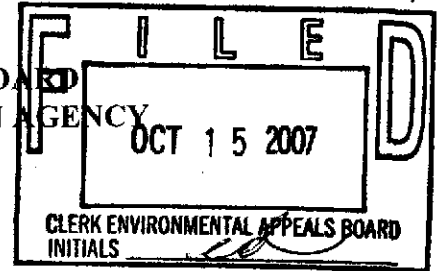


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: )  
)  
Christian County Generation, LLC ) PSD Appeal No. 07-01  
)  
Permit No. 021060ABC )  
)

**ORDER REVISING ORAL ARGUMENT TIME ALLOCATION**

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").<sup>1</sup> 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.

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<sup>1</sup> 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.

By Order dated July 20, 2007, the Board requested U.S. Environmental Protection Agency's Office of Air and Radiation ("OAR") and Office of General Counsel ("OGC") jointly file a brief in this matter, and OAR, represented by OGC, filed its brief on September 24, 2007. By Order dated September 25, 2007, the Board invited OAR/OGC to participate in oral argument. The Board also instructed the participants to give notice by October 9, 2007, of the names of counsel who will present argument.

On October 10, 2007, IEPA notified the Board first that its counsel tentatively planned to participate in the oral argument, and then on October 12, 2007, IEPA notified the Board that its counsel had not received authorization from the Illinois Attorney Generals Office to represent the State before the Board and that, therefore, IEPA would not be participating in the oral argument. On October 12, 2007, the Board received a letter from CCG requesting that the Board hold oral argument notwithstanding the anticipated absence of IEPA.

Based on the foregoing, the Board has determined to schedule an hour and thirty minutes for oral argument and to reallocate the time as follows: (1) forty minutes for Sierra Club; (2) thirty minutes for CCG; and (3) 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.

So ordered.

Dated: 10/15/07

ENVIRONMENTAL APPEALS BOARD

By: 

Edward E. Reich  
Environmental Appeals Judge

CERTIFICATE OF SERVICE

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

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Dated: **OCT 15 2007**

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

Annette Duncan  
Secretary