

Notice of Issuance of Final Prevention of Significant Deterioration (PSD) Permit for the Russell City Energy Center

This notice is to inform you that the Bay Area Air Quality Management District (District) has issued a final federal Prevention of Significant Deterioration (PSD) permit for the Russell City Energy Center, a proposed natural gas-fired combined cycle power plant with a nominal output of 600 megawatts to be located at 3862 Depot Road, near the Corner of Depot Road and Cabot Boulevard, in Hayward, CA.

RESPONSES TO PUBLIC COMMENTS

The District received a number of comments on the proposed permit from members of the public. The District appreciates the public's input on this permit, and in response to the comments the District has made a number of changes to strengthen the permit. The District has published responses to all of the public comments it received in a Response to Comments document for this permit. The Response to Comments document is available from the District upon request, and also on the District's website at: <http://www.baaqmd.gov/Divisions/Engineering/Public-Notices-on-Permits/2010/020410-15487/Russell-City-Energy-Center.aspx>

ENVIRONMENTAL APPEALS BOARD APPEALS

PSD Permits may be appealed to the Environmental Appeals Board (EAB) pursuant to Section 124.19 of Title 40 of the Code of Federal Regulations. Any person who filed comments on the draft permit or participated in a public hearing about the permit may petition the EAB to review any condition of the permit decision. Any other person may petition the EAB to review any changes that the District has made from the draft permit to the final permit. Any such members of the public must file any appeal no later than March 22, 2010. Appeals must be received by the EAB by this date to be timely. This date provides 45 days from permit issuance to file appeals, which is greater than the minimum 30 days required by law.

Additional information on filing appeals can be found in the EAB's publication *A Citizens' Guide to EPA's Environmental Appeals Board*, which is available at the EAB's website at www.epa.gov/eab. Additional information can also be obtained from the EAB at the address below, or by telephone at (202) 233-0122.

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

EFFECTIVE DATE OF PERMIT

The permit will become effective March 22, 2010, unless an appeal is filed with the EAB. If an appeal is filed, the effective date of the permit will be suspended until such time as the appeal is resolved.

AVAILABILITY OF DOCUMENTS

The final PSD Permit, the Response to Comments, and all other documents on which the District has based its permitting decision are available for public inspection at District headquarters during normal business hours. In addition, the final permit, the Response to Comments, and other principal documents are available on the District's website at the address above.

FOR QUESTIONS AND ADDITIONAL INFORMATION

Questions on this matter may be directed to Weyman Lee, P.E., Senior Air Quality Engineer, Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA, 94109, (415) 749-4796, weyman@baaqmd.gov.