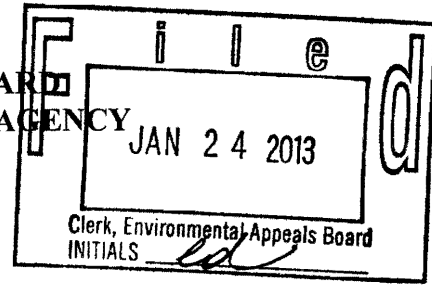


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

Pio Pico Energy Center)

PSD Permit No. SD 11-01)
_____)

) PSD Appeal Nos. 12-04 through 12-06

ORDER GRANTING PERMITTEE LEAVE TO INTERVENE

On December 19, 2012, Helping Hand Tools, Mr. Robert Simpson, and Sierra Club each filed a petition seeking review of the above-captioned prevention of significant deterioration (“PSD”) permit. The permit, issued by U.S. EPA Region 9 (“Region”), authorizes the permittee, Pio Pico Energy Center, LLC (“Pio Pico”), to construct and operate a 300 megawatt natural gas-fired power plant in Otay Mesa, California. The petitions challenge the Region’s issuance, as well as several conditions, of the permit.

On December 31, 2012, the Environmental Appeals Board (“Board”) issued a letter informing the Region of the filing of the petitions and allowing a response to the petitions no later than January 21, 2013. *See* Letter from Eurika Durr, Clerk of the Board, to Nancy J. Marvel, Regional Counsel, U.S. EPA Region 9, *Pio Pico Energy Center* (Dec. 31, 2012). In that same letter, the Board notified Pio Pico that three petitions had been filed and that, if it wished to respond to the petitions, its response would also be due on January 21, 2013. *See id.*; *see also* Order Governing Petitions for Review of Clean Air Act New Source Review Permits (“Standing Order Governing NSR Appeals”) at 10 (EAB Apr. 19, 2011) (informing public of Board’s

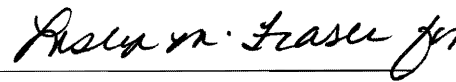
practice of notifying the permit issuer and permittee of the filing of a petition and the opportunity to file a response).

On January 7, 2013, the Region filed a motion with the Board requesting an extension of time to file a response to the petitions. The Board granted the request allowing both the Region and Pio Pico to each file a response no later than **February 6, 2013**. *In re Pio Pico Energy Center*, PSD Appeal Nos. 12-04 through 12-06 (EAB Jan. 8, 2013) (Order Granting Request for Extension of Time to File Response to Petitions for Review). On January 22, 2013, the Board received a motion from Pio Pico requesting leave to intervene in the proceedings of this case.

Pio Pico's motion is in accordance with the Board's current practice, the Standing Order in NSR Appeals, the Board's letter requesting a response to the petitions in this case, and the Board's order granting an extension of time to file a response. Accordingly, the Board **GRANTS** Pio Pico leave to intervene in all proceedings in this matter. Pio Pico's response to the petitions is due no later than **February 6, 2013**.

So ordered.

ENVIRONMENTAL APPEALS BOARD



Kathie A. Stein
Environmental Appeals Judge

Date: *January 24, 2013*

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Permittee Leave to Intervene in the matter of Pio Pico Energy Center, PSD Appeal Nos. 12-04 through 12-06, were sent to the following persons in the manner indicated:

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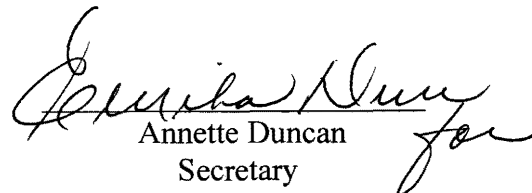
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Dated: 1/24/2013


Annette Duncan
Secretary