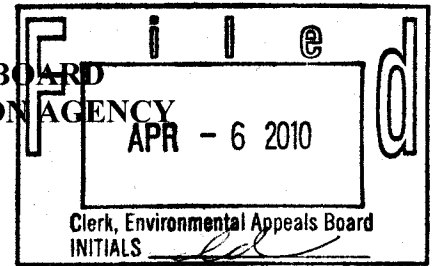


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
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 & 10-07

ORDER GRANTING MOTION TO PARTICIPATE

Russell City Energy Company, LLC (“RCEC”), filed a motion with the Environmental Appeals Board (“Board”) on March 30, 2010, requesting that it be allowed to participate in the above-captioned proceeding and file a response to the seven petitions for review of a prevention of significant deterioration (“PSD”) permit issued to RCEC by the Bay Area Air Quality Management District (“BAAQMD”). The permit authorizes the construction of a new natural gas-fired combined-cycle power plant in Hayward, California. RCEC argues that, as the permittee, it has a direct interest in the proceedings and that its response will assist the Board in its decision making. RCEC’s Motion for Leave to Participate in the Proceeding and to Respond to the Petitions at 1.

On March 25, 2010, the Board requested that BAAQMD file a response to the petitions for review by April 8, 2010, if it seeks summary disposition of the petitions, or otherwise by April 23, 2010. RCEC states that it will follow the schedule outlined by the Board and thus will not delay the resolution of the matter. RCEC’s Motion for Leave to Participate in the Proceeding and to Respond to the Petitions at 1.

Based upon the foregoing and for good cause shown, the Board hereby GRANTS RCEC's motion to participate in this proceeding. RCEC may file a response to the petitions for review. Such response is due on or before April 8, 2010, if RCEC seeks summary disposition of the petitions, or otherwise by April 23, 2010.

So ordered.

ENVIRONMENTAL APPEALS BOARD



Edward E. Reich
Environmental Appeals Judge

Date: April 6, 2010

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion to Participate in the matter of Russell City Energy Center, PSD Appeal Nos. 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, & 10-07 were sent to the following persons in the manner indicated:

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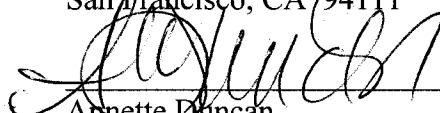
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Dated: **APR - 6 2010**


Annette Duncan
Secretary