

Brenda Cabral
Bay Area Air Quality Management District
939 Ellis Street,
San Francisco, CA 94109

Comments on the Los Medanos Title V and Acid Rain Permit

Thank you for the opportunity to comment on the Title V and acid rain permit Application number 10470 for the Los Medanos Energy Center facility ID. Number B1866. The facility received its initial Title V permit on September 1, 2001. The permit is being reopened in response to an EPA order dated May 24, 2004 upholding an Appeal filed by Our Children's Earth (OCE) and Californians for Renewable Energy, Inc. (CARE). Attached as exhibit 1 are two letters from your Public Records department promising a complete report on the Notices of Violations and subsequent enforcement activities associated with them. At this time it is impossible to comment on the Title V permit application and we therefore formally requesting a public hearing for this reopening of the permit, and that the approval of the application be postponed until such time as your records department informs us of the nature and extent of the violations that have occurred at this facility. After many contacts with your agency we are extremely disappointed that you have not responded to our requests in a timely manner forcing us to request further delays in the processing of this permit. CARE appreciates the opportunity to comment on the Major Facility Review Permit of the Los Medanos Energy center LLC.

CARE notes that on page 2 of the engineering analysis the application states “ **The turbine does not comply continuously with the CO and NOx emission limitations while its combustors are being tuned.**

Further in the engineering analysis on page 5 the analysis states “Because **the gas turbines at LMEC are equipped with oxidation catalysts, there will be no increase in CO and POC emission rates during steam turbine cold start-ups or combustor tuning episodes.**” While the statement on page 2 clearly states that CO limits have been violated during combustion tuning the later statement on page 5 contradicts this

**Current and Proposed Emission Rate Limits during
Steam Turbine Cold Start-up and Combustor Tuning**

Operating Mode	NOx	
	Current	Proposed
Steam Turbine Cold Start-up or Combustor Tuning (lb/hr)	80	120
Steam Turbine Cold Start-up or Combustor Tuning (lb/period)	240	300

Because the gas turbines at LMEC are equipped with oxidation catalysts, there will be no increase in CO and POC emission rates during steam turbine cold start-ups or combustor tuning episodes.

The results of the revised PSD modeling are shown below.

**California and National Ambient Air Quality Standards and
Ambient Air Quality Levels from the Proposed Project ($\mu\text{g}/\text{m}^3$)**

Pollutant	Averaging Time	Maximum Background	Maximum Project Impact	Maximum Project impact plus maximum background	California Standards	National Standards
NO ₂	1-hour	164	235	399	470	---

statement. Conversations with the California Energy commission personnel indicate that the project has in fact exceeded its CO limits several times and the question remains why the proposed permit does not reflect this reality. We have attempted numerous times to acquire the Compliance history on this project from the BAAQMD and continue to be denied information critical to assessing this permit. The BAAQMD Public Records department will not release this information on the violations of this facility claiming that there is an ongoing criminal investigation. These statements draw into question the compliance statement on page 6 of the Engineering analysis which states that the project is in compliance with all its permit conditions how can this be so if the facility is the subject of a criminal investigation. Until such time that the applicant has paid all necessary civil and criminal penalties this permit should be held in abeyance.

The engineering analysis is also flawed in that maximum NO₂ impacts are evaluated based on a 300 pound per tuning period limitation and the applicant is requesting a 600 pound per period NO_x limitation during cold start up and combustor tuning episodes. See analysis below from page 5 of the engineering evaluation. Note that the proposed

pounds per period is only 300 pound when the applicant is requesting 600 pounds per period.

The engineering analysis also state that the project is exempt from CEQA. .

This project is categorically exempt from District CEQA Regulation 2-1-311 pursuant to Regulation 2-1-312.11 (Permit applications for a new/modified source(s) or for process changes which will satisfy the "No Net Emission Increase" provisions of Regulation 2, Rule 2, and for which there is no possibility that the project may have any significant environmental effect in connection with any environmental media or resources other than air quality) and therefore is not subject to CEQA review.”

The BAAQMD has never performed a CEQA analysis on this project and at the current time this amendment has not been formally approved by the Energy commission the lead agency for CEQA review. The piecemeal revision of individual permit conditions continues to elude the scrutiny of the formal California Energy commission CEQA Review process. The Delta Energy center which is located a few miles from the Los Medanos Project is currently requesting the identical exemption from its permit conditions and the heavily industrialized Pittsburg area should necessitate a CEQA Review which includes a cumulative impact analysis of all the major sources in such close proximity to one another. A table of major sources within a six mile radius is presented below to demonstrate the large number of facilities emitting NOx in the project area indicating a Cumulative analysis should be included in this permit to prevent the piecemeal avoidance of CEQA analysis.

18 Nitrogen Oxides (NOx) industrial (point) emissions sources found

1. Maximum Value:	3460 Tons/yr.	Note: Data and summary statistics in this table are for point (industrial) sources only.	
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Average Value:	286 Tons/yr.	Use the "Gridded Emissions" option to see additional types of sources.
Total Emissions :	5150 Tons/yr.	

Facil ID	Company	Address	Nitrogen Oxides (NOx) (Tons/yr)	SIC Code	
12	MIRANT DELTA, LLC	696 W 10th Street PITTSBURG, CA 94565	3460	49 Electric, Gas, Sanitary Services	-
18	MIRANT DELTA, LLC	3201 Wilbur Avenue ANTIOCH, CA 94509	1160	49 Electric, Gas, Sanitary Services	-
2180	GAYLORD CONTAINER CORPORATION	1779 Wilbur Avenue ANTIOCH, CA 94509	61.5	49 Electric, Gas, Sanitary Services	-
11928	CALPINE PITTSBURG LLC	Loveridge Road PITTSBURG, CA 94565	57.5	49 Electric, Gas, Sanitary Services	-
3244	GWF POWER SYSTEMS,	1600 Loveridge Road PITTSBURG, CA 94565	53.3	49 Electric, Gas, Sanitary Services	-

LP (SITE 2)					
3246	GWF POWER SYSTEMS, LP (SITE 5)	555 Nichols Road PITTSBURG, CA 94565	50.5	49 Electric, Gas, Sanitary Services	-
2371	USS- POSCO INDUSTRIE S	900 Loveridge Road PITTSBURG, CA 94565	47.6	33 - Primary Metal Industries	
173	GEORGIA PACIFIC CORPORAT ION	801 Minaker Street ANTIOCH, CA 94509	47	32 - Stone, Clay, and Glass Products	
3243	GWF POWER SYSTEMS, LP (SITE 1)	895 E 3rd Street PITTSBURG, CA 94565	46.4	49 Electric, Gas, Sanitary Services	-
3245	GWF POWER SYSTEMS, LP (SITE 3)	2000 Wilbur Avenue ANTIOCH, CA 94509	45.4	49 Electric, Gas, Sanitary Services	-
3981	GWF POWER SYSTEMS, LP (SITE 4)	3400 Wilbur Avenue ANTIOCH, CA 94509	34.1	49 Electric, Gas, Sanitary Services	-
31	DOW CHEMICAL COMPANY	Loveridge Road PITTSBURG, CA 94565	26.5	51 - Whlesle Trade- Nondurable Goods	

11866	LOS MEDANOS ENERGY CENTER	750 E 3rd Street PITTSBURG, CA 94565	24	49 Electric, Gas, Sanitary Services	-
227	CRITERION CATALYSTS COMPANY LP	2840 Willow Pass Road PITTSBURG, CA 94565	19.6	28 - Chemicals and Allied Products	
1258	DELTA DIABLO SANITATION DISTRI	2500 Pittsburg & Antioch ANTIOCH, CA 94509	10	SIC Code Description N/A	
119	JOHNS MANVILLE CORPORATION	E 3rd & Harbor Street PITTSBURG, CA 94565	2	50 - Wholesale Trade-Durable Goods	
932	AMERICAN COLOR GRAPHICS	1221 California Ave PITTSBURG, CA 94565	1.19	27 - Printing and Publishing	
2282	GENERAL CHEMICAL CORPORATION	501 Nichols Road PITTSBURG, CA 94565	0.44	49 Electric, Gas, Sanitary Services	-

Respectfully submitted,

Michael E. Boyd

Filed Electronically 9-20-04

Michael E. Boyd – President, CARE

5439 Soquel Drive
Soquel, California 95073
(831) 465-9809
E-mail: michaelboyd@sbcglobal.net

Verification

I am an officer of the commenting corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 20th, 2004, at Soquel, California



Michael E. Boyd – President, CARE
CALifornians for Renewable Energy, Inc. (CARE)
5439 Soquel Dr.
Soquel, CA 95073-2659
Tel: (408) 891-9677
Fax: (831) 465-8491

michaelboyd@sbcglobal.net

Exhibit 1



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

July 17, 2003

Robert Sarvey
501 W. Grantline Road
Tracy, CA 95376

**Subject: Public Records Act Requests # 03-07-49 & 50
Pending NOV's for Delta Center and Los Medanos**

Dear Mr. Sarvey:

This letter responds to your request for records.

The Notice of Violations are still under investigation by the District. Pursuant to the State of California Government Code, Section 6254, Subdivision (f), records of complaints to or investigations by a local governmental agency for law enforcement purposes are exempt from the Public Records Act disclosure requirement.

I assure you that once the District enforcement action is completed, the associated public record will be forwarded to you at the earliest possible opportunity.

If you have further questions, please contact me at (415) 749-4784.

Sincerely,

A handwritten signature in black ink that reads "Rochelle Henderson".

Rochelle Henderson
Public Records Coordinator



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

September 4, 2003

Robert Sarvey
501 W. Grantline Road
Tracy, CA 95376

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Rochelle Henderson
Public Records Coordinator