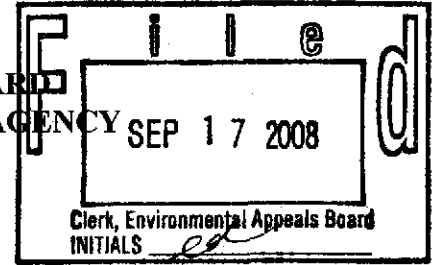


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



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

ORDER SCHEDULING ORAL ARGUMENT

On May 12, 2008, the Michigan Department of Environmental Quality (“MDEQ”) issued Prevention of Significant Deterioration (“PSD”) Permit No. 60-07 to Northern Michigan University (“NMU”) pursuant to Clean Air Act § 165, 42 U.S.C. § 7475. The permit authorizes NMU to construct a new circulating fluidized bed boiler at the university’s Ripley Heating Plant on its campus in Marquette, Michigan. On June 13, 2008, the Sierra Club filed a petition for review of NMU’s permit, raising a series of challenges to MDEQ’s decision to issue the permit and requesting an opportunity to participate in oral argument before the Environmental Appeals Board. On August 5, 2008, MDEQ filed a response to the Sierra Club’s petition, and on August 22, 2008, by leave of the Board, the Sierra Club filed a reply to MDEQ’s response. Finally, on September 5, 2008, NMU sought leave to intervene in this case as a party, which the Board granted. NMU is expected to file a response to the Sierra Club’s petition on or before September 22, 2008, and the Sierra Club and MDEQ may file responses thereto, if they so desire, no later than October 1, 2008.

After reviewing the appellate briefs filed to date and various portions of the permitting record, the Board has determined that oral argument will assist it in its deliberations regarding

PSD Appeal No. 08-02. Accordingly, the parties to this appeal are hereby requested to participate in oral argument beginning at 10 a.m. EDT on Wednesday, October 22, 2008, in the Administrative Courtroom, U.S. Environmental Protection Agency, EPA East Building, 1201 Constitution Avenue, N.W., Room 1152, Washington, D.C. The Board has allocated eighty minutes for this oral argument, divided as follows: (1) forty minutes for the Sierra Club; (2) thirty minutes for MDEQ; and (3) ten minutes for NMU. The Sierra Club will proceed first and may reserve ten minutes of its allotted time for rebuttal if it so chooses. MDEQ will proceed second and NMU third; each of these parties may reserve five minutes of their allotted time for surrebuttal if they so desire.

The parties must notify the Clerk of the Board in writing by Wednesday, October 8, 2008, of the names of counsel who will present oral argument on October 22nd. If counsel for any of the parties wishes to participate in the argument using the EPA video-conferencing equipment in the Administrative Courtroom, counsel must contact the Clerk of the Board, at 202-233-0122, also by Wednesday, October 8, 2008, to make arrangements for the use of such equipment.

So ordered.

Dated: September 17, 2008

ENVIRONMENTAL APPEALS BOARD

By: Charles J. Sheehan

Charles J. Sheehan

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Scheduling 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: SEP 17 2008



Annette Duncan
Secretary