

FILED

SEP 23 2010

HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

Lisa Harper
Clerk, Hearing Board
Bay Area Air Quality
Management District

BEFORE THE HEARING BOARD
OF THE
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA

In the Matter of the Appeal of)
)
ROBERT SARVEY ON THE MARSH)
LANDING GENERATING STATION from)
Certain PSD Permit Conditions and)
Issuance of Final Determination of)
Compliance, Facility B9169 (Antioch,)
California))
_____)

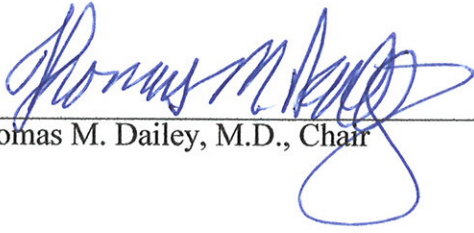
No. 3589

ORDER FOR DISMISSAL

The above-entitled matter, filed as an Appeal of certain PSD Permit Conditions and issuance of Final Determination of Compliance on the Marsh Landing Generating Station, Facility B9169, filed on July 26, 2010; Notice of Pro Forma Hearing filed on July 26, 2010; Application for Permission to Intervene as Real Party in Interest filed on July 28, 2010; Request for postponement of Hearing date by Attorneys for Intervener and Real Party in Interest from August 12, 2010 to September 16, 2010 having been granted by the Hearing Board Chairperson; Appellant having waived the 30-day requirement for a hearing; Motion to Dismiss for Lack of Jurisdiction filed on August 31, 2010 by Attorneys for Intervener and Real Party in Interest, Mirant Marsh Landing, LLC; Motion to Amend Appeal to include the Issuance of the Authority to Construct having been filed by Appellant on September 13, 2010; Petitioner's Response to Mirant Marsh Landings' Motion to Dismiss having been filed on September 13, 2010 by Attorneys for Intervener and Real Party in Interest; Respondent filing response regarding issues to be addressed by the Hearing Board at the pro forma hearing and submitting the APCO's position on certain issues; the

1 matter having come on for a Pro Forma Hearing on September 16, 2010; Appellant's Opening
2 Brief request for a waiver of all Hearing Board and Court Reporter fees per District Regulation 3,
3 Schedule A, which was granted by the Hearing Board; Appellant having withdrawn his Appeal at
4 the hearing on September 16, 2010;

5 FOR GOOD CAUSE, in accordance with Section 5.7 of the Hearing Board Rules, the
6 HEARING BOARD ORDERS that the Appeal be and is hereby dismissed.

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10 Thomas M. Dailey, M.D., Chair

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9-23-10

Date