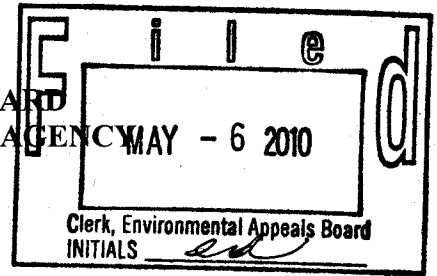


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

Russell City Energy Center, LLC)

PSD Permit No. 15487)

PSD Appeal Nos. 10-01, 10-02, 10-03
10-04, 10-05 & 10-06

**ORDER ESTABLISHING REQUIREMENTS FOR MOTIONS TO FILE A REPLY
BRIEF AND OPPOSITIONS THERETO**

Several Petitioners in the above-captioned matter have inquired about the time frame for filing motions requesting leave to file briefs replying to the responses of the Bay Area Air Quality Management District and Russell City Energy Company, LLC. The Board hereby ORDERS any Petitioner wishing to file a reply brief to submit a motion to that effect stating with particularity the arguments to which Petitioner seeks to respond and the reasons Petitioner believes it is necessary to file a reply to those arguments. Such motion is **due on or before May 14, 2010.**

Any party wishing to oppose a motion submitted in response to this Order must file its **opposition on or before May 18, 2010.**

To the extent the Board grants a Petitioner's motion to file a reply brief, the Board anticipates that the reply brief will be due no later than May 28, 2010, and will be subject to page limitations. A Petitioner may not raise any new issues in its reply brief.

The Board also hereby notifies the participants that the Board intends to hold oral argument in this matter on August 17, 2010, at 1 pm EDT, at the U.S. EPA Administrative Courtroom in Washington, D.C. Well in advance of that time, the Board will issue an order

clarifying the parties to be participating and specifying the issues to be argued. Parties will be able to participate in the oral argument using video conferencing if they so choose.

So ordered.

ENVIRONMENTAL APPEALS BOARD



Edward E. Reich
Environmental Appeals Judge

Date:

5/6/10

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Establishing Requirements For Motions to File a Reply Brief and Oppositions Thereto in the matter of Russell City Energy Center, PSD Appeal Nos. 10-01, 10-02, 10-03, 10-04, 10-05, and 10-06, were sent to the following persons in the manner indicated:

By Pouch Mail:

Nancy J. Marvel, Regional Counsel
Office of Regional Counsel
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901
fax: (415) 947-3571

By First Class Mail:

Alexander G. Crockett
Assistant Counsel
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
fax: (415) 749-5103

Andy Wilson
California Pilots Association
P.O. Box 6868
San Carlos, CA 94070-6868

Jewell L. Hargleroad
Law Office of Jewell Hargleroad
1090 B Street, No. 104
Hayward, CA 94541

Helen H. Kang
Kelli Shields
Patrick Sullivan
Lucas Williams
Environmental Law and Justice Clinic
Golden Gate University of Law
536 Mission Street
San Francisco, CA 94105
fax: (415) 896-2450

Robert Sarvey
501 W. Grantline Road
Tracy, CA 95376


Michael E. Boyd, President
Californians for Renewable Energy, Inc.
5439 Soquel Drive
Soquel, CA 95073

Lynne Brown
Californians for Renewable Energy, Inc.
24 Harbor Road
San Francisco, CA 94124

Juanita Gutierrez
2236 Occidental Road
Hayward, CA 94545

Kevin Poloncarz
Holly L. Pearson
Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, CA 94111
fax: (415) 262-9201

Dated: **MAY - 6 2010**


Mildred Johnson
Staff Assistant