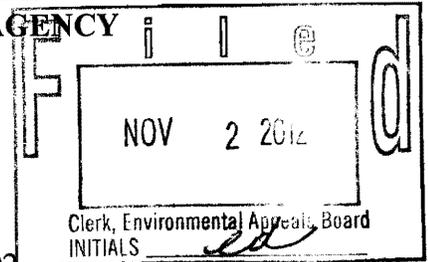


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



)
)
In re: Hess Newark Energy Center)

PSD Appeal No. 12-02

)
)
)
)
PSD Permit No. BOP110001)
)

ORDER GRANTING PERMITTEE LEAVE TO INTERVENE

On October 13, 2012, the Ironbound Community Corporation and the New Jersey Environmental Justice Alliance (collectively referred to as “Petitioners”) filed a petition seeking review of a Prevention of Significant Deterioration (“PSD”)/New Source Review (“NSR”) permit the New Jersey Department of Environmental Protection (“NJDEP”) issued to Hess Newark Energy Center (“Hess”) authorizing the construction and operation of a 655-megawatt natural gas fired combined cycle power plant in Newark, New Jersey.

The Environmental Appeals Board (“Board”) issued a letter on October 23, 2012, informing the NJDEP of the filing of the petition and allowing a response to the petition no later than November 8, 2012. *See* Board’s letter to Bob Martin, Commissioner, New Jersey Department of Environmental Protection, Re: Hess Newark Energy Center, Permit No. BOP110001 (Oct. 23, 2012). In that same letter, the Board notified Hess that a petition had been filed and that, if it wished to respond to the petition, its response would also be due on November 8, 2012. *See id.*; *see also* Order Governing Petitions for Review of Clean Air Act New Source Review Permits, at 10 (EAB Apr. 19, 2011) (Standing Order Governing NSR appeals)

(informing public of Board's practice of notifying the permit issuer and permittee of the filing of a petition and the opportunity to file a response). On October 24, 2012, the Board received a motion from Hess requesting leave to intervene in the proceedings of this case.

According to the Board's current practice, the Standing Order in NSR appeals, and the Board's letter requesting a response to the petition in this case, the Board **GRANTS** Hess leave to intervene in all proceedings in this matter. Hess's response to the petition is due no later than **November 8, 2012**.

So ordered.

Dated: 11/2/12

ENVIRONMENTAL APPEALS BOARD

By: 
Catherine R. McCabe
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing *Order Granting Permittee Leave to Intervene* in the matter of *Hess Newark Energy Center*, PSD Appeal No. 12-02, were sent to the following persons in the manner indicated:

BY U.S. First Class Mail:

William J. Schulte, Esq.
Eastern Environmental Law Center
744 Broad Street, Suite 1525
Newark, NJ 07102

Bob Martin, Commissioner
New Jersey Department of Environmental
Protection
401 East State Street
P.O. Box 402
Trenton, New Jersey 08625-0402

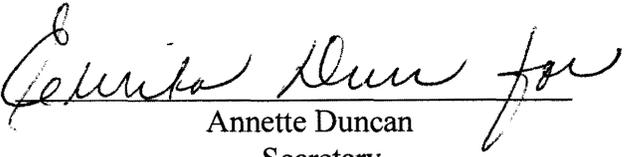
Hess Newark Energy Center
111 Delancy Street
Newark, NJ 07105

Raymond B. Ludwiszewski, Esq.
Justin A. Torres, Esq.
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-8500

By EPA Pouch Mail

Eric Schaaf, Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency,
Region 2
290 Broadway
New York, NY 10007-1866

Date: 1/2/12


Annette Duncan
Secretary