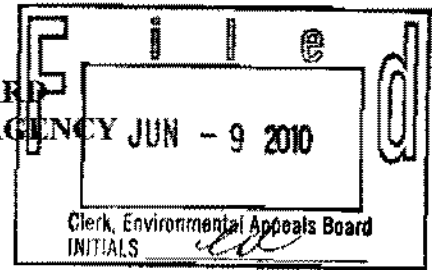


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: )

Russell City Energy Center, LLC )

PSD Permit No. 15487 )

PSD Appeal Nos. 10-01, 10-02, 10-03,  
10-04 & 10-05

**ORDER ESTABLISHING SCHEDULE FOR ORAL ARGUMENT**

On February 3, 2010, the Bay Area Air Quality Management District ("BAAQMD") issued a prevention of significant deterioration ("PSD") permit (the "Final Permit"), Permit No. 15487, to Russell City Energy Company, LLC ("RCEC"). The Board has received twelve petitions for review of the Final Permit but has dismissed seven of them on untimeliness grounds. Currently pending before the Board, therefore, are petitions for review from five petitioners: California Pilots Association ("CalPilots"), PSD Appeal No. 10-01; Chabot-Las Positas Community College District ("College District"), PSD Appeal No. 10-02; Citizens Against Pollution ("CAP"), PSD Appeal No. 10-03; Mr. Robert Sarvey, PSD Appeal No. 10-04; and Californians for Renewable Energy, Inc. ("CARE")/Mr. Rob Simpson, PSD Appeal No. 10-05.

On May 6, 2010, the Board notified the parties that it intended to hold oral argument in this matter. See Order Establishing Requirements for Motions to File a Reply Brief and Oppositions Thereto at 1-2. In a subsequent order, the Board informed the parties that it intended to hold oral argument on July 22, 2010, at 1 pm EDT. See Order Granting Motions to File Reply Briefs and Allowing Sur-reply Briefs, Denying Motion to Conduct Discovery and a Hearing Further, and Rescheduling Oral Argument at 7.

Accordingly, the parties are hereby requested to participate in oral argument beginning at 1 pm on Thursday, July 22, 2010, in the Administrative Courtroom, U.S. Environmental Protection Agency, EPA East Building, Room 1152, 1201 Constitutional Avenue, N.W., Washington D.C. The Board has allocated 100 minutes total for this oral argument, divided as follows and in the following order :

- Ten (10) minutes for each of the five petitioners.<sup>1</sup> Petitioners shall present argument in the following order: CalPilots, College District, CAP, Mr. Sarvey, and CARE/Mr. Simpson;
- Thirty-five (35) minutes for BAAQMD, the permit issuer; and
- Fifteen (15) minutes for RCEC, the permittee.

At the outset of the hearing, any of the petitioners may reserve up to two (2) minutes of its allocated time for rebuttal.

Each party shall notify the Clerk of the Board in writing no later than Thursday, July 15, 2010, of the name of the counsel or representative who will present argument on its behalf. Any petitioner may opt out of the oral argument if it wishes by notifying the Clerk of the Board to that effect no later than Tuesday, July 6, 2010.

Counsel and representatives of the parties are advised that the Administrative Courtroom is equipped with state-of-the-art video-conferencing equipment and, accordingly, any party may participate in the oral argument by video conferencing without attending in person. The representative or counsel of any party who wishes to participate in this oral argument via video conferencing shall contact the Clerk of the Board at 202-233-0122, no later than Thursday, July

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<sup>1</sup> The Board notes that several petitioners raise overlapping issues. For example, a number of the petitioners raise issues concerning BACT for start up/shut down. Petitioners may want to coordinate their presentations amongst themselves to make the most productive use of the available time.

15, 2010, to make arrangements for the use of the video-conferencing equipment. Parties are encouraged, to the extent possible, to coordinate amongst themselves so as to minimize the number of remote video-conferencing sites.

So ordered.

ENVIRONMENTAL APPEALS BOARD



Edward E. Reich  
Environmental Appeals Judge

Date: 6/9/10

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Establishing Schedule for Oral Argument in the matter of Russell City Energy Center, PSD Appeal Nos. 10-01, 10-02, 10-03, 10-04, and 10-05, were sent to the following persons in the manner indicated:

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Dated: 11<sup>th</sup> - 9 2010

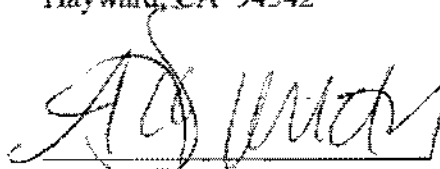
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