

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

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U.S. E.P.A.

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

PSD Appeal No. 10-06

Juanita Gutierrez
2236 Occidental Rd. Hayward, Ca.

2010 MAY 18 AM 9:50

ENVIR. APPEALS BOARD

May 8, 2010

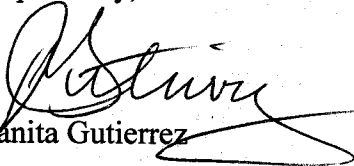
Honorable Edward E. Reich
Environmental Appeals Judge:

I am grateful for your granting me an extension to respond and refusing to have my petition dismissed. And these are my reasons for wishing to be heard without the representation of counsel.

1. My petition requesting the review of the granting the PSD to the Russell City Energy Center should not be dismissed as untimely, because I relied on the mail service, by erroneously assuming that my letter would arrive at your office on time.
2. It is my opinion that the granting of the permit was done by not using common sense, logic, probably relying on written data. Data that many times shows a minimum negative impact on the toxic emissions expected to be produced, and the effect they would have on the people who live, study or work in the area.
3. I attended most of the public hearing regarding the Russell City Energy Center, and to my memory, the few people who spoke in support to the construction of the power plant were: Hayward Chamber of Commerce, A nurse from Kiser Hospital, and some Union members, etc., the rest of the attendees, myself included, spoke in opposition to the power plant. Why? Because I/we live right here, just a few blocks away from the proposed site. Also, anyone with the power of ruling on the review of this permit should come to the site and look with his/her own eyes: First, the Hayward shoreline, which is just a few steps from the propose site, off Depot Rd., second, drive back toward Hesperian Boulevard, and observe the large numbers of students of all ages, attending the middle school Anthony Ochoa, Chabot College, Lea's Christian elementary school, the elementary Montessori School off Adrian Ave./Depot, and the elementary Eden Garden School on Thayer Ave., behind Depot Rd., I was forgetting the Chiropractor College and Heald College on Industrial Blvd., third, drive around and see that there are hundreds of older homes, rest homes for the elderly, and the KB homes construction site, on Eden Ave and Sakland Rd., there are lots of new occupied homes, and the fenced areas for future homes. In essence, this is and will be a populous area, in need of care and protection.

Your honor, I am grateful for your granting me an extension to respond and refusing to dismiss my petition. Again, I am not represented by counsel, but I join the other pending petitions seeking to remand the PSD to Russell City Energy Center.

Respectfully,


Juanita Gutierrez