

February 6, 2009

VIA ELECTRONIC AND U.S. MAIL

Mr. Weyman Lee  
Senior Air Quality Engineer  
Bay Area Air Quality Management District  
939 Ellis St.  
San Francisco, CA 94109  
[weyman@baaqmd.gov](mailto:weyman@baaqmd.gov)

Re: Proposed Statement of Basis and Proposed Permit Conditions for amended  
PSD Permit. Russell City Energy Center, Application # 15487

Dear Mr. Lee:

I am writing in opposition to the proposed Amended Federal Prevention of Significant Deterioration ("PSD") Permit for the Russell City Energy Center. The Russell City Energy Center would be located in my Congressional District in an area that is bordered by an important biological area on one side and a 69% minority and low-income residential community on the other side. My constituents are overwhelmingly opposed to a new power plant in an area that already suffers from poor air quality. The proposed PSD permit fails to meet federal requirements regarding the use of best available control technology ("BACT"). Although including limits on greenhouse gas emissions in the proposed permit is commendable, it must be done right. Unfortunately, the proposed permit is based on a defective BACT analysis. It fails to prevent air quality impacts that will contribute to violations of the national ambient air quality standards ("NAAQS") in the Hayward area should the Russell City plant be built. Finally, the draft permit does not adequately take into account the potential negative impact on critical habitats and wildlife along the adjacent Hayward Shoreline. For these reasons I urge you to not approve the proposed permit.

The San Francisco Bay Area is classified as non-attainment for Ozone, PM-10, and PM-2.5. In fact, the air quality in the Bay Area is so poor that the BAAQMD last year instituted "Spare the Air" days and has made it illegal to burn fireplaces on these days. How can the BAAQMD reconcile prohibiting my constituents from lighting a woodstove in order to protect air quality while approving a 600 megawatt fossil fuel powered plant that will produce 86.8 tons/year of PM-10?

I commend BAAQMD for recognizing the necessity of setting a CO2 limit. Under the Clean Air Act, CO2 is a pollutant subject to regulation and control using the BACT analysis. In this case, the District's analysis is faulty. The District completely ignores

possible alternatives, such as new technologies or use of non-fossil fuel energy in combination with natural gas combustion. Instead the focus is primarily on the efficiency of the turbines that Calpine has already purchased. Relying on the California Energy Commission's (CEC) 2002 analysis, the District ignores efficiency improvements that have occurred during the last 6+ years and bases the CO2 limits on what the old technology can achieve. Such a foregone conclusion is in violation of the strict analysis required under the Clean Air Act. While the turbines purchased for Russell City may have represented the best available control technology in 2002, the BAAQMD cannot conclude that they meet BACT standards now.

The proposed permit does not address the impacts that the Russell City plant will have on nearby critical habitats and wildlife populations. The facility is slated for construction adjacent to 1,713 acres of salt, fresh, and brackish water marshes, seasonal wetlands, and public trails. This land is habitat for 208 bird species and many small mammals. Twenty of these species are rare, threatened, or endangered, including the Salt Marsh Harvest Mouse, Western Snowy Plover, and the California Clapper Rail. The endangered harvest mouse is endemic only to the Bay Area and is specially protected by a preserve in the Hayward marsh just down stream of a proposed flood control channel for the power plant. There is no analysis in the proposed permit regarding the direct and indirect impacts that emissions from the Russell City plant will have on these critical wildlife populations. The permitting process should not move forward until the impacts on these populations are fully known.

The proposed permit is faulty on numerous levels and should not be approved. The Bay Area is already a non-attainment area for ozone and particulate matter pollution. The siting of a large new power plant in the Hayward community will exacerbate the health risks associated with air pollution, particularly for children and seniors in the nearby area and will lead to additional air quality non-attainment days. The District conducts an erroneous BACT analysis regarding CO2 emissions and relies on outdated information. Finally, the District fails to examine the effects that increased air pollution will have on adjacent wildlife. For these reasons, the BAAQMD should withdraw the proposed permit.

Sincerely,

Pete Stark  
Member of Congress

Cc: Debbie Jordan, EPA

