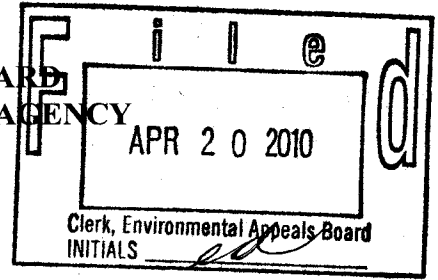


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Russell City Energy Center, LLC)
)
PSD Permit No. 15487)
_____)

PSD Appeal Nos. 10-01 & 10-05

**ORDER GRANTING REQUEST FOR EXTENSION OF TIME TO FILE
RESPONSE ON THE MERITS**

On April 8, 2010, the Bay Area Air Quality Management District (“District”) filed responses with the Environmental Appeals Board (“Board”) requesting the summary dismissal of two petitions for review (“Petitions”): one from the California Pilots Association (“CalPilots”), PSD Appeal No. 10-01, and a second from CALifornians for Renewable Energy, Inc. (“CARE”), PSD Appeal No. 10-05. *See* District’s Response to [CalPilot’s] Petition for Review Requesting Summary Dismissal at 1; District’s Response to [CARE] Petition for Review Requesting Summary Dismissal at 1. The Petitions challenge the District’s issuance of the above-captioned prevention of significant deterioration (“PSD”) permit, which authorizes Russell City Energy Company, LLC (“RCEC”) to construct a new natural gas-fired combined-cycle power plant in Hayward, California. *See generally* CalPilots Petition for Review. RCEC also filed a motion requesting that the Board dismiss these two Petitions. *See* RCEC’s Response Seeking Summary Disposition (“RCEC Response”) at 1, 6-17.

On April 14, 2010, the Board issued two orders denying the District’s and RCEC’s requests and requesting the District and RCEC file substantive responses to the Petitions. Order Denying Request for Summary Dismissal of CalPilots Petition and Requesting Response on the

Merits ("CalPilots Order"); Order Denying Request for Summary Dismissal of CARE Petition and Requesting Response on the Merits ("CARE Order"). The Board established a deadline of April 23, 2010, for the responses, the same date substantive responses are due in connection with several other petitions challenging the permit. CalPilots Order at 2; CARE Order at 2.

On April 16, 2010, the District filed a motion requesting an extension of time to file its responses on the merits. *See generally* District's Request for Extension of Time to File Response on the Merits to Petitions for Review ("Request for Extension"). The District requests that the time for filing responses be extended until April 29, 2010. *Id.* at 1.

In its motion, the District indicates that it is currently spending its limited resources responding to the merits of the other petitions for review that have been filed in this matter as well as working on other commitments that it has. *Id.* The District also notes that the Board's letter of March 25, 2010, had indicated that if the Board requested a substantive response to a petition, such response would be due within fifteen days of the order. *Id.* at 2.

For good cause shown, the Board GRANTS the District's request for an extension of time for filing a substantive response to these two Petitions, PSD Appeal Nos. 10-01 and 10-05. Such substantive response is due on or before April 29, 2010. The Board similarly extends RCEC's deadline for filing substantive responses to these same two Petitions.

So ordered.

ENVIRONMENTAL APPEALS BOARD



Edward E. Reich
Environmental Appeals Judge

Date: 4/20/10

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Request for Extension of Time to File Response on the Merits in the matter of Russell City Energy Center, PSD Appeal Nos. 10-01 and 10-05, were sent to the following persons in the manner indicated:

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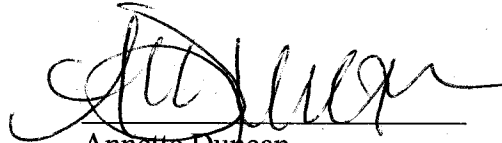
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