



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

In re:
Palmdale Energy, LLC
Palmdale Energy Project
Permit No. SE 17-01
PSD Appeal No. 18-01

ORDER SCHEDULING ORAL ARGUMENT
AND DIRECTING PARTIES
TO PROVIDE NOTICE OF PARTICIPATION

On May 29, 2018, the Center for Biological Diversity, representing itself, the Desert Citizens Against Pollution, California Communities Against Toxics, and the Sierra Club ("Petitioners"), filed a petition for review with the Environmental Appeals Board ("Board") seeking review of a Prevention of Significant Deterioration ("PSD") permit decision issued by Region 9 of the U.S. Environmental Protection Agency. The permit authorizes Palmdale Energy, LLC, to construct and operate the Palmdale Energy Project, a 645-megawatt combined-cycle natural gas-fired electrical power plant in Palmdale, California.

Petitioners request oral argument in this case. They explain that, "[i]n addition to more 'traditional' issues like the application of the term 'ambient air' in the context of an ambient air impacts analysis, this case presents issues regarding the rapidly changing field of energy storage technology and electrical grid operations that may benefit from oral argument." Pet. at 1. No party has stated any objection.

Notwithstanding the presumption against oral argument in PSD and other new source permit appeals, 40 C.F.R. § 124.19(h), based on Petitioners' request, the nature of the issues raised in this matter and the administrative record, and that no party has stated any objection to

Petitioners' request for oral argument, the Board has concluded that oral argument in this matter is appropriate and will assist the Board in understanding the parties' arguments and in coming to a more expeditious resolution of the petition. Accordingly, the Board requests that the parties present oral argument on Thursday, August 30, 2018, in the Administrative Courtroom, U.S. Environmental Protection Agency, William Jefferson Clinton East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C. Counsel or other duly authorized representatives of the parties may also present their arguments by videoconference.

Oral argument will begin at 10:30 a.m. Eastern Time. Argument will proceed as follows:

- Petitioners: 30 minutes
- Region 9: 30 minutes
- Petitioners may reserve up to five minutes of their thirty-minute allocation for rebuttal.

The Board directs that, on or before August 3, 2018, each party file a notice with the Board providing the name of the individual who will present oral argument on the party's behalf and whether that individual will attend in person or request to appear by videoconference.<sup>1</sup>

So ordered.<sup>2</sup>

**ENVIRONMENTAL APPEALS BOARD**

Dated: July 30, 2018

By: \_\_\_\_\_



Aaron P. Avila  
Environmental Appeals Judge

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<sup>1</sup> If a party requests to participate by videoconference, the Clerk of the Board will contact the party to determine the compatibility of the party's videoconference equipment with the Board's system.

<sup>2</sup> Oral arguments before the Board are open to the public. For security purposes, advance notice is required to gain entry to the EPA building where the Administrative Courtroom is located. Members of the public wishing to attend oral argument must contact the Clerk of the Board (Eurika Durr, 202-233-0122, Clerk\_EAB@epa.gov) no later than one week prior to the scheduled oral argument to allow the Clerk a reasonable opportunity to notify appropriate security personnel.

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing **Order Scheduling Oral Argument** in the matter of *Palmdale Energy, LLC*, PSD Appeal No. 18-01, were sent to the following persons in the manner indicated:

**By Electronic Mail:**

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Date: Jul 30 2018



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