

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

In the matter of )  
Humboldt Bay Repowering Project ) PSD Appeal No. 08-08  
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**DECLARATION OF RICHARD L. MARTIN, JR. IN SUPPORT OF THE  
RESPONSE OF THE NORTH COAST UNIFIED AIR QUALITY  
MANAGEMENT DISTRICT REQUESTING SUMMARY DISMISSAL**

I, Richard L. Martin, Jr. declare as follows:

1. I am the Air Pollution Control Officer for the North Coast Unified Air Quality Management District (the "District") and have been so employed since October 2006.
2. I have directly and actively participated in the District's processing of Pacific Gas and Electric's ("PGE") Application for Determination of Compliance ("DOC") and Authority to Construct ("ATC") concerning the Humboldt Bay Repowering Project ("HBRP"). The following is based on my personal knowledge except for those matters stated as based on information and belief. For those items based upon information and belief, I have relied upon information reasonably relied on by professionals in my field to inform our professional judgment and opinion, and

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as to those matters I am informed and believe them to be true as expressly stated herein, and if called to testify I could and would competently testify thereto.

3. On September 29, 2006, the District received from PGE an application for DOC and ATC regarding the HBRP. The HBRP project consists of the construction and operation of 10 Wartsila 18V50DF 16.3 megawatt reciprocating engines, a new emergency generator and a new fire pump engine, all of which will replace an existing power plant located in Eureka, California. The existing plant, a natural gas and fuel oil power plant, consists of two steam turbine generators, 52 and 53 megawatts, respectively, primarily fueled by natural gas, with number 6 fuel oil used as a secondary fuel; and two mobile emergency power plants, consisting of diesel fueled turbines that operate as back-up units and peaker units. The 52 megawatt boiler began operating in 1956 and the 53 megawatt boiler began operating in 1953. Upon completion of the HBRP, PGE will decommission the existing power plant and they will be replaced with the 10 new 16.3 MW engines.
4. PGE's repowering project is subject to license by the California Energy Commission ("CEC") under State law. Consequently, I am informed and on that basis believe that PGE filed an Authorization for Certification ("AFC") with the CEC on the same day it filed the DOC and ATC application with the District.
5. PGE's DOC and ATC application filed with the District triggered a prevention of significant deterioration ("PSD") review under the District's state approved PSD program.

6. PGE's DOC and ATC application filed with the District also triggered an air quality analysis under the District's air quality regulations for a major source.
7. I coordinated with staff at the CEC throughout my review of the DOC and ATC application. The air quality analysis and PSD review conducted by my staff and me was, however, independent of CEC and its processing of the AFC.
8. On October 24, 2007, I issued on behalf of the District a preliminary DOC ("PDOC") which contained draft permit conditions preliminarily determined to be appropriate under the District's PSD and ATC review for the HBRP.
9. On the same day, the District published notice of the PDOC and solicited public comment.
10. The District received comments from PGE, the EPA Region 9, the CEC, the Federal Land Manager, and the National Park Service. After consideration of all public comment, on April 14, 2008, I issued on behalf of the District a final DOC ("FDOC") for the HBRP. This combined document serves as a conditional ATC and temporary Permit to Operate, as well as a PSD permit. The ATC is conditioned on PGE's receipt of a license to operate the power plant from the CEC. The new engines will be subject to best available control technology ("BACT"). A copy of the FDOC is attached hereto as Exhibit "A" and incorporated herein.
11. I have reviewed the EPA's approval of the District's PSD program as part of California's State implementation plan ("SIP") as set forth in 40 CFR §

52.270(b)(2) and am familiar with its terms. A copy of this approval is attached hereto as Exhibit “B” and incorporated herein.

12. The EPA SIP approval of the District’s PSD program contains the following categories of PSD permits for which EPA retained authority:
  - a. Certain types of cogeneration and resource recovery facilities;
  - b. Projects which are major stationary sources and major modifications that have either stacks taller than 65 meters (approximately 195 feet) or use dispersion techniques; and
  - c. Pre-existing EPA issued PSD permits.

As discussed further below, none of these EPA retained authority categories applies to the HBRP.

13. The project does not consist of a cogeneration or resource recovery facility.
14. Stack heights for the 10 engines will be 100 feet above grade. See Table 1.1 FDOC (Exhibit A, at page 25.) This stack height is well below the 65 meter (or approximately 195 foot) stack height limitation of the District’s SIP authority.
15. The HBRP will not use “dispersion techniques” as defined in 40 CFR § 51.100 (hh). Under this definition there are three primary methods by which a source could use dispersion techniques to affect the concentration of a pollutant in the ambient air:
  - a. Using that portion of the stack which exceeds good engineering practice stack height;

- b. Varying the emission rate of a pollutant accordant to atmospheric conditions or ambient concentrations of that pollutant; or
- c. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack, or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise.

15. Based on my review of the engineering protocol for the HBRP, it is my understanding and belief that the design of the 10 new engines will not utilize any of the above techniques.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 14, 2008 at Eureka, California.

North Coast Unified Air Quality  
Management District

By Richard L. Martin, Jr.  
Richard L. Martin, Jr.  
Air Pollution Control Officer