

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

In re Russell City Energy Center	)	PSD Appeal No. 10-02
	)	
Russell City Energy Company, LLC	)	
PSD Permit Application No. 15487	)	
_____	)	

**SUPPLEMENTAL PETITION FOR RECONSIDERATION OR**  
**ALTERNATIVELY CLARIFICATION AND**  
**REQUEST FOR IMMEDIATE STAY OF EFFECTIVE DATE OF NOVEMBER 18, 2010**  
**ORDER DENYING REVIEW**  
**BY CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT**

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Attorney for Chabot-Las Positas Community College District  
Dated: December 1, 2010

## **I. SUPPLEMENTAL PETITION FOR RECONSIDERATION AND REQUEST FOR STAY**

On November 29, 2010, Chabot Las-Positas Community College District (the “College District”) timely filed its petition for reconsideration of the order executed and filed on November 18, 2010 by the Environmental Appeals Board denying review of the College District’s petition of the Prevention of Significant Deterioration Permit issued by the Bay Area Air Quality Management District (BAAQMD) to Russell City Energy Center, LLC. (RCEC) authorized to administer the Prevention of Significant Deterioration permit program under the Clean Air Act (CAA) pursuant to a delegation of authority by the United States Environmental Protection Agency.

The College District now supplements that petition seeking reconsideration of the Board’s November 18, 2010 Order to address these important issues raised in the College District’s petition which remains unresolved and not addressed in the opinion.

The College District submits this supplemental petition reserving its entitlement to supplement this petition.<sup>1</sup>

## **II. ADDITIONAL ISSUES WHICH EAB ORDER FAILED TO ADDRESS**

### **The Order Fails To Address The College District’s Challenge On BAAQMD’s Rejection Of The Auxiliary Boiler Which The College District Introduced As Achieved In Practice BACT.**

The Opinion draws the following conclusions concerning the College District’s challenge to BAAQMD’s refusal to require RCEC to include an auxiliary boiler which would substantially reduce CO emissions, a precursor to ozone for which the Bay Area in nonattainment:

... Even [the College District’s estimate of] \$11,515 is well above the costs of achieving a ton of CO reductions that [BAAQMD] found to be justified in its cost-effectiveness analysis.” *Id.*

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<sup>1</sup> Because the Board’s opinion was served on Thursday, November 18, 2010, just prior to the Thanksgiving holiday, there were only five business days within the ten day time period to petition for reconsideration or clarification of this 137 page opinion.

(emphasis added).

The record clearly supports BAAQMD's conclusion in this regard. . . .

Thus, according to BAAQMD's response to comments, an auxiliary boiler would not be cost-effective using *either* the College District's cost estimate of \$11,515 per ton, which was based on the Caithness data, or its own recalculation of the Caithness data at \$21,140 per ton. This conclusion essentially renders the debate over which Caithness data BAAQMD should have used in its cost-effectiveness analysis – the data the College District intended to submit and that BAAQMD avers was not submitted (i.e., the natural gas data) or the data that BAAQMD avers was actually submitted (i.e., the fuel oil data) – irrelevant because BAAQMD ultimately addressed both.<sup>44</sup> **Notably, in its petition, the College District does not challenge BAAQMD's conclusion that the College District's \$11,515 value is not cost-effective;** it only challenges BAAQMD's alleged failure to consider the applicable Caithness data, an argument that has been demonstrated to be factually incorrect.

**With respect to the College District's challenge to BAAQMD's annualized cost estimate of \$1,029,521, the Board finds that petitioner did not preserve this issue for review.** As already noted, the College District failed to raise this issue in its comments on the draft permit. As explained above in Part III, **a petitioner must raise all reasonably ascertainable arguments during the comment period to preserve such arguments for review.**<sup>4[n]</sup>

Slip Opn. at 54-55, emphasis added.<sup>2</sup> Next, the Opinion concludes that in any event,

BAAQMD's cost analysis approach was rational based on the information in the record:

In sum, based on the administrative record, the Board concludes that BAAQMD did duly consider the issues the College District raised, despite the College District's suggestions to the contrary. **Upon review of BAAQMD's analysis, the Board also concludes that the cost effectiveness approach BAAQMD ultimately adopted is rational in light**

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<sup>2</sup> Upon what facts or bases the opinion relies on to assert that the College District's "argument . . . has been demonstrated to be factually incorrect" is unclear nor is there a reference to the record. Insofar that the Opinion relies on this assertion, which appears questionable, the College District seeks clarification as to what bases the opinion relies to support this disputed assertion.

of all the information in the record. The Board therefore denies review based on this ground.

Slip Opn. at 55, emphasis and italics added.

Contrary to the Opinion that the College District's petition does not challenge BAAQMD's conclusion that the College District's \$11,515 value is not cost-effective, a point also made during oral argument,<sup>3</sup> a review of the petition reflects that the College District's petition did so:

**B. BAAQMD Clearly Erred Rejecting An Auxiliary Boiler Based On Documents Which Are Inapplicable To RCEC.**

As discussed above, BAAQMD erroneously understates the emissions reduced from start-ups by utilizing an auxiliary boiler by relying on records from Caithness *which apply to oil fuel, not natural gas*, while

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<sup>3</sup> Specifically, counsel for the College District pointed this out during oral argument during which the Board responded "I think we have heard that argument."

[Counsel] Also we disagree or we object to  
12 the District's prejudicial failure to address  
13 the Caithness records upon which they now are  
14 heavily relying on the cost effectiveness. We  
15 did not agree to Calpine's, the Applicant's  
16 estimated cost for the auxiliary boiler. We  
17 simply took that number and stated if you  
18 apply the Caithness records, which the  
19 District had or had access to, that it is  
20 about six times less or reduced than what The  
21 District was estimating. And in fact, given  
22 Mr. Crockett's discussion here at oral  
1 argument, we would like to make an offer of  
2 proof that the cost could be less, as low as  
3 less than \$2,000 per ton or we remain ready  
4 and willing to make that offer upon remand.  
5 Also --  
6 JUDGE REICH: Okay, I think we  
7 have heard that argument, Ms. Hargleroad.  
8 Thank you. We are going to turn to Mr.  
9 Sarvey.

Oral Arg Tr 123-124, emphasis added.

ignoring the Caithness records applicable to natural gas cited by the College District and disclose a much higher emission reduction during start-ups. See Exhibit 4 (2004 information from vendor).

**BAAQMD's error is then magnified by erroneously relying on cost estimates to install an auxiliary boiler intended for *Minnesota*, or others six times larger than needed for RCEC, while ignoring Lakeside, which operates the same turbine and has the same operating scenario as contemplated by RCEC. Exhibit 4.**

Clearly, this permit must be remanded for BAAQMD to provide a proper cost analysis which is applicable to the project contemplated.

Supp Errata to Pet at corrected 35-36, original italics and emphasis.

Additionally, the College did specifically challenge the cost effectiveness analysis in its September 16, 2010 comments to the August 2009 Additional Statement of Basis.

Specifically, the College District pointed out:

Applying the Siemen's vendor information attached applicable to temperatures of 51 degrees, comparable to the Bay Area, **the District must reexamine that "the costs associated with requiring such equipment at Russell City would not be justified."** As established below, the startup emissions reductions are not "relatively small" at all.

Sept. 16, 2010 com. at 3, emphasis added. Further, the comments continue:

As a result, **applying the "annualized cost of \$1,029,521 for the installation and operation of the auxiliary boiler," as provided by *Calpine*, ASOB, p. 70, the cost effectiveness for the CO reduction as calculated by *Calpine* likewise falls from *Calpine*'s "estimate of \$83,025 per ton for CO reduction" by eight times to \$11,515 per ton for CO reduction.**

Emphasis and italics added.

Here, these comments specifically qualified that these are costs "provided" and "calculated" by *Calpine*, which by deflating the emission reduction benefits of the auxiliary boiler, consequentially increased the cost per ton. Attached to this petition is a copy of correspondence dated October 6, 1999, by the US EPA's Chief of Permits and Grants Section, Robert B. Miller, who essentially outlines a similar analysis as did the

College District by using the applicant's own cost calculations, but qualifies that discussion by reminding the State Representative that the key point is not so much cost, but what has been achieved in practice:

Further, *even using the applicants cost calculations*, the total annualized cost for an 80 percent efficient sodium scrubber is \$1.6 million. Based on a 375 ton reduction in sulfur dioxide emissions, and a 60 ton reduction in sulfuric acid mist, this annualized figure translates into a cost effectiveness of \$3,700/ton of pollutant removed. *The USEPA maintains, barring other information of adverse economic impact, that a cost effectiveness of \$3,700/ton of pollutant removed is not cost infeasible.* We also believe that the actual annualized cost would be much closer to the number calculated by MDEQ, which is \$662,000. This number, while not taking into account site-specific retrofit issues, translates into a cost effectiveness of \$1,500/ton pollutant removed.

**Finally, where controls have been effectively employed in the same source category, the economic impact of such controls on the particular source under review should not be nearly as pertinent to the BACT decision** making process. Thus, **where controls have been successfully applied to similar sources in a source category, an applicant should concentrate on documenting significant cost differences**, if any, between the application of the controls on those sources and the particular source under review.

Exhibit B: October 6, 1999 letter from Robert B. Miller, Chief of Permits and Grants Section, U.S. EPA, to Lynn Fiedler, Michigan Department of Environmental Quality.

Here, *the College District began the discussion concerning an auxiliary boiler as achieved in practice BACT*, referring BAAQMD to the Lakeside and Caithness facilities as "achieved in practice." See College District's June 15, 2010 Comments to BAAQMD, at 2-3; March 31, 2010 letter to Weyman Lee at 3-5 providing documents confirming the "existence" of Caithness and other plants which apparently RCEC representatives asserted to BAAQMD "did not exist." Also see ASOB at 69 & n. 126 referring to "Caithness Long Island Energy Center, Environmental Impact Statement, June 2005, at

9-35 – 9-36, available at: [www.lippower.org/company/powering/caithness.html](http://www.lippower.org/company/powering/caithness.html). “

*Compare* with RTC at 114-116, in which BAAQMD deletes this reference.

The only reference by BAAQMD to any specific facilities was to Calpine’s Mankato, Minnesota, facility, which clearly experiences dramatic differences in weather from the San Francisco Bay area. As to the undated and unidentified “excel spreadsheet” prepared by some non-disclosed person, noted in both the ASOB and Response to Comments, that was generated by Calpine’s attorney in April 2009, disclosing Calpine’s reliance on Los Medanos in Pittsburg, Exhibit 8 to CAP’s petition. Los Medanos is a facility built by Calpine which is under BAAQMD’s jurisdiction; it is the facility with the 320 MMBTU/hr Nebraska auxiliary boiler, eleven times larger than Caithness’s 29 MMBTU auxiliary boiler. BAAQMD’s Final Major Facility Review Permit to Los Medanos dated June 2, 2008, Table II Equipment for Permitted Sources, reflects the following under No. 5:

5 Auxiliary Boiler (natural gas) Nebraska N25-8/5-126	320 MMBTU/hr (provides backup steam only, not used to generate electricity)
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Exhibit C attached.

The purpose of this large auxiliary boiler, eleven times larger than Caithness’s, is not to work with the turbines to reduce start up time or to allow for the implementation of fast start technology as proposed by the College District. **Instead, the purpose of this auxiliary boiler is to provide process steam to a neighboring steelmaking facility for USS-Posco Industries.**

A 2003 article prepared by Calpine’s Los Medanos Operations Manager summarizes this auxiliary boiler’s purpose:

Conceived years before California's energy crisis came to a head, Calpine Corp.'s Los Medanos Energy Center (LMEC) is the first major baseload power plant to be built in the San Francisco Bay Area in more than 30 years. Located in Pittsburg, the project can **produce up to 555 MW while providing process steam to a neighboring USS-Posco Industries steelmaking facility.**

The process steam system provides steam for steam turbine gland steam, condenser steam air ejectors, and an average of 70,000 lb/hr (and up to 130,000 lb/hr) for export to USS-Posco Industries, the plant's QF host (Figure 3). **LMEC is also equipped with a Nebraska auxiliary boiler rated at 250,000 lbs/hr as a backup to the plant's process steam supply to USS-Posco.**

CBS Money Watch.Com BNET Business Publications: Power, Jul/Aug 2003 by German, Chris, Manager, Operations, Center, Los Medanos Energy,

[http://findarticles.com/p/articles/mi\\_qa5392/is\\_200307/ai\\_n21334955/?tag=content:coll](http://findarticles.com/p/articles/mi_qa5392/is_200307/ai_n21334955/?tag=content:coll),

As pointed out by the College District's reply in support of CAP's petition that BAAQMD must follow its own guidelines, under BAAQMD's achieved in practice guidelines, the cost effectiveness does not trump what has been achieved in practice at other facilities. Reply at 20, n. 7 *See*, BAAQMD BACT Workbook: "Definitions" and "Policy and Implementation Procedure, Interpretation of BACT." This provides the following:

- BACT – Best Available Control Technology as defined in Regulation 2-2-206.
- TBACT – Toxics Best Available Control Technology as defined in Regulation 2-5-205.
- "Achieved in Practice" BACT – Most effective emission control already in use. Alternatively, it must be the most stringent emission limit achieved in the field for the type and capacity of equipment comprising the source under review and operating under similar conditions for at least six months of successful operation in the United States. **This control technology can be required as BACT without having to make a cost-effective determination.**
- Cost-effective analysis – Cost analysis which is performed for any BACT options that are technologically feasible but not "achieved in practice."



<http://hank.baaqmd.gov/pmt/bactworkbook/default.htm>. In response, the Opinion finds that both CAP and the College District are procedurally barred from relying on or citing to BAAQMD's own rules which as a matter of procedural due process BAAQMD is mandated to follow. Slip Opn. at 45 & n. 35. The basis for rejecting the acknowledgment of BAAQMD's own rules, which support both CAP and the College District's petitions, is that because the College District did not "mentione[] [it] in the petition, it may not be raised for the first time in the reply brief."

As reflected by the College District's petition, however, as well as the general theme of its comments to BAAQMD, the College District's point at the outset has been that an auxiliary boiler was an "achieved in practice" "off the shelf" technology that was a "common" piece of equipment used by others as BACT.<sup>4</sup>

In this regard, the College District respectfully disagrees that BAAQMD's rejection of an auxiliary boiler was "rational" in light of all of the information in the record. Further, insofar that the Order reaches this conclusion by disregarding BAAQMD's own guidelines and rules, by contending petitioners are procedurally barred

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<sup>4</sup> For instance, the petition explained:

A necessary corollary that the College District's research revealed was that **to accompany fast start technology and, which was available as its own control technology to reduce the length of start-ups/shut downs was an auxiliary boiler, a common and available piece of equipment in use in other natural gas plants similar to that proposed RCEC and utilized as BACT.**

Pet. at 22, citing in support June 15, 2009 letter forwarding Lake Side in Utah's records; RTC at 114; and Sept. 16, 2009 Comments at 3, forwarding vendor information on Caithness re auxiliary boiler.. *Also see*, Feb. 6, 2009 Comment letter to Lee.

from relying on BAAQMD's own rules which establish that such a position is not reasonable and not BACT, the College District objects and seeks reconsideration.

**The College District Is Entitled To A Stay Of The Effective Order So That The Board May Address The Issues Raised But Not Determined.**

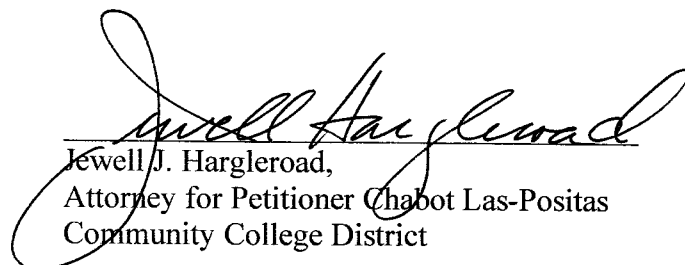
As established here and in the College District's petition filed on November 29, 2010, there are important issues that were raised but remain undetermined by the Board's November 18, 2010 opinion to which the College District is entitled to a ruling. Given the Board has not reached these issues which raise important policy questions, in order to protect the public's health and safety, the College District requests that the Board stay the effectiveness of its November 18, 2010 order as sought in the College District's November 29, 2010 petition.

**III. CONCLUSION**

Based on the underlying administrative record before the Board, the issuance of the PSD Permit for RCEC by BAAQMD was clearly erroneous and as a matter of law must be remanded back for further proceedings. So that this Board's jurisdiction may be fully preserved to address these important issues, the College District urges the Board to issue a stay of the effectiveness of its November 18, 2010 Order pending review of the College District's petition for reconsideration.

Dated: December 1, 2010

Respectfully Submitted,

  
Jewell J. Hargleroad,  
Attorney for Petitioner Chabot Las-Positas  
Community College District

October 6, 1999

(AR-18J)

Lynn Fiedler, Supervisor  
Permit Section  
Michigan Department of Environmental Quality  
P.O. Box 30260  
Lansing, Michigan 48909-7760

Dear Ms Fiedler:

The purpose of this letter is to inform you of the United States Environmental Protection Agency's (USEPA) position regarding the Prevention of Significant Deterioration (PSD) permit application and proposed permit for Cadillac Renewable Energy. It is the USEPA's position that the applicant has not performed an appropriate Best Available Control Technology (BACT) analysis. Specifically the applicant has not documented or substantiated the information on which assertions and conclusions are made. Most importantly, even assuming the unsubstantiated information as valid, the applicant has not adequately justified why the source should not be required to apply emissions controls.

All major stationary sources undertaking a major modification subject to the PSD regulations of title 40 Code of Federal Regulations section (40 CFR) 52.21 must conduct an analysis to ensure the application of BACT. The requirement to conduct a BACT analysis and determination is set forth in section 165(a)(4) of the Clean Air Act, and in the implementing regulations at 40 CFR 52.21(j). Further, under 40 CFR 52.21(n), the applicant must submit and substantiate all information necessary to perform an analysis and make determinations. In these regulations, BACT is defined as "... an emission limitation based on the *maximum degree of reduction* for each pollutant subject to regulation under the ACT which would be emitted from ... any source ... which is determined to be *achievable* taking into account energy, environmental and economic impacts." It should be noted that possible grounds for overturning a BACT decision include an inappropriate review (BACT procedures not correctly followed), an incomplete review (BACT decisions not correctly justified), or a review based on false or misleading information.

The USEPA requires a "top-down" BACT analysis to determine the appropriate emission limitation (See the memorandum dated December 1, 1987, entitled Transmittal of Background Statement on "Top-Down" BACT.) Following a top-down approach, the applicant

Exhibit B

must consider all available alternatives, and demonstrate why the most stringent should not be adopted. The top-down approach explicitly calls upon PSD applicants to consider the most stringent controls first, and either adopt those controls or explain why they are not achievable. Under BACT, consideration of energy, environmental, or economic impacts may justify a lesser degree of control.

The USEPA has consistently interpreted statutory and regulatory BACT definitions as containing two core requirements that the agency believes must be met by any BACT determination, regardless of whether it is conducted in a top-down manner. First, the BACT analysis must include consideration of the most stringent available control technologies (i.e., those which provide the maximum degree of emissions reduction). Second, any decision to require a lesser degree of emissions reduction must be justified by an objective analysis of energy, environmental, and economic impacts.

#### Most stringent Control Technology

Pursuant to 40 CFR 52.21(j), Cadillac Renewable Energy must conduct a BACT analysis and determination for sulfur dioxide, sulfuric acid, and particulate matter emissions. The USEPA believes that the most stringent control technology available can achieve a greater than 90 percent reduction in sulfur dioxide, sulfuric acid, and particulate matter emissions. As stated above, the top-down approach explicitly calls upon PSD applicants to consider the most stringent controls first, and either adopt those controls or explain why they are not achievable. The applicant has neither identified this level of control for these pollutants nor demonstrated that it is infeasible. Any decision to require a lesser degree of emissions reduction must be justified by an objective analysis of energy, environmental, and economic impacts.

#### Economic Considerations

BACT is required by law, and its costs are integral to overall cost of doing business. As stated above, as part of the BACT analysis, the applicant must justify why controls should not be required due to economic impact. This justification must include documenting capital and operating costs, either with data supplied by an equipment vendor or by a referenced source. Furthermore, the applicant must document the design parameters to independently verify claimed costs. Finally, where the initial control cost projections on the part of the applicant appear excessive or unreasonable, more detailed and comprehensive cost

data are necessary. Because the applicant has not substantiated or documented such costs, any claim of adverse economic impact cannot be considered valid.

Even assuming the applicants cost claims as legitimate, USEPA has not found any valid justification for a determination that would not require the most stringent controls. The applicant claims that the anticipated economic benefit to the company for burning tires is \$339,400. The applicant then concludes essentially that any environmental controls that would cost more than that sum are economically infeasible, and therefore should not be required. However a closer inspection of the applicants analysis reveals that the justification is flawed. The sum of \$339,400 represents the savings the company would generate by burning tires in place of wood without proper environmental controls. As stated above, BACT is required by law, and it's costs are integral to the overall cost of doing business. The USEPA cannot allow applicants to claim economic infeasibility simply because the total profit generated by the source would be less if the proper environmental controls are required.

Further, even using the applicants cost calculations, the total annualized cost for an 80 percent efficient sodium scrubber is \$1.6 million. Based on a 375 ton reduction in sulfur dioxide emissions, and a 60 ton reduction in sulfuric acid mist, this annualized figure translates into a cost effectiveness of \$3,700/ton of pollutant removed. The USEPA maintains, barring other information of adverse economic impact, that a cost effectiveness of \$3,700/ton of pollutant removed is not cost infeasible. We also believe that the actual annualized cost would be much closer to the number calculated by MDEQ, which is \$662,000. This number, while not taking into account site-specific retrofit issues, translates into a cost effectiveness of \$1,500/ton pollutant removed.

Finally, where controls have been effectively employed in the same source category, the economic impact of such controls on the particular source under review should not be nearly as pertinent to the BACT decision making process. Thus, where controls have been successfully applied to similar sources in a source category, an applicant should concentrate on documenting significant cost differences, if any, between the application of the controls on those sources and the particular source under review.

At least three other facilities in this source category have been identified that employed flue gas desulfurization emissions controls. The facilities are:

Ridge Generating Station, Florida  
Champion International, Alabama  
Chewton Glen Energy, IL

The applicant has not documented any significant cost differences between these facilities, that have been required to employ flue gas desulfurization emissions controls, and the Cadillac Renewable Energy facility. The only cost differences that have been identified are unsubstantiated, and include costs for removal and demolition of the existing stack and costs for demolition and relocation of the ash building. The USEPA finds these costs do not justify a determination of not requiring controls.

### Conclusion

Regardless of what pollution controls other projects were required to install, the modification of this source triggered a PSD review, which in turn requires a "top-down" BACT analysis. The "top-down" BACT analysis requires that the most stringent controls be evaluated first, the second most stringent controls evaluated second, and so on. Only after convincing arguments are presented showing that a control is either technically infeasible or is unreasonable based upon energy, environmental or economic concerns, can this control be rejected as BACT.

The applicant has only made unsubstantiated claims of adverse economic impact. Analyzed without substantiation, these claims do not justify requiring a lesser degree of control due to economic impact. Unless unique and convincing arguments are presented showing that the use of 90 percent efficient wet scrubber controls are infeasible, the controls should be required as BACT.

Based on the issues outlined above, it is the position of the USEPA that this permit does not meet the requirements of the Clean Air Act section 165(a)(4) and its implementing regulations at 40 CFR 52.21. We would like to continue to work with Michigan Department of Environmental Quality to ensure that a permit meeting the requirements of the Clean Air Act and associated rules and regulations is issued. If we can answer any questions

regarding these comments, please contact Eaton Weiler, Permit Engineer, at (312) 886-6041.

Sincerely yours,

/s/

Robert B. Miller, Chief  
Permits and Grants Section

cc: Mary Ann Dolehanty  
Michigan Department of Environmental Quality

Hein Nguyen  
Michigan Department of Environmental Quality

# Bay Area Air Quality Management District

939 Ellis Street  
San Francisco, CA 94109  
(415) 771-6000

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**Final**

## MAJOR FACILITY REVIEW PERMIT

**Issued To:**

**Los Medanos Energy Center, LLC  
Facility #B1866**

**Facility Address:**

750 East Third Street  
Pittsburg, CA 94565

**Mailing Address:**

PO Box 551  
Pittsburg, CA 94565

**Responsible Official**

Michael Sommer, General Manager  
925-252-2075

**Facility Contact**

Chris German, Plant Manager  
925- 252-2003

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**Type of Facility:** Power Plant  
**Primary SIC:** 4913  
**Product:** Generation of Electricity

**BAAQMD Engineering Division Contact:**  
Brian Lusher

**ISSUED BY THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Signed by Jeff McKay for Jack P. Broadbent  
Jack P. Broadbent, Executive Officer/Air Pollution Control Officer

June 2, 2008  
Date

*Exhibit C*



## II. EQUIPMENT

**Table II A – Permitted Sources**

Each of the following sources has been issued a permit to operate pursuant to the requirements of BAAQMD Regulation 2, Permits. The capacities in this table are the maximum allowable capacities for each source, pursuant to Standard Condition I.J and Regulation 2-1-301.

S-#	Description	Make or Type	Model	Capacity
1	Gas Turbine (natural gas)	General Electric	Frame 7FA Model PG 7241	170 MW 1,929 MM BTU/hr
2	Heat Recovery Steam Generator (natural gas)			90 MW 333 MM BTU/hr
3	Gas Turbine (natural gas)	General Electric	Frame 7FA Model PG 7241	170 MW 1,929 MM BTU/hr
4	Heat Recovery Steam Generator (natural gas)			90 MW 333 MM BTU/hr
5	Auxiliary Boiler (natural gas)	Nebraska	N25-8/5- 126	320 MM BTU/hr (provides backup steam only, not used to generate electricity)
6	Diesel Fire Pump Engine	Cummins	6CFA8.2- F3	300 bhp 2.1 MMbtu/hr 504.5 cubic inch displacement
7	Natural-Gas Fired Emergency Generator	Waukesha, Turbocharged, Intercooled, Lean-Burn Internal Combustion Engine	Model VGF 36GL	925 bhp 7.1 MMbtu/hr 2197 cubic inch displacement

[rjbezemek@bezemeklaw.com](mailto:rjbezemek@bezemeklaw.com)

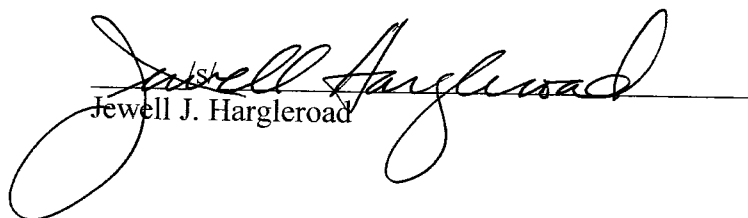
**By Facsimile:**

Nancy J. Marvel, Regional Counsel

Office of Regional Counsel

Via Fax: 415-947-3571

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed this 1st day of December, 2010, at Hayward, California.

  
Jewell J. Hargleroad

## CERTIFICATE OF SERVICE

I hereby certify that the Supplemental Petition By Chabot-Las Positas Community College District For Reconsideration or Clarification and Request for Immediate Stay Of the November 18, 2010 Order Denying Review was sent to the following persons in the matter indicated:

**Via Email:**

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California Pilots Association

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