

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

In the matter of
Gateway Generating Station

)
) PSD Appeal No. 09-02
)
)
)

JOINDER IN MOTION TO STAY PROCEEDINGS

Respondent Bay Area Air Quality Management District ("District") hereby joins in the request for a stay of the proceedings in the above-captioned matter that the District understands is being filed concurrently by proposed intervenor Pacific Gas & Electric Co. ("PG&E").

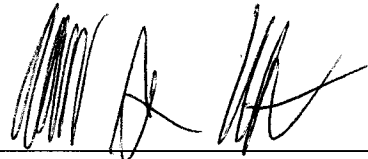
The Petition in this matter presents allegations of potential noncompliance with Federal PSD regulations in connection with the Gateway Generating Station. The District submits that any such allegations are enforcement issues that are best addressed by EPA Region 9 through the Clean Air Act enforcement mechanism, not permitting issues that should be addressed in an appeal to the Environmental Appeals Board under 40 C.F.R. Section 124.19. As PG&E notes in its Motion for Stay, PG&E and EPA Region 9 are currently involved in discussions regarding the allegations of noncompliance raised in the Petition. The District agrees that it would be appropriate for the Environmental Appeals Board to stay the proceedings here to provide time for EPA Region 9 and PG&E to complete these discussions. The outcome of these discussions may resolve the issues addressed in the Petition and obviate the need for proceedings before the Environmental Appeals Board. The District therefore joins in PG&E's request for a stay of these proceedings at this time. Should the Board decline to stay proceedings, the District is prepared to submit its response to the Petition on jurisdictional issues within five business days.

The District has contacted Petitioner by email regarding whether he would support or oppose a stay of these proceedings at this time, and he declined to take a position on the issue before having seen the documents that are being filed.

Dated: May 26, 2009

Respectfully Submitted

BRIAN C. BUNGER, ESQ.
DISTRICT COUNSEL
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

A handwritten signature in black ink, appearing to read 'Alexander G. Crockett', is written over a horizontal line.

By: Alexander G. Crockett Esq.
Assistant Counsel

**STATEMENT REGARDING AGENT FOR SERVICE ON RESPONDENT BAY AREA
AIR QUALITY MANAGEMENT DISTRICT**

Pursuant to the Requirements of Section I.G.4. of the Environmental Appeals Board Practice Manual, the following person is authorized to receive service in this proceeding on behalf of Respondent Bay Area Air Quality Management District:

Alexander G. Crockett, Esq.
Assistant Counsel
Bay Area Air Quality Management District
939 Ellis Street, San Francisco, CA, 94109
Tel: (415) 749-4732
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Email: acrockett@baaqmd.gov

PROOF OF SERVICE

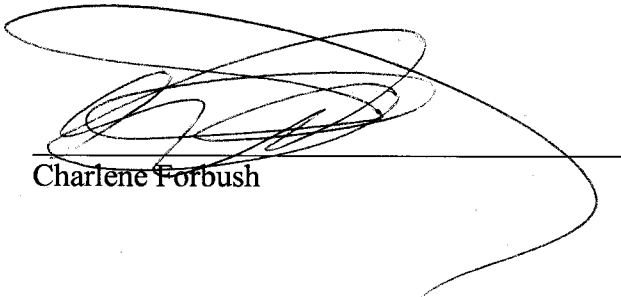
I, Charlene Forbush, declare as follows: I am over the age of 18, not a party to this action, and employed in the City and County of San Francisco, California, at 939 Ellis Street, San Francisco, CA, 94109. On the date set forth below, I served this document, "Joinder in Motion to Stay Proceedings", by placing copies of it in sealed envelopes, with First Class postage thereon fully paid, and depositing said envelopes in the United States Mail at San Francisco, California, addressed to the persons set forth below:

Mr. Rob Simpson
27126 Grandview Avenue
Hayward, CA 94542

David Farabee, Esq.
Pillsbury Winthrop Shaw Pittman LLP
50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on May 26, 2009, at San Francisco, California.



Charlene Forbush