

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

In re Russell City Energy Center	)	PSD Appeal No. 10-4 (Robert Sarvey
	)	Petitioner
Russell City Energy Company, LLC	)	
PSD Permit Application No. 15487	)	Motion Requesting Leave to
	)	File a Reply Brief.
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In accordance with the May 6, 2010 Environmental Appeals Board Order Establishing Requirements for Motions to File a Reply Brief Petitioner Robert Sarvey respectfully requests leave to file a reply brief in response to the briefs filed by the BAAQMD and the Russell City Energy Center.

Petitioner wishes to respond to allegations that the petition was untimely. Petitioner will provide evidence that the petition is timely and was submitted to the CDX system but the system malfunctioned. Petitioner also wishes to clarify that he is not a party to PSD Appeal NO. 5.

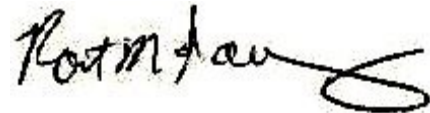
Petitioner would also like to respond to arguments that the BAAQMD has selected the appropriate BACT limits for start up and shut down for NOx emissions. The BAAQMD and Russell City Energy Center have attempted to mischaracterize Petitioners position and cloud the issue with other matters and Petitioner wishes to clarify his position and point to evidence in the record that establishes BAAQMD's failure to require BACT for start up and shut down emissions for NOx emissions.

The BAAQMD and Russell City Energy Center have repeatedly referred to a draft study of PM 2.5 formation in the BAAQMD but have not provided the study for the record. Petitioner wishes to introduce the Draft PM 2.5 study authored by the BAAQMD into the record and explain its significance and how the BAAQMD and Russell City Energy Center have quoted selected portions of the study to misinform the Board about the results of the study.

Petitioner also wishes to respond to BAAQMD assertions that it has evaluated all relevant issues in relation to its BACT determination for PM-10 Emissions from the proposed projects cooling tower.

Petitioner apologizes that he cannot afford an attorney but has made a good faith effort to comply with all of the Boards filing requirements.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Robert Sarvey", with a stylized flourish at the end.

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Robert Sarvey  
501 W. Grantline RD  
Tracy, Ca. 95375  
209 835-7162

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document Robert Sarvey's Request for Leave to File a Reply Brief in the matter of the Russell City PSD Appeal Nos. 10-01, 10-02, 10-03, 10-04, 10-05, 10-06 were sent to the following persons by first class email where available.

Nancy Marvel  
Office of Regional Counsel  
US EPA Region 9  
75 Hawthorne St.  
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

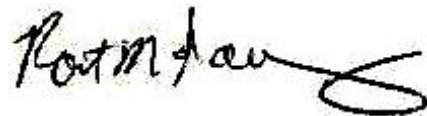
Robert Sarvey  
501 W. Grantline Road  
Tracy, CA 95376

Michael E. Boyd, President  
CALifornians for Renewable En  
5439 Soquel Drive  
Soquel, CA 95073

Lynne Brown  
CALifornians for Renewable En  
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



Robert Sarvey