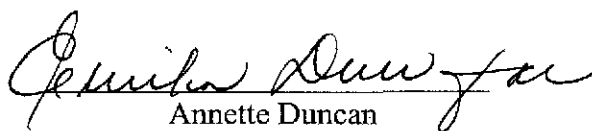
Kevin J. Finto, Esq.
Hunton & Williams LLP
951 East Byrd Street
Richmond, Virginia 23219-4074
telephone: (804) 788-8568
facsimile: (804) 788-8218

Bruce Nilles, Director
Sierra Club, National Coal Campaign
122 West Washington Avenue, Suite 830
Madison, Wisconsin 53703
telephone: (608) 257-4994
facsimile: (608) 257-3513

James W. Rubin, Esq.
Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006
telephone: (202) 955-1611
facsimile: (202) 828-3735

Neil D. Gordon, Assistant Attorney General
State of Michigan Department of Attorney General
Environment, Natural Resources, and Agriculture Division
G. Mennen Williams Building – Sixth Floor
525 West Ottawa Street
Post Office Box 30755
Lansing, Michigan 48909
telephone: (517) 373-7540
facsimile: (517) 373-1610

Date: 10/2/2008


Annette Duncan
Secretary