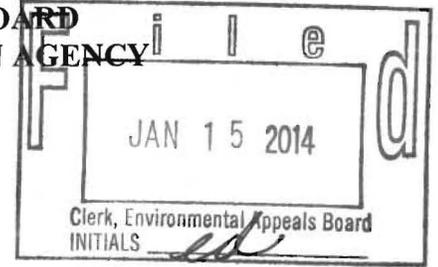


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)
)
)
La Paloma Energy Center, LLC) PSD Appeal No. 13-10
)
)
PSD Permit No. TX-1288-GHG)
)
)

ORDER SCHEDULING STATUS CONFERENCE/EXPEDITED ORAL ARGUMENT

On December 6, 2013, Sierra Club filed a petition seeking Environmental Appeals Board (“Board”) review of the above-captioned prevention of significant deterioration (“PSD”) permit. The permit, issued by U.S. EPA Region 6 (“Region”), authorizes the permit applicant, La Paloma Energy Center, LLC (“La Paloma”), to construct and operate a 637 to 735 megawatt natural gas-fired power plant in Harlingen, Texas. The petition challenges certain conditions of the permit. Both the Region and La Paloma filed responses to the petition. On January 7, 2014, La Paloma filed a Motion to Expedite and Resolve Petition (“Motion to Expedite”) requesting that the Board expedite consideration of this matter and issue a final decision by January 31, 2014.

Upon review of the petition and responses, the Board has determined that a status conference and expedited oral argument will assist it in expeditiously resolving this matter. *See* 40 C.F.R. § 124.19(h) (authorizing oral argument at the Board’s discretion). In this particular case, the parties’ briefs leave a significant number of unanswered questions, some involving issues of first impression, that would be most quickly answered through oral argument. The parties need not prepare formal presentations but should be prepared to address the panel’s

questions regarding any of the issues raised in the petition and responses, with a particular focus on the following areas:

(1) (Permittee) The current status of the permittee's plans and schedule for turbine selection and project construction, including an explanation of whether there is a continuing need for further deferral of turbine selection in light of the permittee's representation, in its Motion to Expedite, that it has obtained all of the other necessary approvals and agreements (other than the permit that is the subject of this proceeding) and is prepared to proceed with financing and construction of the proposed project. Motion to Expedite at 4.

(2) The comparability of the energy efficiencies and greenhouse gas ("GHG") emission rates of the three turbines included in the permittee's application and the Region's final permit, including under scenarios of operation at full and partial loads.

(3) The applicability of prior Agency precedents for establishing Best Available Control Technology ("BACT") emission limits for GHGs and other pollutants, with particular but not exclusive focus on gas-fired power plants, combined cycle turbines, and efficiency-based pollutant emission limits.

(4) Previous PSD permitting decisions where alternate BACT limits for a pollutant were authorized.

The Board requests that the parties ensure attendance by persons who are familiar with and knowledgeable about this permit, the administrative record in this case, and the relevant national PSD permitting practices and precedents established by EPA and other authorized PSD permitting authorities.

Accordingly, in light of both the Board's general practice in expediting PSD permit appeals¹ and the Motion to Expedite, the parties are hereby requested to participate in a status conference/expedited oral argument beginning at 2:00 p.m. Eastern Time on Thursday, February 13, 2014, in the Administrative Courtroom, U.S. Environmental Protection Agency,

¹ See Revised Order Governing Petitions for Review of Clean Air Act New Source Review Permits (EAB March 27, 2013).

William Jefferson Clinton East Building, Room 1152, 1201 Constitution Avenue, N.W.,
Washington, D.C.²

The parties must notify the Clerk of the Board in writing by January 23, 2014, of the names of counsel who will present argument. If counsel for either of the parties wishes to participate in this oral argument using the videoconferencing equipment in the Administrative Courtroom, counsel must contact the Clerk of the Board at (202) 233-0122 no later than January 23, 2014, to make arrangements for use of such equipment.

So ordered.

ENVIRONMENTAL APPEALS BOARD



Catherine R. McCabe
Environmental Appeals Judge

Dated:

January 15, 2014

² Following discussions with the parties, it was determined that February 13, 2014, is the earliest date available for this status conference/expedited oral argument.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Scheduling Status Conference/Expedited Oral Argument in the matter of *La Paloma Energy Center, LLC*, PSD Appeal No. 13-10, were sent to the following persons in the manner indicated:

By U.S. First Class Mail:

David C. Bender
McGillivray Westerberg & Bender, LLC
211 S. Paterson Street, Ste 320
Madison, WI 53703
(608) 310-3560
(608) 310-3561 (fax)

Travis Ritchie
Sierra Club Environmental Law Program
85 Second Street, 2nd Floor
San Francisco, CA 94105
(415) 977-5727

Richard Alonso
Timothy Wilkins
Sandra Y. Snyder
Bracewell & Giuliani LLP
2000 K Street NW, Suite 500
Washington, DC 20006
(202) 828-5800
(202) 223-1225 (fax)

Kathleen Smith
La Paloma Energy Center, LLC
115 Bella Strada Cove
Austin, TX 78734

John Upchurch
La Paloma Energy Center, LLC
815 Summer Park Drive, Suite 450
Stafford, TX 77477

Rick Franzese
Bechtel Development Company
5725 Westview Drive
Frederick, MD 21703

By EPA Pouch Mail:

Brian Tomasovic
Office of Regional Counsel
EPA Region 6 (MC 6RC-M)
1445 Ross Avenue
Dallas, TX 75202-2733
(214) 665-9725
(214) 665-2182 (fax)

Jeffrey Robinson
Air Permits Section Chief
EPA Region 6 (6PD-R)
1445 Ross Avenue
Dallas, TX 75202-2733
(214) 665-6435

By Interoffice Mail:

Matthew Marks
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W. (MC-2344A)
Washington, DC 20460
(202) 564-3276
(202) 564-5603 (fax)



Annette Duncan
Secretary

JAN 15 2014

Date: _____