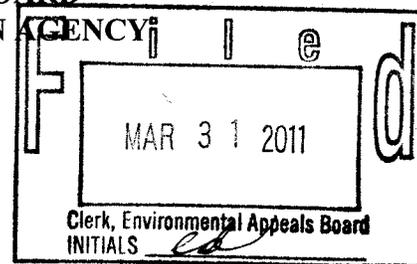


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



_____))
In re:))
Mississippi Lime Co.) PSD Appeal No. 11-01
PSD Permit No. 157863AAC))
_____)

ORDER REQUIRING STATUS REPORT AND REVISING BRIEFING SCHEDULE

The Sierra Club has filed a petition requesting that the Environmental Appeals Board (“Board”) review certain conditions of a Clean Air Act prevention of significant deterioration (“PSD”) permit the Illinois Environmental Protection Agency (“IEPA”) issued to Mississippi Lime Company (“MLC”) to construct a lime manufacturing plant in Rudolph County, Illinois. Petition for Review and Request for Oral Argument (Jan. 26, 2011) (“Petition”). Pursuant to two previously issued orders, the Board established a briefing schedule in this matter. In particular, the Board required that IEPA file a response to the Petition no later than April 15, 2011, and that MLC file a response no later than April 29, 2011. *See* Order Granting Motion for Extension of Time to File Certified Administrative Record and Response (Feb. 15, 2011); Order Granting [MLC’s] Motion to Participate and to File Separate Briefing (Mar. 1, 2011).

On March 31, 2011, Judge Stein held a status conference via telephone with counsel for the Sierra Club, IEPA, and MLC. In this status conference, Judge Stein suggested that, in light of the Board’s recent decision in *In re Vulcan Construction Materials, LP*, PSD Appeal No. 10-11 (EAB Mar. 2, 2011), 15 E.A.D. ____, IEPA closely examine the record in this matter and make a determination as to whether the record is sufficient to support IEPA’s permit determination and

whether IEPA should proceed with further briefing or notify the Board that they will undergo a voluntary remand to supplement the record. IEPA indicated that it would conduct an examination of the record and file a status report advising the Board in writing if IEPA plans to continue the briefing process before the Board. IEPA must file¹ this status report no later than April 15, 2011. If IEPA chooses to proceed with the briefing process before the Board, the briefing schedule is revised as follows: IEPA's response to the Petition must be filed with the Board no later than April 29, 2011, and MLC's response must be filed no later than May 6, 2011.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: March 31, 2011

By: Kathie A. Stein
Kathie A. Stein
Environmental Appeals Judge

¹ Documents are considered *filed* with the Board on the date they are *received* by the Clerk of the Board. Filing may be accomplished electronically pursuant to the Board's (non part 22) standing order of January 28, 2010, as well as by paper.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Revising Briefing Scheduling and Requiring Status Report** in the matter of *Mississippi Lime Co.*, PSD Appeal No. 11-01, were sent to the following persons in the manner indicated:

By Facsimile and First Class U.S. Mail:

David C. Bender, Esq.
McGillivray, Westerberg & Bender LLC
305 South Paterson Street
Madison, Wisconsin 53703
facsimile: (608) 310-3561

James Gignac, Esq
Sierra Club
70 East Lake Street
Suite 1500
Chicago, Illinois 60602
facsimile: (312) 251-1780

Gerald T. Karr
Assistant Attorney General
Environmental Bureau
69 West Washington Street
Suite 1800
Chicago, Illinois 60602
facsimile: (312) 814-2347

John F. Cowling
7700 Forsyth, Suite 1500
St. Louis, MO 63105
facsimile: (314) 621-5065

By EPA Pouch Mail:

Robert A. Kaplan, Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3507
facsimile: (312) 692-2075

Date: MAR 31 2011


Annette Duncan
Secretary