

submitted comments on the drafts of the PSD Permit that the District had issued. (The District has records regarding the members of the public who were sent copies of this notice, but is not providing that additional information at this time because it is not relevant to any of the issues discussed in the Petitions for Review that the District is responding to at this time.) This document is identified on the administrative record index for this proceeding as document no. 12.69.

4. Attached hereto as Exhibit 3 is true and correct copy of the Responses to Public Comments document that the District prepared and issued in connection with the Final PSD Permit. This document is identified on the administrative record index for this proceeding as document no. 12.62.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Additional Statement of Basis document that the District prepared and issued in connection with the its Draft PSD Permit it published on August 3, 2009. This document is identified on the administrative record index for this proceeding as document no. 12.65.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Statement of Basis document that the District prepared and issued in connection with the its Draft PSD Permit it published on December 8, 2008. This document is identified on the administrative record index for this proceeding as document no. 12.4.

7. Attached hereto as Exhibit 6 is a true and correct copy of an email message that I received from Jewell Hargleroad, Esq., dated February 19, 2010, clarifying that Ms. Hargleroad had received copies of modeling analyses performed by the District for the Russell City Energy Center based on a combustion turbine emission rate of 1.134 g/s, which corresponds to 9.0 lb/hr.

8. Attached hereto as Exhibit 7 is a true and correct copy of a report entitled "PM2.5 Source Impact Analysis for the Russell City Energy Center Draft Prevention of Significant Deterioration (PSD) Permit", prepared for the Russell City Energy Company, LLC, by Atmospheric Dynamics, Inc., dated July 30, 2009. Note that the July 30, 2009, document is a revision of an earlier version of the document, correcting some non-substantive inaccuracies.

9. Attached hereto as Exhibit 8 is a true and correct copy of a District interoffice memorandum dated July 27, 2009, from Glen Long to Weyman Lee regarding “PSD PM2.5 Air Quality Impact Analysis And Revised Soils And Vegetation Analysis For Russell City Energy Center, Permit Application # 15487”. This document is identified on the administrative record index for this proceeding as document no. 9.9. The document includes a review of, and attaches a copy of, the PM2.5 Source Impact Analysis by Atmospheric Dynamics referenced in Paragraph 8 above. Note that this memorandum is dated July 27, 2009, but attaches the revised version of the PM2.5 Source Impact Analysis dated July 30, 2009. The discrepancy in these dates results from the fact that the applicant had submitted an earlier version of the PM2.5 Source Impact Analysis which Mr. Long reviewed in his memorandum and then submitted a revised version dated July 30, 2009, which Mr. Long attached to the memorandum so that it would include the most current version.

10. Attached hereto as Exhibit 9 is a true and correct copy of a comment letter the District received from Jewell Hargleroad, Esq., dated September 16, 2009, submitting comments on the District’s Additional Statement of Basis and draft PSD Permit for this facility. This letter is identified on the administrative record index for this proceeding as document no. 12.57.107. Note that this letter included two single-page attachments containing data sheets from Siemens Westinghouse Power Corporation, and nothing else. I have specifically double-checked the original document that that the District, which bears the District’s date-received stamp in blue ink, and have confirmed that the original contained only these two single-sided attachments and nothing else. I am aware based on arguments made in Petition for Review No. 10-02 that Ms. Hargleroad may have intended to include additional information with this letter as well, but the document that the District received from her dated September 16, 2009, had only these two single-sided attachments. Note also that Ms. Hargleroad submitted an electronic version of this letter by email to the District dated September 16, 2009, but that electronic version did not

include the two attachments that were included with the hard copy version, and did not include any other Siemens emissions data. The District has published the electronic version of this comment letter on its website at:

http://www.baaqmd.gov/~media/Files/Engineering/Public%20Notices/2009/15487/letters_rcv_091609/09-16-2009_Chabot-Las_%20Positas_College_District.ashx.

11. Attached hereto as Exhibit 10 is a true and correct copy of a further letter the District received from Jewell Hargleroad, Esq., dated October 9, 2009, responding to a request for further information regarding her September 16, 2009, letter referenced in the preceding paragraph. This letter is identified on the administrative record index for this proceeding as document no. 12.59.19.

12. Attached hereto as Exhibit 11 is a true and correct copy of an email message I received dated April 2, 2009, from Kevin Poloncarz, Esq., counsel for the permit applicant Russell City Energy Company, entitled “RCEC: Startup/Shutdown Analysis of Annual Limits, Auxiliary Boiler and CO BACT”, along with its attachments. This email is identified on the administrative record index for this proceeding as document no. 5.57. The attachments to this email include:

- a. A PDF document entitled “SU-SD analysis final.pdf”. A true and correct copy of this attachment is included in Exhibit 11. Note that this document has also been submitted in this proceeding as Exhibit 6 to Petition No. 10-03.
- b. A March 31, 2009, email message from Barbara McBride of Calpine to Mr. Poloncarz and others entitled “Aux Boiler Emissions”, attaching an excel spreadsheet document entitled “Aux Boiler Start Profile DJ.xls”. True and correct copies of Ms. McBride’s email and the attached spreadsheet are included in Exhibit 11. The attached spreadsheet was also specifically identified on the administrative record index for this

proceeding as document no. 5.119. Note also that this document has also been submitted in this proceeding as Exhibit 8 to Petition No. 10-03

- c. A March 31, 2009, email from Ms. McBride to Mr. Poloncarz and others entitled “RE: Aux Boiler emissions cost-effectiveness”, attaching an excel spreadsheet document entitled “Aux Boiler-NOx-2.xls”. True and correct copies of Ms. McBride’s email and the attached spreadsheet are included in Exhibit 11. The attached spreadsheet was also specifically identified on the administrative record index for this proceeding as document no. 5.120.
- d. An excel spreadsheet entitled “CO Average Cost effectiveness 4-2-09.xls”. A true and correct copy of this spreadsheet is included in Exhibit 11.
- e. An excel spreadsheet entitled “Support for CO cost effectiveness.xls.” A true and correct copy of this spreadsheet is included in Exhibit 11.
- f. An excel spreadsheet entitled “CO incremental 4-2-09.xls”. A true and correct copy of this spreadsheet is included in Exhibit 11.

13. Attached hereto as Exhibit 12 is a true and correct copy of a document filed with the Minnesota Environmental Quality Board in Docket No. 04-76-PPS CALPINE, entitled Site Permit Application, Mankato Energy Center, Mankato, Minnesota, dated March 2004.

14. Attached hereto as Exhibit 13 is a true and correct copy of specific pages from the Power Purchase Agreement between Calpine and Pacific Gas & Electric Co. for sale of electricity from the Russell City Energy Center. This document has been submitted to the District under a claim of trade secret, but Calpine has agreed that the District may publicly disclose the cover page of the Agreement and the specific page (p. II-4) on which the facility’s contractual operating profile is specified. This document is identified on the administrative record index for this proceeding as document no. 5.127.

15. Attached hereto as Exhibit 14 is a true and correct copy of a decision by the California Public Utilities Commission entitled “Decision Approving Second Amended and

