1 2 3	BEFORE THE ENVIRONMENTAL APPEALS BOARD UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C.	
4 5 6 7	In the Matter of:  Gateway Generating Station  PSD Appeal No. 09-02	
8	PACIFIC GAS AND ELECTRIC COMPANY'S	
9	MOTION FOR LEAVE TO INTERVENE	
10	In accordance with the Environmental Appeals Board Practice Manual	
11	§ III.D.4, Pacific Gas and Electric Company ("PG&E"), a California corporation,	
12	hereby moves for leave to intervene in PSD Appeal No. 09-02, initiated by the	
13	Petition for Review filed by Rob Simpson on May 5, 2009. The Petition for Review	
14	involves the decision by the Bay Area Air Quality Management District	
15	("BAAQMD") to issue a Prevention of Significant Deterioration ("PSD") permit in	
16	2001 to Mirant Delta, LLC, to construct and operate the Contra Costa Unit 8 Power	
17	Plant in Antioch, California.	
18	PG&E acquired the Contra Costa 8 facility on November 30, 2006 and	
19	BAAQMD transferred the District permits (including the PSD permit) to PG&E on	
20	January 4, 2007. PG&E renamed the facility the Gateway Generating Station.	
21	The facility has completed construction and is now operating in compliance with all	
22	emission limits and other conditions of that permit.	
23	PG&E has a tangible interest in the subject matter of the appeal as the	
24	permittee and real party in interest. PG&E's participation will materially assist the	
25	Board in deciding the appeal by providing argument and evidence directly relevant	
26	to the appeal. At this time, PG&E is seeking to intervene and is concurrently filing	
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1	a Motion for Stay with BAAQMD	. PG&E's intervention will not create unnecessary
2	delay of the ultimate resolution o	of this matter.
3	Notice of PG&E's Motion	for Leave to Intervene will be served on all parties
4	identified in the accompanying C	
5		
6	DATED May 27, 2009.	Respectfully submitted,
7		PILLSBURY WINTHROP SHAW RITTMAN LLP
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		Attorneys for Pacific Gas and Electric Company
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17		WILLIAM V. MANHEIM (SBN 130182)
18	•	DAVID T. KRASKA (SBN 161878) Law Department
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		E-mail: <u>dtk5@pge.com</u>
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	STATEMENT REGARDING AGENT FOR SERVICE ON
	INTERVENOR PACIFIC GAS AND ELECTRIC COMPANY
	Pursuant to the Requirements of Section I.G.4. of the Environmental Appeals Board Practice Manual, the following persons are authorized to receive service in
	this proceeding on behalf of Intervenor Pacific Gas and Electric Company:
	Dovid D. Forebox For
	David R. Farabee, Esq. PILLSBURY WINTHROP SHAW PITTMAN LLP
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	701560805v1 3 PG&E'S MOTION FOR LEAVE TO INTERVEN

1	CERTIFICATE OF SERVICE		
2	I the undersigned, hereby certify that on the <u>27</u> day of May, 2009, service of a true and complete copy of <b>Pacific Gas &amp; Electric Company's Motion</b>		
3	For Leave To Intervene was made upon the following parties:		
4	last Danadhaut		
5	Jack Broadbent Air Pollution Control Officer		
6	Bay Area Air Quality Management District 939 Ellis Street		
7	San Francisco, CA 94109 phone: (415) 749-5000		
8	fax: (415) 928-8560		
9	Rob Simpson		
10	27126 Grandview Avenue Hayward, CA 94542		
11	Nancy Marvel, Esq., Regional Counsel  Office of Regional Counsel  U.S. Environmental Protection Agency, Region 9  75 Hawthorne Street		
12			
13			
14	San Francisco, Ca 94105 phone: (415) 947-8705		
15	by depositing the same in the U.S. Mail.		
16			
17	I declare under penalty of perjury that the foregoing strue and correct.		
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19	Bertha I. Necochea		
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