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Petition To revoke Prevention of Significant Deterioration (PSD) delegation agreement between US Environmental Protection Agency (EPA) and Bay Area Air Quality Management District (District).

Pursuant to General Delegation Condition 4:

"If the EPA determines that the District is not implementing or enforcing the PSD program in accordance with the terms and conditions of this partial delegation agreement, the requirements of Regulation 2 -Rule 2, 40 CFR 52.21, 40 CFR 124 or the Clean Air Act, this partial delegation agreement may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the District."

The EPA has made effectively made this determination in the Environmental Appeals Board (EAB) decision based upon appeal 08-01.

The District continues to fail to implement 40 CFR 52.21, 40 CFR 124 and the Clean Air Act in its consideration of PSD permits including Russell City Energy Center (RCEC) and Gateway Generating Station.

The District is circumventing public participation by failing to provide access to the administrative record. Petitioner has requested access to the record Since September 11 2008 without satisfaction. After no less than 10 requests in writing (Exhibit 1), in person and by telephone the District has provided limited response providing no basis for the permitting.

When the EPA issues PSD permits there is an accessible docket and supporting documentation available on the EPA website. With no discernable docket at the District there is no way that the public can identify the basis for permitting actions to effectively participate.

The documents issued by the District are fatally flawed. The District has recently issued no less than 4 "fact sheets" for RCEC each in conflict with the others and none satisfying the requirements of 40 CFR 124.8. The public can not rely on any of the "Fact Sheets" issued by the District. The District has also issued 2 different "public Notices" and 2 different Statements of Basis.

40 CFR 124.8

(3) For a PSD permit, the degree of increment consumption expected to result from operation of the facility or activity.

(4) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions..

3 of the 4 "Fact Sheets" the 2 different Public Notices and the 2 different Statements of Basis all make false claims of propriety by claiming that this is an amendment of a PSD permit when no such permit has ever been issued.

"The Air District is proposing to incorporate the changes that have been made to the

proposed project into the Federal PSD Permit that was initially issued in 2002, including the new project site.”

Fact sheet 1 and 2.

The initial project, proposed by an affiliate of Calpine Corporation, received all necessary air quality permits and was licensed by the California Energy Commission (CEC) in 2002.

Fact sheet #3

It has been impossible for the public to participate with no discernible docket for the facility as would be provided if the EPA issued the permit

In no way does the permitting appear to comply with:

40 CFR 51.166

(2) Within one year after receipt of a complete application, the reviewing authority shall:

(vii) Make a final determination

whether construction should be approved, approved with conditions, or disapproved

The Russell City Energy Center, described in detail in subsequent sections of this document, is a proposed 600 megawatt natural gas fired combined-cycle power plant, proposed to be built near the corner of Depot Road and Cabot Boulevard, in Hayward, CA.

Page 3

1. Is this the correct location or would the end of Depot road or “on the southeastern shore of the San Francisco bay in the City of Hayward” be more accurate?

Could the site descriptions in question 1 affect public interest or informed participation?

“the Energy Commission’s licensing decision is appealable directly to the California Supreme Court.”

SOB 6

3. Does the Energy Commission have other administrative appeal venues?

4. Could disclosure of other Energy Commission Appeal venues affect public interest or informed participation?

The Air District Authority to Construct is appealable to the District’s Hearing Board and subsequently to the Superior Court of California. Federal PSD Permits are initially appealable the EPA’s Environmental Appeals Board in Washington, D.C., and subsequently to federal court.²

6

5. Could someone appeal directly to Federal court or must they appeal to the EAB first?

6 Could disclosure of other appeal venues affect public interest or informed participation?

A number of parties then sought review of these permitting actions. On the state-law side, a group of interested organizations attempted to seek reconsideration of the Energy Commission’s decision to license the project, but the Energy Commission declined to hear their request. The group then appealed

the denial to the California Supreme Court, but the Supreme Court dismissed their petition.

Would the public be more accurately informed to know that the County of Alameda was one of the "organizations" referred to in the State appeal ?

Would the public be better informed to know that the "Supreme Court dismissed their petition" without review?

The proposed Russell City facility was initially licensed in 2002, but it was relocated and so its permits had to be updated.

6

7. Why was it relocated?

8. Could the reason for relocation affect public interest or informed participation?

The amended Authority to Construct and the amended Federal PSD Permit were issued jointly in the same document, in accordance with the Air District's administrative practice.

9. Is the PSD permit a component of the Authority to Construct or is the authority to construct valid without a PSD permit?

2 The Air District's ministerial Authority to Construct permit is appealable only on the narrow issue of whether the Air District correctly incorporated the Energy Commission's conditions of certification in the Authority To Construct. That is, an error in transcribing a permit condition from the Energy Commission's license into the Authority to Construct is appealable, but an appeal cannot seek to revisit substantive issues of what permit conditions are appropriate and required, which are addressed during the CEC licensing process and on any appeals therefrom.

10. Did the District comply with CEC AQ-SC10?

11. Could the district be compelled to comply with this condition of the CEC decision?

12. Could this information affect public interest or informed participation?

AQ-SC10 In lieu of complying with **AQ-SC7**, **AQ-SC8**, and **AQ-SC9**, the project's combustion turbine/HRSG units shall be designed and built with equipment and control systems to minimize start-up times and emissions. These could include the Fast-Start technology with an integrated control system and a once-through Benson boiler design, appropriate system configuration and equipment to facilitate operating chemistry during starting sequences, and an auxiliary boiler.

CEC final Decision

All appeal avenues have therefore been exhausted, and the state-law Energy Commission license and District Authority to Construct are not subject to further review.

7

13. Is this statement correct?

14. Does the Authority to Construct comply with all current laws?

15. Is the Authority to Construct a document that has been published by the District?

16. Where can the public locate the Authority to Construct?

17. Please provide a copy of the Authority to Construct.

18. Could availability of the Authority to Construct affect public interest or informed participation?

The Environmental Appeals Board ruled that the Air District had not mailed notice of the proposed amended Federal PSD Permit to several parties that were entitled to it, and so it remanded the permit to the District to re-notice the proposed permit and provide the public with a further opportunity to comment.

19. Is this what the EAB remand ruled?

20. Could further disclosure of details of the Remand affect public interest or informed participation?

The analysis of elements that are not being amended shows that the conditions from the initial permit that are not being changed meet current applicable legal standards for Federal PSD Permits, and that they would comply with current PSD requirements even if they were being proposed anew at this time.

21. What aspects of the PSD permit are in conflict with state law with state law?

The Air District is not reopening the state-law permitting process that was completed under the Warren-Alquist Act (culminating with the Energy Commission's license for the project and the District's incorporation of the Energy Commission's licensing conditions into the Authority to Construct permit). Those permitting actions under state law are final and all avenues for appeal have been exhausted. The Environmental Appeals Board's remand of the Federal PSD Permit to be re-noticed does not implicate these state-law permits. They are separate legal entities and the Environmental Appeals Board has not questioned their continued validity.

22. Is this a correct statement?

23. What if prior permitting actions do not comply with present laws?

The District invites all interested parties to comment on the Draft Amended PSD Permit. The legal requirements for PSD Permits are contained in Section 52.21 of Title 40 of the Code of Federal Regulations (40 C.F.R. section 52.21). Comments should address only the Federal PSD issues in this proceeding. The District is not considering any issues related to the state-law Authority to Construct permit or the California Energy Commission's license for the project, or any other non-PSD issues.
SOB 7

24. If this is the Statement of Basis for the Federal action and the District has raised issues in the statement, are all issues raised by the district part of the basis for this permit and thereby subject to comment by the public or is this merely a venue for the district to create a record without allowing public participation?

25. Could this restriction of public participation affect public interest or informed participation?

The Russell City Energy Center is a proposed 600 megawatt ("MW") natural gas fired combined cycle power plant proposed to be built by Russell City Energy Company, LLC, which is owned 65% by a subsidiary of Calpine Corporation and 35% by General Electric Corporation.

26. Why was General Electric ownership not disclosed on the Public notice?

27. Could this information affect public interest or informed participation?

The proposed facility would be located at 3862 Depot Road, near the corner of Depot Road and Cabot Boulevard, in Hayward, CA.

SOB 9

Why was the address changed?

What is the Address identified in the Authority to Construct?

The facility was originally permitted in 2002, but was subsequently relocated approximately 1,500 feet north of the original site and required the facility's permits to be amended.

28. Exactly How far is the new site from the old site?

29. Could this information affect public interest or informed participation?

The Russell City Energy Center will consist of the following permitted equipment:
S-1 Combustion Turbine Generator (CTG) #1, Westinghouse 501F, 2,038.6 MMBtu/hr maximum rated capacity, natural gas fired only; abated by A-1 Selective Catalytic Reduction System (SCR) and A-2 Oxidation Catalyst

S-2 Heat Recovery Steam Generator (HRSG) #1, with Duct Burner Supplemental Firing System, 200 MMBtu/hr maximum rated capacity; Abated by A-1 Selective Catalytic Reduction (SCR) System and A-2 Oxidation Catalyst

S-3 Combustion Turbine Generator (CTG) #2, Westinghouse 501F, 2,038.6 MMBtu/hr maximum rated capacity, natural gas fired only; abated by A-3 Selective Catalytic Reduction System (SCR) and A-4 Oxidation Catalyst

S-4 Heat Recovery Steam Generator (HRSG) #2, with Duct Burner Supplemental Firing System, 200 MMBtu/hr maximum rated capacity; Abated by A-3 Selective Catalytic Reduction (SCR) System and A-4 Oxidation Catalyst

S-5 Cooling Tower, 9-Cell, 141,352 gallons per minute

S-6 Fire Pump Diesel Engine, Clarke JW6H-UF40, 300 hp, 2.02 MMBtu/hr rated heat input.
10

30. Please answer the following equipment questions.

Turbine Questions

- a. What are the identifying or serial numbers of the proposed turbines?
- b. What year were they manufactured?
- c. What year did Calpine acquire them?
- d. How much did Calpine pay for the turbines?
- e. Has Calpine sold any similar turbines in the last 3 years? If so for how much?
- f. Are the turbines used?
- g. If so, Have they been refurbished?
- h. Where were they originally in service?
- i. Provide emission records from their use.
- j. Were emission reduction credits earned when the turbines were retired?
- k. Please identify more efficient turbines or alternative configurations that would result in higher efficiency or reduced emissions.

31. Calpine's attorney represented the steam turbine may be removed from a partially built plant in another state. Please answer the above "turbine questions" for this equipment.

32. Is other equipment planned to be used that has been in use in other locations? If so please answer "turbine questions" for this equipment.

33. Does Calpine have any facilities planned or in operation that are more efficient or emit comparably fewer emissions than this facility.

34. Does Calpine's partner GE manufacture any more efficient or cleaner operating equipment than that which is proposed.

35. What is the estimated CO2 output for this facility. What would the CO2 output be from the most efficient equipment available.

Could the answers to questions 30-35 affect public interest or informed participation?

Load Following: Facility would be operated to meet contractual load and spot sale demand, with a total output less than the base load scenario

SOB11

36. Does this mean that the facility can operate as a "peaker"
Could this affect the emission calculations?

EPA recently promulgated new amendments to the PSD regulations addressing PM_{2.5}, and these amendments expressly incorporated the earlier guidance and made clear that for permit applications such as this one that were submitted and complete before July 15, 2008, permitting agencies should use the PM₁₀ surrogate approach from the 1997 guidance.

SOB 17

When was this one submitted?

Is the permit subject to:

40 CFR 51.166

(2) Within one year after receipt of a complete application, the reviewing authority shall:

(vii) Make a final determination

whether construction should be approved,
approved with conditions, or
Disapproved

What would be the effect of District compliance with 40 CFR 51.166?

7 See 73 Fed. Reg. 28231, 28349-50 (May 16, 2008) (to be codified at 40 C.F.R. § 52.21(i)(1)(xi)). The Air District expects shortly to be classified as "attainment" or "non-attainment" of the new PM_{2.5} standard by EPA. If the District is classified as "non-attainment", PM_{2.5} will be regulated under the District's NSR permitting program and will no longer be subject to PSD permit requirements. Permit applications such as this one that were received under the existing designation will continue to be processed under the PSD program using the surrogate approach as directed by EPA, however

SOB17

U.S EPA lowered the 24-hour PM_{2.5} standard from 65 µg/m³ to 35 µg/m³ in 2006. EPA issued attainment status designations for the 35 µg/m³ standard on December 22, 2008. EPA has designated the Bay Area as nonattainment for the 35 µg/m³ PM_{2.5} standard. The EPA order will be effective in April 2009, 90 days after publication of the EPA findings in the Federal Register
http://www.baaqmd.gov/pln/air_quality/ambient_air_quality.htm

Has the District already been classified?

Would classification information, if already known, potentially affect public interest or informed participation?

How would this process be different if the District processed this permit consistent with the new attainment status and without the surrogate approach.

9 Emissions rates in Table 8 are based on the emissions rates set forth in Section IV.A. above with one exception, sulfuric acid mist (H₂SO₄). Emissions of sulfuric acid mist are expected to be less than the PSD significance threshold of 7 tons per year, and the Air District is proposing an enforceable permit condition (Number 25) limiting sulfuric acid mist from the new combustion units to a level below the PSD trigger level. Compliance will be determined by use of emission factors (using fuel gas rate and sulfur content as input parameters) derived from annual compliance source tests. The annual source test will be conducted, as indicated in Condition number 34, to measure SO₂, SO₃, H₂SO₄ and ammonium sulfates. This approach is necessary because the conversion in turbines of fuel sulfur to SO₃, and then to H₂SO₄ is not well established. With this permit

condition, sulfuric acid mist emissions will be less than the PSD significance threshold of 7 tons per year and the facility will not be subject to Federal PSD Permit requirements for sulfuric acid mist.

SOB18

What is the Basis for "conversion" to be "not well established" ?

What would it take to establish?

What Guarantee, that the emissions will not exceed the threshold limits for the other 364 day per year, exists?

What guarantee is there that the operator will not retest in the absence of oversight until compliance is demonstrated?

Can the district pre establish an annual test dates to prevent test manipulation by retesting?

EPA has provided further guidance on how to implement this definition of "Best Available Control Technology" in its 1990 Draft New Source Review Workshop Manual ("NSR Workshop Manual"). EPA requires that the District implement the Best Available Control Technology requirement by conducting what EPA calls a "Top-Down BACT Analysis". As described in EPA's NSR Workshop Manual, a "Top-Down BACT Analysis" consists of five key steps

SOB20

It would appear that the District relied on the 1990 document for compliance how would reliance on present standards affect the permitting decision?

The majority of EPA's clarifications were proposed through a new definition of *actual emissions* at 40 CFR Subpart 51.166(f) and 40 CFR Subpart 52.21(f). Rather than revising the existing definition of actual emission (40 CFR 51.166(b)(21) and 52.21(b)(21)), which may continue to be used for other purposes under the PSD program, EPA's proposed new definition will only apply for determining increment consumption and providing exclusions to methods for determining increment analysis. Specifically, the proposed rule provides clarifications in the following eight areas.

1) Draft 1990 New Source Review Workshop Manual

EPA clarifies that, while some of the views expressed in the draft NSR Manual may have been promulgated in other EPA regulations, the draft NSR Manual is not a binding regulation and does not by itself establish final EPA policy or authoritative interpretations of EPA regulations under the NSR program. In addition, EPA proposes to establish regulations that supersede many of the recommended approaches for conducting the increments analysis set forth in the draft NSR Manual and other EPA guidance documents.

<http://trinityconsultants.com/air.asp?cp=133>

The EPA's Environmental Appeals Board ('`Board'') has sometimes referenced the draft NSR Manual as a reflection of our thinking on certain PSD issues, but the Board has been clear that the draft NSR Manual is not a binding Agency regulation. See, In re: Indeck-Elwood, LLC, PSD Permit Appeal No. 03-04, slip. op. at 10 n. 13 (EAB Sept. 27, 2006); In re: Prairie State Generating Company, PSD Permit Appeal No. 05-05, slip. op. at 7 n. 7 (EAB Aug 24, 2006). In these and other cases, the Board also considered briefs filed on behalf of the Office of Air and Radiation that provided more current information on the thinking of the EPA headquarters program office on specific PSD issues <http://www.epa.gov/EPA-AIR/2007/June/Day-06/a10459.htm>

NOx emissions as an ozone precursor are regulated under California law through the Energy Commission Licensing process and subsequent Air District Authority to Construct permit (discussed in more detail in Section II.A above). NO2 is regulated under the Federal PSD program for sources in the Bay Area.

Does the intended permit comply with California's present NO2 standard or does the District have authority to issue a permit that does not comply with California Law?

12 Kawasaki Heavy Industries purchased the XONON™ catalytic combustion technology from Catalytica Energy Systems in 2006. Kawasaki plans to use the XONON™ on its own turbines, but it is not known if Kawasaki will make the combustors available to other turbine manufacturers.

SOB24

What is the basis for this information being “not known” and what would it take for the district to know?

The annualized SCR cost figures are based on a cost analysis conducted by ONSITE SYCOM Energy Corporation, updated and adjusted for inflation by the District. These total 1999 annualized cost for SCR was adjusted for inflation by the District using the Consumer Price Index (2008 value = 1999 value x 1.32). Emerachem provided the updated cost information for the EMx.

SOB 26

Does the District have some basis that the consumer price index is a valid method of guesstimating today's costs for SCR? What would be a better method?

the CEC has modeled the health impacts arising from a catastrophic ammonia release and has found that the impacts would not be significant.

SOB 20

California Energy Commission (CEC), 2002a. Final Staff Assessment (FSA) and Addendum, published on June 2002.

SOB 26

The relocation and apparent redesign of the 29 percent aqueous ammonia tank and the ammonia facility as a whole will result in changes in impacts to off-site receptors in the event of an accidental spill of ammonia. The project owner prepared a new Off-Site Consequence Analysis (OCA) to evaluate the potential impacts of an ammonia spill with the new configuration. Staff reviewed the results of the OCA and found that the modeling was not consistent with previous modeling using the model SLAB. Staff cannot explain the discrepancies in the OCA modeling and thus conducted its own independent modeling using the U.S. EPA's SCREEN3 model. The results of this model show significant impacts off-site if an accidental release were to occur and fill the secondary containment area of 1,463 square feet with aqueous ammonia.

CEC FSA4.4- 2 JUNE 2007

It appears that the referenced CEC staff report states more than the SOB contemplates. Is the Screen 3 model the appropriate model for this analysis?

Did the District review the CEC modeling or rely purely on the staff report?

HAZ-2 The project owner shall provide a Risk Management Plan (RMP) and a Hazardous Materials Business Plan (HMBP), (that shall include the proposed building chemical inventory as per the UFC) to the City of Hayward Fire Department and the CPM for review at the time the RMP plan is first submitted to the U.S. Environmental Protection Agency (EPA). The project owner shall include all recommendations of the City of Hayward Fire Department and the CPM in the final documents. A copy of the final plans, including all comments, shall be provided to the City of Hayward and the CPM once EPA approves the RMP Did the applicant complete the prerequisite of HAZ-2?

CEC FSA 4.4- 6 JUNE 2007

Shouldn't the determination of the significance of catastrophic ammonia release be completed by the district after review of the Risk Management plan?

21 BAAQMD Office Memorandum from David Fairly to Tom Perardi and Rob DeMandel, "A First Look at NOx/Ammonium Nitrate Tradeoffs, dated September 8, 1997.
SOB 27

Has the District or any others taken a second look since this 1997 Memorandum?

25 See Metcalf Energy Monthly BAAQMD CEM Reports, from 5/1/2005 to 1/31/2008. The Air District focused on data from days without startup or shutdown activity. When the turbines/heat recovery boilers are starting up or shutting down, Carbon Monoxide emissions are much higher than during steady-state operations as discussed in more detail in subsequent sections. By looking only at data from days without startups or shutdowns, the Air District has ensured that the limit it adopts will be appropriate for steady-state operating conditions.
SOB 32

Will the Limit be appropriate for days with start up?
How often can the facility start up under this permit?
Has the impact of startup during shoreline fumigation time periods been disclosed?

22 See "Towantic Energy Project Revised BACT Analysis", RW Beck, February 18, 2000.

Is it appropriate to use vintage data for present permitting or should the district consider potential impacts with contemporary data?

31 Note that the project was originally permitted in 2002, before Fast Start technology was developed, and the applicant purchased its equipment at that time based on the initial permits. Retrofitting that equipment now to incorporate Fast Start technology would require a complete redesign of the project and the purchase of new equipment. Furthermore, Siemens stated that emissions performance cannot be guaranteed unless the company supplies a fully integrated power plant with Fast Start technology (*i.e.* Flex Plant 10). (Telephone conference on November 6, 2008 with Candido Veiga, Siemens Pacific Northwest Region Vice President and Benjamin Beaver, Siemens Pacific Northwest Sales Manager.) It therefore appears that the facility would have to dispose of the equipment it has already purchased for the project and buy an entirely new integrated system.

This review shows that many similar facilities have been permitted with Carbon Monoxide limits of 4.0 ppm, although there are also several facilities that have been permitted with lower limits in the range of 2-3 ppm or even less. Based on all of the evidence that the Air District has reviewed, a limit in the 2-3 ppm range used in some of these permits may not be achievable for the proposed Russell City Energy Center
SOB 34

32 Telephone conference on November 6, 2008 with Candido Veiga, Siemens Pacific Northwest Region Vice President and Benjamin Beaver, Siemens Pacific Northwest Sales Manager.
40

How would the BACT determinations be different if Calpine did not claim to have the Equipment in stock?
Does Calpine or GE have Equipment available that would be cleaner?

37 GE has declined to give emissions performance guarantees for start-up operations using the OpFlex™ software, explaining that startup emissions, by nature, are highly variable and dependent on specific plant equipment and

configuration. (Telephone conversations with Bob Bellis and Derrick Owen, GE Energy on November 21, 2008.)

SOB 41

Would a higher level of diligence or or verification be appropriate than "telephone conversations" be appropriate for the district to make its determinations?

For all of these reasons, the Air District has eliminated the once-through boiler alternative as an appropriate BACT technology for startup emissions for a facility such as Russell City. The Air District has concluded that the adverse impacts of requiring a single-pressure steam turbine design outweigh the additional startup benefits that can be achieved. The Air District will continue to monitor the development of once-through boiler technologies, in particular the Siemens Flex Plant 30 design using a triple-pressure steam boiler. Such future developments could change the analysis regarding the tradeoffs between overall energy efficiency and startup performance.

SOB 44

Is this monitoring for potential modification of this permit or future permits?

The facility has reported encouraging results from the first few months of operating with these new techniques.⁴⁰ It is not possible, however, to determine based on this limited data what reductions, if any, are attributable to OpFlex and what reductions are attributable to the operational changes the facility was able to make for its specific turbines. Moreover, the facility has operated only for a relatively limited period of time with these enhancements, and so it is difficult to determine from the limited data available so far what improvements can reliably be achieved throughout the life of the facility. For all of these reasons, the Palomar data does not sufficiently demonstrate that there are specific, achievable emissions reductions to be gained simply from using the OpFlex technology itself. Further data will be needed to understand whether some or all of Palomar's proprietary approach for reducing emissions from its equipment can be adapted to other facilities.

⁴⁰ Letter written by Daniel S. Baerman, Director of Electric Generation, San Diego Gas and Electric, regarding "Hearing Board Variance 4073; Quarterly Report". Submitted to Catherine Santos, Clerk of the Hearing Board for the San Diego County Air Pollution Control District, dated April 11, 2007.

SOB 41

It would appear that the District has had an additional year and a half to obtain "encouraging results" from the Palomar facility. Why didn't the District update this info?

Could further "encouraging results affect the districts determination or public interest and informed public participation?

⁴¹ See Ambient Air Quality Impact Report, Colusa Generating Station, Clean Air Act PSD Permit No. SAC 06-01, EPA Region 9, May 2008. The record from that permitting action shows that EPA Region 9 considered OpFlex and the Palomar facility in response to a comment on the startup BACT issue. That comment was subsequently withdrawn and so EPA never responded to it formally on the record. But the fact that the agency determined that BACT does not require OpFlex is evident from the fact that the permit does not require it.

SOB 42

Please consider the referenced comments on Colusa as comments for this permit and respond appropriately.

⁴² Data for the Flex Plant 10 comparison come from a permit application the Air District has received for a facility proposing to use a Flex Plant 10 design, District Application #18542. The proposed Flex Plant 10 facility will have a heat input capacity of 1857 MMBtu/hr. The District adjusted the proposed Russell City project's emissions numbers proportionally to the capacity difference between the two facilities to achieve an "apples-to-apples" comparison. Calculations assume ISO standard conditions and 59°F. Data for Russell City assume no supplemental duct burner firing, because the proposed Flex Plant 10 does not use duct burners.

Does this mean that the permit application #18542 is not using BACT? why?

⁶⁵ California Energy Commission Decision for the Russell City Energy Center AFC, Alameda County (Sept. 11, 2002), at p. 67.

⁶⁶ This determination was made based on a comparison of three individual models of combined-cycle combustion turbines using data from Gas Turbine World, an independent technical magazine that covers the gas turbine industry. See Final

Staff Assessment, California Energy Commission Final Staff Assessment for the Russell City Energy Center AFC, Hayward California, June 10 2002 (P800-02-007), at 5.3-4. The turbines evaluated had nominal energy efficiencies of between 55.8% and 56.5%. During review of the September 2007 amendment to that decision, CEC staff "testified that the proposed changes would not change any of the findings or conclusions in the 2002 Decision." Presiding Member's Proposed Decision, Russell City Energy Center, Amendment No. 1 (01-AFC-7C), Alameda County, August 23, 2007 (CEC-800-2007-003-PMPD), at 57. 67 See Final Staff Assessment, California Energy Commission Final Staff Assessment for the Russell City Energy Center AFC, Hayward California, June 10 2002 (P800-02-007), at 5.3-4.

SOB 62

Again is it appropriate to use this vintage data for present permitting or should the district consider potential impacts with contemporary data?

"the state-law permitting process is not being reopened at this time."

SOB 65

Why is the District not opening the State-law process?

What would the effect on permitting be if the District did open the state law process?

In what ways would the existing state-law process not conform to present regulatory requirements, today's emission standards, etc?

If this permit is found to contribute to a violation of state law, does the District have authority to issue this permit? Please cite specific statutory authority.

the increased carcinogenic risk attributed to this project is less than 1.0 in one million, and the chronic hazard index and acute hazard index attributed to the emission of non-carcinogenic air contaminants are each less than 1.0. These risk levels are less than significant for project permitting purposes. The Air District reiterates these results here because they have informed the Air District's conclusions that the control technologies chosen to comply with the Federal PSD Permit requirements will not have any significant adverse ancillary environmental impacts. Please see Appendix B for further information on the Health Risk Assessment

SOB 65

Is the modeling used for the Health risk assessment the same as it should be for the PSD permit?

The Air District has concluded that there are no significant impacts due to air emissions related to the Russell City Energy Center after all of the mitigations required by Federal and District Regulations and the California Energy Commission are implemented. There is no adverse impact on any community due to air emissions from the Russell City Energy Center and therefore there is no disparate adverse impact on an Environmental Justice community located near the facility.

Is there an Environmental Justice Community near the facility?

If so what languages are spoken in the community?

What languages did the district issue documents in?

What specific outreach did the District make in this community?

Has anyone from the District visited this community?

What mitigations directly benefit this community or are not merely regional in nature?

Has anyone from the District visited the site?

To help the reader understand which requirements are part of the proposed amended Federal PSD Permit and which are based solely on state law requirements, the state-law requirements are presented in "strike-through" format below.

SOB 67

Please help this reader understand which requirements are based State and Federal law and which requirements represent change of the existing state law requirements.

Within 180 days of the issuance of the Authority to Construct for the RCEC, the Owner/Operator shall contact the BAAQMD Technical Services Division regarding requirements for the

continuous emission monitors, sampling ports, platforms, and source tests required by conditions 29, 30, 32, 34, and 43. The owner/operator shall conduct all source testing and monitoring in accordance with the District approved procedures. (Regulation 1-501)
SOB 77

Has the applicant performed on the above condition or any condition of the Authority to Construct?

The proposed Russell City Energy Center Power Plant will emit the toxic air contaminants summarized in Table 6, "Maximum Facility Toxic Air Contaminant (TAC) Emissions". In accordance with the requirements of CEQA, BAAQMD Regulation 2-5, and CAPCOA guidelines, the impact on public health due to the emission of these compounds was assessed utilizing the air pollutant dispersion model ISCST3 and the multi-pathway cancer risk and hazard index model ACE.

Are District actions subject to CEQA?

Based upon the results given in Table B-1, the Russell City Energy Center project is deemed to be in compliance with the BAAQMD Toxic Risk Management Policy.
SOB 83

When was the health Risk assessment completed and by whom? Should it be updated?

SUMMARY OF AIR QUALITY IMPACT ANALYSIS FOR THE RUSSELL CITY ENERGY CENTER

December 8, 2008

There appear to be differences between the Air Quality Impact analysis completed for the State permit and the one completed for the Federal permit. Please identify the differences. Which (if any) document is correct and valid for state and federal permitting? When was the new modeling completed and by whom?

The EPA guideline models AERMOD (version 07026) and SCREEN3 (version 96043) were used in the air quality impacts analysis. Because an Auer land use analysis showed that the area within 3 km is classified as rural, the AERMOD option of increased surface heating due to the urban heat island was not selected.
SOB 87

The area to the East of the site is clearly highly developed, how would consideration of this fact affect the modeling results? Table 2 of the newer air quality impact analysis is mostly blank. Please complete table 2.
Would complete information from table 2 be of interest to the public or promote informed participation?

Meteorological data was available from the Automated Surface Observing System (ASOS) at the Oakland International Airport for the years 2003-2007. The site is located 20.8 kilometers to the northwest of the RCEC. AERSURFACE (version 08009) was used to determine surface characteristics in accordance with USEPA's January 2008 "AERMOD Implementation Guide" at both the Oakland Airport and the RCEC project site. Based upon this comparison the Oakland ASOS data was considered representative of the RCEC project location and met all EPA data completeness requirements.
SOB 87

The meteorological data from Oakland would not seem indicative of Hayward Data as confirmed by the transcript of district employee Glen Long emails including. The following. Please provide data from 1 year of site specific monitoring.

Greg,

Jim and I have gone over the land use around the RCEC and the 3 closest met sites. We don't see any similarity between the source site and any of the met sites

Care to monitor for a year : -) ?

Regards
Glen

Air Quality Modeling Results

The maximum predicted ambient impacts of the various modeling procedures described above are summarized in Table III for the averaging periods for which AAQS and PSD increments have been set. Shown in Figure 1 are the locations of the maximum modeled impacts

SOB 88

Please provide complete impact tables for each modeling method.

Figure 1 on page 89 conflicts with figure 1 on page 158 which if any is to be relied on?

Soils and Vegetation Analysis

A detailed vegetation inventory in the project and impact area is also presented in the Russell City Energy Center AFC, Vol. I, May, 2001 and Russell City Energy Center AFC Amendment No. 1 (01- AFC-7), November 2006.

SOB 90

The impact area analysis (survey) was not updated for the 2006 amendment. Is there a possibility vegetation changed in this last decade different vegetation may exist?

“Analysis of the potential adverse impacts on soils, flora and fauna should include existing vegetation types, the percent cover and biomass, spatial distribution and land use. Rare and endangered species and acidic wetlands should also be identified. Ozone concentrations and estimates of fluoride and heavy metal emissions must be supplied with pollutant baseline concentrations and pollutant contribution from all sources.” **April, 1981 PSD Guidance Document 9.4**

How has the District complied with the above quoted PSD guidance document?

Some project area soils (Clear Lake, Danville, and Willows) are considered prime farmland soils when found in open field or agricultural areas, but none of the project facilities cross these soils in any other context than land that is zoned and used as urban, industrial land.

SOB 90

Does this statement confirm earlier concerns about “rural” classification?

There are 1.68 acres of seasonal wetlands on the 14.7-acre project site.

91

This statement appears to describe the original site as would all documents from that era.

The Energy Commission certified the construction and operation of the RCEC in September 2002, on 14.7 acres in the City of Hayward (the City) Industrial Corridor at the southwest corner of the intersection of Enterprise Avenue and Whitesell Street, directly south of the City's Water Pollution Control Facility (WPCF). The location is approximately two miles from the east entrance to the San Mateo-Hayward Bridge (State Route 92).

Through the Petition to Amend, the project owner is now proposing to locate the facility west of the City's WPCF between Depot Road and Enterprise Avenue, approximately 1,300 feet northwest of the original location (300 feet boundary to boundary). The new location will total approximately 18.8 acres with all parcels located within the City of Hayward.

CEC FSA 1- 2 JUNE 2007

Does this statement describe the present site?
What other data is reused from the original site?
Is it appropriate to use data from the wrong site?

Much of the historic salt marsh community within 1 mile of the site has been altered or eliminated by urban development, sewage treatment facilities, salt evaporation ponds, and the construction of dikes and levees to prevent flooding and intrusion of saltwater.

SOB 91

When was this determination made?

Does it describe the old site, as we are aware of no present salt evaporation ponds in the area?
How much of the Historic salt marsh community has been altered or eliminated?
Have there been restoration activities in the area since this statement was made?

Special environmental areas within a 1-mile radius of the project site include Cogswell Marsh, managed by the East Bay Regional Park District, the HARD marsh restoration project and Shoreline Interpretive Center, and a small section of Mt. Eden Creek.

SOB 91

Is the Don Edwards San Francisco Bay National Wildlife Refuge within 1 mile of the project site?

The California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the California Coastal Conservancy launched a four-year public process to design a restoration plan for the South Bay Salt pond restoration Project. The final plan was adopted in 2008 and the first phase of restoration started later that year. Is this within 1 mile of the site?

Have the above agencies been notified of the proximity to the site?

What is the actual distance to the waters of the San Francisco Bay?

Is the on site waterway affected by the tides?

What steps has the district taken to demonstrate consistency with the Coastal Zone Management act?

The Clean Water Act?

The Endangered Species Act?

The Migratory Bird Treaty Act?

What other Federal Act(s) should this permit be consistent with?

The project maximum one-hour average NO₂, including background, is 260 µg/m³. This

concentration is below the California one-hour average NO₂ standard of 338 µg/m³.

SOB 92

Table 9 on page 116 states that the NO₂ emissions are 370 ug/m³. Which (if any) is correct and why is there such a large discrepancy?

The maximum annual RCEC NO₂ impact is 0.16 µg/m³. The maximum annual NO₂ background at the Fremont monitoring station between 2005 and 2007 was in 2005 at 28.2 µg/m³.

Would the hunters point or Oakland monitoring stations be more indicative of Hayward air quality?

What would the result be using upwind monitoring like Hunters point or Oakland?

Is there a provision for local monitoring?

If so why was Hayward not monitored? Hayward has multiple freeways, industrial and bridge impacts that Fremont does not have and is impacted by the port of Oakland and denser uses in Oakland and San Francisco.

(USEPA 1991, "Air Quality criteria for oxides of nitrogen").

(USEPA 1979, "Air Quality criteria for carbon monoxide").

(Zimmerman et al.1989, "Polymorphic regions in plant genomes detected by an M13 probe")

(USEPA 1979, "Air Quality criteria for carbon monoxide")

(Lerman, S.L. and E.F. Darley. 1975. Particulates, pp. 141-158. In: Responses of plants to air pollution, edited by J.B. Mudd and T.T. Kozlowski. Academic Press. New York.)

"A Screening Procedure for the Impacts of Air Pollution Sources on Plants, Soils, and Animals," December 1980

Is there a possibility that newer reference material is available that may lead to a different conclusion?

Is the District familiar with the following determination?

<http://www.dec.state.ak.us/air/ap/docs/modeling%20DEC%20Guidance%20re%20PSD%20Soil%20and%20Vegetation%20Assessments%2012-11-07.pdf>

The Department will no longer recommend comparison of modeled impacts to the 1980 sensitivity thresholds. This document is out of print (has been for at least 10 years) and appears to be no longer used by EPA.

Alan Schuler, P.E.

Environmental Engineer

Alaska Department of Environmental Conservation

Please seek review of these materials and reference any newer Data that has been used in other PSD permits or may be appropriate to validate or invalidate these reports.

Why does table 6 on page 93 reference a 4 hour averaging period for NO₂?

What would the 1 hour concentration be for start up and normal operation?

"Growth Analysis

The proposed project will supply electricity to Northern California. The electricity from the new plant is expected to displace older, less efficient sources of electricity elsewhere in the region."

SOB 93

Please identify the basis for this statement and exactly which older less efficient sources this refers to and when they will be decommissioned.

"There will be little or no associated industrial, commercial, or residential growth as a result of this project."

Is this project based upon future need based upon growth projections?

The electrical generating capacity from the project will be introduced into a regional electrical supply grid and therefore not stimulate local growth.

SOB 93

Does this logic mean that no electric generation that feeds into the "grid" contributes to growth and therefore growth analysis is unwarranted in grid connected permitting?

The entire permanent workforce is expected to commute from within Alameda County.

SOB 93

What are the emissions associated with temporary and permanent workers, like commuting?

The project was originally certified by the California Energy Commission in September, 2002. However, the site has been relocated approximately 1,500 feet to the north from the original location (1.24 miles east of Johnson Landing on the southeastern shore of the San Francisco Bay in the City of Hayward).

SOB 99

What is the actual distance from the original site to the new site?

What is the Actual distance from the site to Roberts Landing?

What is the Distance to the waters of the San Francisco Bay?

What is the distance to the Don Edwards San Francisco Bay National Wildlife Sanctuary?

Under the leadership of Senator, the South Bay Salt Ponds were purchased in 2003 from Cargill Inc. Funds for the purchase were provided by federal and state resource agencies and several private foundations. The 15,100 acre purchase represents the largest single acquisition in a larger campaign to restore 40,000 acres of lost tidal wetlands to San Francisco Bay.

Shortly after the property was purchased, the California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the California Coastal Conservancy launched a four-year public process to design a restoration plan for the property. The final plan was adopted in 2008 and the first phase of restoration started later that year.

What is the distance to the South Bay Salt Pond Restoration Project?

Has the District informed the public, Dianne Feinstein, stakeholders and agencies associated with the National Wildlife Sanctuary and Salt Pond restoration project of the exact proximity?

Could this information affect their interest and informed participation?

The ammonia emissions resulting from the use of SCR may have another environmental impact through its potential to form secondary particulate matter such as ammonium nitrate. Because of the complex nature of the chemical reactions and dynamics involved in the formation of secondary particulates, it is difficult to estimate the amount of secondary particulate matter that will be formed from the emission of a given amount of ammonia.

SOB 109

How "Difficult to estimate" is it to estimate would it be appropriate to make the effort?

However, it is the opinion of the Research and Modeling section of the BAAQMD Planning Division that the formation of ammonium nitrate in the Bay Area air basin is limited by the formation of nitric acid and not driven by the amount of ammonia in the atmosphere.

SOB109

When was this opinion made and what is its basis?

Therefore, ammonia emissions from the proposed SCR system are not expected to contribute significantly to the formation of secondary particulate matter within the BAAQMD. The potential impact on the formation of secondary particulate matter in the SJVAPCD is not known. 109

What would it require for the above potential impact to be "known"

This potential environmental impact is not considered adverse enough to justify the elimination of SCR as a control alternative.

SOB109

What is the threshold?

Table 7 summarizes the offset obligation of the RCEC. The emission reduction credits presented in Table 7 exist as federally-enforceable, banked emission reduction credits that have been reviewed for compliance with District Regulation 2, Rule 4, "Emissions Banking", and were subsequently issued as banking certificates by the BAAQMD under the applications cited in the table footnotes. If the quantity of offsets issued under any certificate exceeded 35 tons per year for any pollutant, the application was required to fulfill the public notice and public comment requirements of District

Regulation 2-4-405. Accordingly, such applications were reviewed by the California Air Resources Board, U.S. EPA, and adjacent air pollution control districts to insure that all applicable federal, state, and local regulations were satisfied.

SOB

Please demonstrate the complete compliance history for the emission reduction credits creation and banking including any public notices.

(Information for certificate #30 is not available)

SOB115

The above caption refers to an emission reduction credit for the facility. What rules apply to identification of Certificate sources?

Why are the emission reduction credits different the the CEC Decision?

AQ-SC11 The project owner shall surrender 12.2 tons per year of SO_x or SO_xequivalent emission reduction credits (ERCs) from certificate 989, 28.5 tons per year of POC ERCs, and 154.8 tons per year of NO_x, or an equivalent combination of NO_x and POC ERCs from certificates 602, 687, 688, and 855, prior to start of construction of the project.
86 cec final decision

Air Quality table 9 on page 116 appears to indicate that the facility would exceed current California NO₂ standards is this correct?

What Authority would allow the District to license the facility to exceed the California standard?

Pursuant to Regulation 2-2-306, a non-criteria pollutant PSD analysis is required for sulfuric acid mist emissions if the proposed facility will emit H₂SO₄ at rates in excess of 38 lb/day and 7 tons per year. However, RCEC has agreed to permit conditions limiting total facility H₂SO₄ emissions to 7 tons per year and requiring annual source testing to determine SO₂, SO₃, and H₂SO₄ emissions. If the total facility emissions ever exceed 7 tons per year, then the applicant must utilize air dispersion modeling to determine the impact (in µg/m³) of the sulfuric acid mist emissions.

SOB 115

2. Emission Offsets

General Requirements

Pursuant to Regulation 2-2-302, federally enforceable emission offsets are required for POC and NO_x (as NO₂) emission increases from permitted sources at facilities which will emit 15 tons per year or more on a pollutant-specific basis. For facilities that will emit more than 35 tons per year of NO_x (as NO₂), offsets must be provided by the applicant at a ratio of 1.15 to 1.0. Pursuant to Regulation 2-2-302.2, POC offsets may be used to offset emission increases of NO_x.

It should be noted that in the case of POC and NO_x offsets, District regulations do not require consideration of the location of the source of the emission reduction credits relative to the location of the proposed emission increases that will be offset.

Timing for Provision of Offsets

Pursuant to District Regulation 2-2-311, the applicant surrendered the required valid emission reduction credits to mitigate the emission increases for the facility prior to the issuance of the Authority to Construct on May 14, 2003. Pursuant to District Regulation 2, Rule 3, "Power Plants," the Authority to Construct was issued after the California Energy Commission issued the Certificate for the proposed power plant

116 SOB

The District-operated Fremont-Chapel Way Monitoring Station, located 18.3 km southeast of the project, was chosen as representative of background NO2 concentrations. Table V contains the concentrations measured at the site for the past 5 years (1996 through 2000).
SOB161

Oakland or hunters point would be more representative of Hayward air Quality but the District should require 1 year of local monitoring and consider the its reports of the effects of the port of Oakland on Hayward.

Please provide a copy of this authority to construct

Regulation 2, Rule 1, Sections 426: CEQA-Related Information Requirements

As the lead agency under CEQA for the proposed RCEC Project, the California Energy Commission (CEC) will satisfy the CEQA requirements of Regulation 2-1-426.2.1 by producing their Final Certification which serves as an EIR-equivalent pursuant to the CEC's CEQA-certified regulatory program in accordance with CEQA Guidelines Section 15253(b) and Public Resource Code Sections 21080.5 and 25523
SOB 117

The CEC approved the project on October 3, 2007 Is the District now the lead agency? Please process this application consistent with CEQA

(a) Any public agency which is a responsible agency for a development project that has been approved by the lead agency shall approve or disapprove the development project within whichever of the following periods of time is longer:

(1) Within 180 days from the date on which the lead agency has approved the project.

(2) Within 180 days of the date on which the completed application for the development project has been received and accepted as complete by that responsible agency.

(b) At the time a decision by a lead agency to disapprove a development project becomes final, applications for that project which are filed with responsible agencies shall be deemed withdrawn.

Government Code Section 65952

CEQA 15052. Shift in Lead Agency Designation

(a) Where a Responsible Agency is called on to grant an approval for a project subject to CEQA for which another public agency was the appropriate Lead Agency, the Responsible Agency shall assume the role of the Lead Agency when any of the following conditions occur:

(1) The Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

(2) The Lead Agency prepared environmental documents for the project, but the following conditions occur:

(A) A subsequent EIR is required pursuant to Section 15162,

(B) The Lead Agency has granted a final approval for the project, and

(C) The statute of limitations for challenging the Lead Agency's action under CEQA has expired.

(3) The Lead Agency prepared inadequate environmental documents without consulting with the Responsible Agency as required by Sections 15072 or 15082, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

(b) When a Responsible Agency assumes the duties of a Lead Agency under this section, the time limits applicable to a Lead Agency shall apply to the actions of the agency assuming the Lead Agency duties.

Note: Authority cited: Section 21083, Public Resources Code;
Reference: Section 21165, Public Resources Code.

What rules have changed or mistakes have been discovered by the District since the issuance of the FDOC or Authority to Construct?

Please demonstrate consistency with the:

San Francisco Bay Coastal Management Program Assessment and Strategy

http://www.bcdc.ca.gov/pdf/2006a_s_final.pdf

<http://coastalmanagement.noaa.gov/welcome.html>

The following document would appear to offer superior alternatives to the proposal. Please adopt superior technologies.

[http://www.netl.doe.gov/technologies/coalpower/turbines/refshelf/papers/Siemens_SGT6-5000F%20\(W501F\)%20Engine%20Enhancements%20to%20Improve%20Op.pdf](http://www.netl.doe.gov/technologies/coalpower/turbines/refshelf/papers/Siemens_SGT6-5000F%20(W501F)%20Engine%20Enhancements%20to%20Improve%20Op.pdf)

Public Resources Code 25519

(h) Local and state agencies having jurisdiction or special interest in matters pertinent to the proposed site and related facilities shall provide their comments and recommendations on the project within 180 days of the date of filing of an application.

BAAQMD rules

2-3-403 Preliminary Decision: Within 180 days of accepting an AFC as complete, the APCO shall conduct a Determination of Compliance review and make a preliminary decision as to whether the proposed power plant meets the requirements of District regulations. If so, the APCO shall make a preliminary determination of conditions to Bay Area Air Quality Management District

2-3-3

be included in the Certificate, including specific BACT requirements and a description of mitigation measures to be required.

2-3-405 Determination of Compliance, Issuance: Within 240 days of the acceptance of the AFC as complete, the APCO shall issue and submit to the commission a Determination of Compliance. If the Determination of Compliance cannot be issued, the APCO shall so advise the Commission. When the AFC is approved by the Commission, the APCO shall ascertain whether the Certificate contains all applicable conditions. If so, the APCO shall grant an authority to construct.

1744.5. Air Quality Requirements; Determination of Compliance.

(a) The applicant shall submit in its application all of the information required for an authority to construct under the applicable district rules, subject to the provisions of Appendix B(g)(8) of these regulations.

(b) The local air pollution control officer shall conduct, for the commission's certification process, a determination of compliance review of the application in order to determine whether the proposed facility meets the requirements of the applicable new source review rule and all other applicable district regulations. If the proposed facility complies, the determination shall specify the conditions, including BACT and other mitigation measures, that are necessary for compliance. If the proposed facility does not comply, the determination shall identify the specific regulations which would be violated and the basis for such determination. The determination shall further identify those regulations with which the proposed facility would comply, including required BACT and mitigation measures. The determination shall be submitted to the commission within 240 days (or within 180 days for any application filed pursuant to Sections 25540 through 25540.6 of the Public Resources Code) from the date of the acceptance.

(c) The local district or the Air Resources Board shall provide a witness at the hearings held pursuant to Section 1748 to present and explain the determination of compliance.

(d) Any amendment to the applicant's proposal related to compliance with air quality laws shall be transmitted to the APCD and ARB for consideration in the determination of compliance. Note: Authority cited: Sections 25218(e) and 25541.5, Public Resources Code. Reference:

Sections 25216.3 and 25523, Public Resources Code.

Is this permit being processed consistent with the EAB remand including the following 3 statements?

The PSD proceedings that are the subject of this case are embedded in a larger California "certification" or licensing process for power plants conducted by the California Energy Commission ("CEC"),

Remand page 1

The PSD provisions that are the subject of the instant appeal are part of the CAA's New Source Review ("NSR") program, which requires that persons planning a new major emitting facility or a new major modification to a major emitting facility obtain an air pollution permit before commencing construction. In addition to the PSD provisions, explained *infra*, the NSR program includes separate "nonattainment" provisions Remand 5

22 As applied to the notice violation, the allegation of error is considered to be the Permit in its entirety. *See In re Chem. Waste Mgmt. of Ind.*, 6 E.A.D. 66, 76 (EAB 1995) (holding that the Board, in accordance with its review powers under 40 C.F.R. § 124.19, is "authorize[d] * * * to review any condition of a permit decision (or as here, the permit decision in its entirety)."

AQ-SC10 In lieu of complying with **AQ-SC7**, **AQ-SC8**, and **AQ-SC9**, the project's combustion turbine/HRSG units shall be designed and built with equipment and control systems to minimize start-up times and emissions. These could include the Fast-Start technology with an integrated control system and a once-through Benson boiler design, appropriate system configuration and equipment to facilitate operating chemistry during starting sequences, and an auxiliary boiler. Page 86

Had this requirement been supported by the Air District (as the concurrent El Segundo AFC) the project would emit 48 tons instead of 86 tons of PM annually. Please process this application consistent with CEC AQ-SC10.

On February 19, 2008 the office of administrative law approved the new NO₂ standard of 338

ug/m³ which goes into effect on March 20, 2008.

15162. Subsequent EIRs and Negative Declarations

a(3)(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative

AQ-SC6 The project owner shall provide the CPM copies of all District issued Authority-to-Construct (ATC) and Permit-to-Operate (PTO) for the facility.

The project owner shall submit to the CPM for review and approval any modification proposed by the project owner to any project air permit.

The project owner shall submit to the CPM any modification to any permit proposed by the District or U.S. EPA, and any revised permit issued by the District or U.S. EPA, for the project.

Verification: The project owner shall submit any ATC, PTO, and any proposed air permit modification to the CPM within five working days of its submittal either by 1) the project owner to an agency, or 2) receipt of proposed modifications from an agency. The project owner shall submit all modified air permits to the CPM within 15 days of receipt.

85

414.3 For determining whether the emission increases from the new or modified facility would cause or contribute to an air quality standard violation or an exceedance of a PSD increment, an analysis of the existing air quality in the impact area of the new or modified facility that includes one year of continuous ambient air quality monitoring data. The continuous air quality monitoring data shall have been gathered over a period of at least one year preceding the receipt of a complete application. The APCO may approve a shorter period (but not less than four months) provided that the period of monitoring includes the time frame when maximum concentrations are expected. The APCO may approve modeling in lieu of ambient air quality monitoring for pollutants for which no air quality standard exists.

Ecosystems occurring in these areas include those commonly encountered in the foothills of the Coast Ranges, such as oak woodland and valley/foothill grassland. Biological habitats within the project area consist primarily of coastal salt marsh, brackish/freshwater marsh, salt production facilities (evaporation ponds),

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12/12/08 Statement of Basis for Proposed Amended PSD Permit Russell City Energy Center

15162. Subsequent EIRs and Negative Declarations

a(3)(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative

15154. Projects Near Airports

(a) When a lead agency prepares an EIR for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted for a project within two nautical miles of a public airport or public use airport, the agency shall utilize the Airport Land Use Planning Handbook published by Caltrans' Division of Aeronautics to assist in the preparation of the EIR relative to potential airport-related safety hazards and noise problems.

(b) A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project described in subdivision (a) unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

(a) Any public agency which is a responsible agency for a development project that has been approved by the lead agency shall approve or disapprove the development project within whichever of the following periods of time is longer:

(1) Within 180 days from the date on which the lead agency has approved the project.

(2) Within 180 days of the date on which the completed application for the development project has been received and accepted as complete by that responsible agency.

(b) At the time a decision by a lead agency to disapprove a development project becomes final, applications for that project which are filed with responsible agencies shall be deemed withdrawn.
Government Code Section 65952

15052. Shift in Lead Agency Designation

(a) Where a Responsible Agency is called on to grant an approval for a project subject to CEQA for which another public agency was the appropriate Lead Agency, the Responsible Agency shall assume the role of the Lead Agency when any of the following conditions occur:

(1) The Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

(2) The Lead Agency prepared environmental documents for the project, but the following conditions occur:

(A) A subsequent EIR is required pursuant to Section 15162,

(B) The Lead Agency has granted a final approval for the project, and

(C) The statute of limitations for challenging the Lead Agency's action under CEQA has expired.

(3) The Lead Agency prepared inadequate environmental documents without consulting with the Responsible Agency as required by Sections 15072 or 15082, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

(b) When a Responsible Agency assumes the duties of a Lead Agency under this section, the time limits applicable to a Lead Agency shall apply to the actions of the agency assuming the Lead Agency duties.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21165, Public Resources Code.

Appendix A

Greenhouse Gas (CO₂) Calculations

Startup?

14. The owner/operator shall not operate the units such that the combined heat input rate to each power train consisting of a Gas Turbine and its associated HRSG (S-1 & S-2 and S-3 & S-4) exceeds 53,726 MM BTU (HHV) per day. (PSD for PM10)

15. The owner/operator shall not operate the units such that the combined cumulative heat input rate for the Gas Turbines (S-1 & S-3) and the HRSGs (S-2 & S-4) exceeds 35,708,858 MM BTU (HHV) per year. (Offsets)

The following document is incorporated into these comments:

From: Schuler, Alan E (DEC)

Sent: Tuesday, December 11, 2007 1:46 PM

Subject: PSD Vegetation and Soil Assessments

<http://www.dec.state.ak.us/air/ap/docs/modeling%20DEC%20Guidance%20re%20PSD%20Soil%20and%20Vegetation%20Assessments%2012-11-07.pdf>

Also Incorporated for review by the District :

Advanced Power Plant Development and Analyses Methodologies Final Report

Reporting Period: August 1, 2000 – June 30, 2006

<http://www.netl.doe.gov/technologies/coalpower/fuelcells/seca/pubs/reports/UCI%20Final%20Report%20DE-FC26-00NT40845.pdf>

Associated Growth

“Associated Growth” is additional commercial, residential, industrial and other growth that the project may cause or induce. This type of growth is growth in the local workforce and support infrastructure necessary to serve the proposed facility. Examples include additional residential housing, retail suppliers, and additional schools and municipal services that would be necessary to accommodate any new workers that would come to the area to work in the facility. Examples also include any additional commerce or industry necessary to provide goods and services used by the facility, maintenance facilities to serve the facility, and other similar support operations. Emissions from “associate growth” are the emissions associated with this additional human and economic activity generated as a result of the facility under review. The Air District undertook an associated growth analysis and found that there would be no significant associated growth.⁴

SOB 16

This definition of growth ignores the growth associated with increased electrical capabilities.

Hereby incorporated into these comments:

September 8, 1988 MEMORANDUM

SUBJECT: EPA Region IX Policy on PSD Permit Extensions

FROM: Wayne Blackard, Chief New Source Section

<http://www.epa.gov/region07/programs/artd/air/nsr/nsrmemos/extnsion.pdf>

SUBJECT: EPA Region IX Policy on PSD Permit Extensions

The project maximum one-hour average NO₂, including background, is 260 µg/m³. This concentration is below the California one-hour average NO₂ standard of 338 µg/m³. Nitrogen dioxide is potentially phytotoxic, but generally at exposures considerably higher than those resulting from most industrial emissions. Exposures for several weeks at concentrations of 280 to 490 µg/m³ can cause decreases in dry weight and leaf area, but 1-hour exposures of at least 18,000 µg/m³

are required to cause leaf damage. The maximum annual RCEC NO₂ impact is 0.16 µg/m³. The maximum annual NO₂ background at the Fremont monitoring station between 2005 and 2007 was in 2005 at 28.2 µg/m³. The total annual NO₂ concentration (project plus background) of 28.4 µg/m³ is far below these threshold limits (219.0 µg/m³). In addition, the total predicted maximum 1-hour NO₂ concentrations of 260 µg/m³ would be significantly less than the 1-hour threshold (7,500 µg/m³ or 3,989 ppm) for 5 percent foliar injury to sensitive vegetation (USEPA 1991, "Air Quality criteria for oxides of nitrogen").⁹²

The ammonia and other toxins effects on vegetation is ignored in the analysis.

Growth Analysis

The proposed project will supply electricity to Northern California. The electricity from the new plant is expected to displace older, less efficient sources of electricity elsewhere in the region. There will be little or no associated industrial, commercial, or residential growth as a result of this project. The electrical generating capacity from the project will be introduced into a regional electrical supply grid and therefore not stimulate local growth.

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Permit Expiration

As provided in 40 CFR 52.21(r), this PSD Permit shall become invalid if construction:

A. is not commenced (as defined in 40 CFR 52.21(b)(9)) within 18 months after the approval takes effect;..

The stack gas volumetric flow rates. The system shall meet EPA Performance Specifications 40 CFR 52, Appendix E.

Each CEMS shall meet the applicable requirements of 40 CFR 60 Appendix B, Performance Specifications 2, 3, and 4, and 40 CFR Part 60 Appendix F, Procedure 1, and shall be certified and tested in accordance with Condition IX.F.5.

The flow meter shall be sufficient to measure the flow rates of pilot gas, purge gas, and any other gas routed to the flare and shall be certified in accordance with section 2.1.5 of 40 CFR Part 75, Appendix D.

Deposited ammonia also can contribute to problems of eutrophication in water bodies, and deposition of ammonium particles may effectively result in acidification of soil as ammonia is taken up by plants.

Except as provided in the grandfathering provisions that follow, these final rules go into effect

and must be implemented beginning on the effective date of this rule, July 15, 2008 in all areas subject to 40 CFR 52.21, including the delegated States. Consistent with 40 CFR 52.21(i)(1)(x), wherein EPA grandfathered sources or modifications with pending permit applications based on PM from the PM10 requirements established in 1987, EPA will allow sources or modifications who previously submitted applications in accordance with the PM10 surrogate policy to remain subject to that policy for purposes of permitting if EPA or its delegate reviewing authority subsequently determines the application was complete as submitted. This is contingent upon the completed permit application being consistent with the requirements pursuant to the EPA memorandum entitled "Interim Implementation of New Source Review Requirements for PM2.5" (Oct. 23, 1997) recommending the use of PM10 as a surrogate for PM2.5. Accordingly, we have added 40 CFR 52.21(i)(1)(xi) to reflect this grandfathering provision.

2. Transition

With this finalization of the new PM2.5 NSR implementation requirements under 40 CFR 51.165, States now have the necessary tools to implement a NA NSR program for PM2.5. After the effective date of the amended rule (that is, July 15, 2008, States will no longer be permitted to implement a

NA NSR program for PM10 as a surrogate for the PM2.5 NA NSR requirements.

Most States will then need to implement a transitional PM2.5 NA NSR program under appendix S (as amended in this rulemaking action) until EPA approves changes to a State's SIP-approved NA NSR program to reflect the new requirements under 40 CFR 51.165. At this time, we do not believe it is appropriate to allow grandfathering of pending permits being reviewed under the PM10 surrogate program in nonattainment areas, mainly because of a State's obligations to expedite attainment and the fact that we had not established a similar precedent for transitioning from PM to PM10.

Fed. Reg. 28231, 28349-50 (May 16, 2008)

<http://edocket.access.gpo.gov/2008/pdf/E8-10768.pdf>

(2) Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The Administrator may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18

months of the projected and approved
commencement date.

During recent years, in response to an increased awareness of the adverse consequences of air pollution and environmental degradation, the government has enacted legislation that is of interest to lichenologists. This paper discusses the role of lichen research in the development of this legislation or in decisions made as a result of the legislation. The major acts of interest are the National Environmental Policy Act (NEPA) of 1969 and the Clean Air Act of 1970 and its 1977 amendments. Under NEPA, the federal government announced its commitment to maintain and enhance the environmental quality of the United States. Under the Clean Air Act, the Environmental Protection Agency was authorized to establish the National Ambient Air Quality Standards; the Prevention of Significant Deterioration Class I, II and III areas; and the "adverse impact" determination for Class I areas. After review of the air pollution literature, comparison of the effects of gaseous sulfur dioxide on photosynthesis in lichens and vascular plants showed that some lichens (1) may not be as sensitive as some crops, (2) may be more sensitive than some conifers, and (3) may be about as sensitive as some native herbs and shrubs. However, it appears that visible injury symptoms occur at lower doses in crops and conifers than in lichens. Evaluation of the lichen/air pollution research (e.g. mapping, laboratory and field fumigations, and ecological baseline studies) and a computer search of environmental impact statements showed that if the efforts of lichenologists are to be of use to government decision makers, the researchers must (1) use representative concentrations of pollutants, (2) use fluctuating exposures, in addition to constant concentrations, (3) use mixtures as well as single pollutants, (4) determine the importance of peak concentrations to long-term averages on effects, (5) develop dose-response curves for single and mixed pollutants, (6) relate laboratory results to field observations, (7) document changes in lichen communities related to measured concentrations of ambient pollutants, and (8) determine the significance of lichens in the structure and function of ecosystems.

<http://www.jstor.org/pss/3242790>

Startup and Testing of Siemens V84.3A Combustion Turbine in Peaking Service at Hawthorn Station of Kansas City Power & Light Company

<http://mydocs.epri.com/docs/public/TR-108609.pdf>

ASTM fuel sulfur analysis methods were updated to correspond with NSPS Subpart GG as revised July 2004.

http://www.adeg.state.ar.us/ftp/root/pub/commission/p/08-007-P%20AEP%20Service%20Corp%20&%20Swepco-Hempstead%20Co%20Hunting%20Club/2008-12-03_Ex_116_Southern_Company_Calc_Method_3-03.pdf

http://www.baaqmd.gov/pmt/air_toxics/permit_modeling/psd_increment_consumption_status_report_4_16_08.pdf

The District has not demonstrated compliance with the following laws. Please demonstrate compliance.

§ 51.166 40 CFR Ch. I (7-1-08 Edition)

(q) *Public participation.* The plan shall provide that—

(1) The reviewing authority shall notify all applicants within a specified time period as to the completeness of the application or any deficiency in the application or information submitted. In the event of such a deficiency, the date of receipt of the application shall be the date on which the reviewing authority received all required information.

(2) Within one year after receipt of a complete application, the reviewing authority shall:

(i) Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

(ii) Make available in at least one location in each region in which the proposed source would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination.

(iii) Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and of the opportunity for comment at a public hearing as well as written public comment.

(iv) Send a copy of the notice of public

comment to the applicant, the Administrator and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: Any other State or local air pollution control agencies, the chief executives of the city and county where the source would be located; any comprehensive regional land use planning agency, and any State, Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification.

(v) Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations.

(vi) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. The reviewing authority shall make all comments available for public inspection in the same locations where the reviewing authority made available preconstruction information relating to the proposed source or modification.

(vii) Make a final determination whether construction should be approved, approved with conditions, or disapproved.

(viii) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the reviewing authority made available preconstruction information and public comments relating to the source

40cfr124.13

(A comment period longer than 30 days may be necessary to give commenters a reasonable opportunity to comply with the requirements of this section. Additional time shall be granted under § 124.10 to the extent that a commenter who requests additional time demonstrates the need for such time.)

§ 124.8 Fact sheet

(3) For a PSD permit, the degree of increment consumption expected to result from operation of the facility or activity.

(4) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record required by § 124.9 (for EPA-issued permits);

(5) Reasons why any requested variances or alternatives to required standards do or do not appear justified;

(6) A description of the procedures for reaching a final decision on the draft permit including:

(i) The beginning and ending dates of

the comment period under § 124.10 and
the address where comments will be received;

(ii) Procedures for requesting a hearing
and the nature of that hearing; and

(iii) Any other procedures by which
the public may participate in the final
decision.

(7) Name and telephone number of a
person to contact for additional information.

124.6 Draft permits.

and all variances

that are to be included under § 124.63.

Under the federal Magnuson-Stevens Act and the Endangered Species Act, San Francisco Bay is considered critical habitat for certain fish species, such as Chinook salmon and Delta smelt, by the United States Fish and Wildlife Service and the National Marine Fisheries Service because the Bay plays an essential role in their life cycles. The Magnuson-Stevens Act requires that the National Marine Fisheries Service provide conservation recommendations to state agencies, such as the Commission, when a proposed project would have adverse impacts on essential fish habitat. What efforts has the District taken to demonstrate consistency with the Magnuson-Stevens Act?

a. Dissolved oxygen is needed to support marine life and to help break down pollutants in the water. The amount of oxygen in the Bay is largely determined by the surface area of the Bay because primary sources of oxygen are: (1) churning waves that trap oxygen from the air; (2) the water surface, which absorbs oxygen from the air; and (3) the exposed mudflats, which both produce and absorb oxygen while the tide is out and transfer it to the water when the tide comes in. What effect will the project have on these resources?

The Hayward Shoreline consists of marshland, bay and sloughs, and comprises of remaining natural wetlands in California. It plays an important role in providing wintering habitat for waterfowl of the Pacific Flyway. During years of drought the area becomes particularly important to waterfowl by virtue of its large expanse of aquatic habitat and the scarcity of such habitat elsewhere. The area provides critical habitat for other wildlife forms, including such endangered, rare, or unique species as the peregrine falcon, white-tailed kite, golden eagle, California clapper rail, black rail, salt-marsh harvest mouse, and Suisun shrew. The existence of this wide variety of wildlife is due to the relatively large expanse of unbroken native habitat and the diversity of vegetation and aquatic conditions that prevail in the marsh. Man is an integral part of the present marsh ecosystem and, to a significant extent, exercises control over the widespread presence of water and the abundant source of waterfowl foods. The Hayward Shoreline represents a unique and irreplaceable resource to the people of the state and nation. Future residential, commercial, and industrial developments could adversely affect the wildlife value of the area. It is the policy of the state and Nation to preserve and protect resources of this nature for the enjoyment of the current and succeeding generations. How does this project protect these resources?

How far is the project from the Oliver Salt Ponds and what has the District done to demonstrate

consistency within the National Register of Historic Places. Oliver Salt Ponds is designated a "Rural Historic Landscape"

Please demonstrate the Districts efforts to comply with the following provision of the PSD delegation agreement. Specifically also include records of consultation with the CEC, USFWS, Alameda County, City of Hayward, Alameda county public health Department, Army Corp of Engineers California Department of Fish and Game and the Federal land manager(s) with jurisdiction over the United States waters of the San Francisco Bay and shoreline.

3. The District must consult with the appropriate Federal, State and local land use agencies prior to issuance of a PSD permit preliminary determination. For the purposes of the Endangered Species Act (ESA), the District shall:

Notify the appropriate Federal Land Manager (FLM) within 30 days of receipt of a PSD permit application. If the proposed project will impact a Class I area, notify the appropriate Federal Land Manager (FLM) no later than 60 days prior to issuing a public notice for the project.

Notify the Fish and Wildlife Service (FWS) and EPA when a submitted PSD permit application has been deemed complete, in order to assist EPA in caring out its nondelegable responsibilities under Section 7 of the ESA (PL 97-304) .

Notify applicants of the potential need for consultation between EPA and FWS if an endangered species may be affected by the project.

Refrain from issuing a final PSD permit unless FWS has determined that the proposed project will not adversely affect any endangered species

EPA/BAAQMD PSD DELEGATION AGREEMENT

All Email communications from Rob Simpson and District responses are hereby incorporated into these comments by reference.

The CEC record for the Eastshore Energy Center and Russell City Energy Center are hereby incorporated by reference into these comments.

All questions posed in these comments that lead to a response that could lead to a better way to permit this facility are in effect requesting that the better way be utilized.

The District is requested to forward all applicable comments and permit information including those in the EAB appeal 08-01 to USFWS and other applicable agencies for their determinations.

(NOTE REVISED ADDRESS)

**"Notice of Public Hearing and Notice Inviting Written Public Comment on"
Proposed Air Quality Permit for the Russell City Energy Center, Hayward, CA**

The Bay Area Air Quality Management District ("District") is proposing to issue an amended Prevention of Significant Deterioration ("PSD") Permit for the Russell City Energy Center. Before doing so, the District is providing the public with notice of its proposal and an opportunity to review and comment on the proposed permit. The District is also holding a public hearing to provide the public with an opportunity to comment in person.

The proposed Russell City Energy Center is a 600-megawatt natural gas fired combined-cycle power plant to be built by Russell City Energy Company, LLC, (50 W. San Fernando Street, San Jose, CA 95113) an affiliate of Calpine Corporation. The proposed facility would be located at 3862 Depot Road, near the corner of Depot Road and Cabot Boulevard, in Hayward, CA." Notice

Because the applicant address is placed first and in parenthesis and the (revised) site address is placed second and disjointed with an inaccurate reference tho the sites proximity to Cabot Boulevard the permit should be renoticed.

A transcript of an August 18, 2008 email from Barbara McBride at Calpine to Weyman Lee at the District states:

"Can you please change the name on the Russell City Energy Center Permit owner to Russell City Energy Company LLC and

the address should be

3875 Hopyard Rd. #345
Pleasanton CA 94588

Thank you so much”

Because of the change in name and location of the applicant the permit should be renoticed.

Because the District identified Calpine But did not identify the other owner GE the permit should be renoticed.

“The proposed power plant will consist of two combustion turbine generators, two heat recovery steam boilers, a steam turbine generator and associated equipment, a wet cooling system, and a diesel fire pump. The District initially issued a permit for the project in 2002, but it was subsequently relocated approximately 1,500 feet to the north. The permit therefore needs to be amended.” Notice

Wet cooling systems are often associated with large outbreaks of Legionnaires’ disease. Adequate consideration of the health risks of a wet cooling system has not been disclosed. Please complete a Health Risk Analysis of the wet cooling system.

Because the District did not issue a psd permit in 2002 and the relocation of the site has not been accurately disclosed the permit should be renoticed.

“Under the proposed amended permit, the facility would be allowed to emit significant amounts of certain PSD-regulated air pollutants, including the following:

Nitrogen Oxides (as NO₂): 134.6 tons per year

Carbon Monoxide (CO): 389.3 tons per year

Particulate Matter (PM): 86.8 tons per year” Notice

Because the pollutants disclosed do not reflect other pollutants subject to PSD limits and the disclosed pollutants are not expressed in context of their effects on air quality the permit should be renoticed.

Please disclose the amount of particulate matter “spare the air days” eliminates and the cost of “spare the air days”

“The project will utilize the Best Available Control Technology to minimize emissions of these air pollutants as required by 40 C.F.R. Section 52.21. The proposed project will not consume a significant degree of any PSD increment.” Notice

Because the project does not propose to use the Best Available Control Technology the permit should be renoticed.

Because the notice does not provide an accurate increment analysis or analysis on the effect on air quality the permit should be renoticed. As in the CEC emission impacts air quality table 3 (utilizing the old PM standards)

http://www.baagmd.gov/pmt/air_toxics/permit_modeling/psd_increment_consumption_status_report_4_16_08.pdf

**AIR QUALITY Table 3
Project Operation Emission Impacts**

Pollutants	Avg. Period	Impacts ($\mu\text{g}/\text{m}^3$)	Background ($\mu\text{g}/\text{m}^3$)	Total Impacts ($\mu\text{g}/\text{m}^3$)	Standard ($\mu\text{g}/\text{m}^3$)	Percent of Standard
NO ₂	1-hour (start-up)	77.08	143	220.08	470 ¹	47%
	1-hour (steady state) ³	226.8	143	369.8	470 ¹	79%
	Annual	0.14	32	32.1	100 ²	32%
SO ₂	1-hour	4.92	102.2	107.12	655 ¹	16%
	24-hour	1.1	23.5	24.6	105 ¹	23%
CO	1-hour	1,069.71	3,680	4,749.71	23,000 ¹	21%
	8-hour	178.23	2,178	2,356.23	10,000 ¹	23%
PM10	24-hour	2.94	51.7	54.64	50 ¹	109%
	Annual	0.15	18.1	18.25	20 ¹	91%
PM2.5	24-hour	2.94	39.9	42.48	65 ²	65%
	Annual	0.15	9.4	9.55	12 ¹	80%

Notes

1. State standards
 2. Federal standards
 3. Including impacts from fire pump engine.
- Source: RC 2006a.

The District initially issued an amended PSD permit for the new location on November 1, 2007. Subsequently, the U.S. Environmental Protection Agency's Environmental Appeals Board determined that the District should provide notice of the proposed permit, and an opportunity to comment on it, to additional parties. The District is therefore re-noticing the proposed amended PSD permit at this time. The District will review and consider any comments received before determining whether to issue a final amended PSD permit. Notice

Because the Air pollution control officer Jack Broadbent made clear in a public meeting that he has made the determination to issue the permit before he has even reviewed the public comments the District should state this fact in the notice and not claim that the determination has not been made.

The proposed amended PSD Permit is a federal permit issued by the District on behalf of the United States Environmental Protection Agency ("EPA"). The District issues PSD permits under a Delegation Agreement with EPA. The District also participates in the California Energy Commission's licensing process under state law and issues a District Authority to Construct incorporating the Energy Commission's requirements. The District issued an Authority to Construct for the Russell City Energy Center jointly in the same document with the federal PSD Permit on November 1, 2007. Only the federal PSD Permit has been remanded, and only the federal PSD permit is being re-noticed. The Authority to Construct is not being reopened and this notice applies only to the proposed amended PSD permit.

Further information about the project and how it will comply with applicable PSD regulatory requirements is available in the District's Statement of Basis for the proposed amended permit. A fact sheet about the project, the Statement of Basis for the proposed permit, proposed permit conditions, the permit application and all data submitted by the applicant, and all other supporting materials are available for public inspection at the Communications and Outreach Office located on the 5th Floor of District Headquarters, 939 Ellis Street, San Francisco, CA, 94109. The fact sheet, Statement of Basis, and proposed permit conditions are also available on the District's website at www.baaqmd.gov. Copies of any of these documents and further information about the project can also be obtained by calling or writing to Weyman Lee, P.E., Senior Air Quality Engineer, Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA, 94109, (415) 749-4796, weyman@baaqmd.gov. Notice

Because the District has thwarted public access to further information the and misrepresented this permit the permit should be renoticed.

PROJECT FACT SHEET

The Air District is proposing to incorporate the changes that have been made to the proposed project into the Federal PSD Permit that was initially issued in 2002, including the new project site.

This statement is patently false and would create the appearance of propriety when none exists. The permit should be renoticed and associated documents should be current and accurate.

All documents lean on an Authority to Construct that is no longer valid. The District should rescind the Authority to Construct to comply with the Clean Air Act.

Rob Simpson