

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

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

SUPPLEMENTAL ERRATA TO PETITION FOR REVIEW
OF PREVENTION OF SIGNIFICANT DETERIORATION PERMIT
BY CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

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Dated: March 26, 2010

SUPPLEMENTAL ERRATA TO PETITION FOR REVIEW

On behalf of petitioner Chabot-Las Positas Community College District, counsel respectfully submits the following typographical corrections for page 5. Issue three should be corrected to include the following, the insertions italicized:

3. “. . . on cost for an auxiliary boiler *six to* eight times the size/capacity of that needed for RCEC, as established by the records of both *Lakeside and Caithness* which have the same size turbines as those contemplated by RCEC, *Siemens-Westinghouse 501F*.”

Issue four on page 5 should be corrected to state “BAAQMD,” not “BAAQMD’s.” Also, “should bear” should be struck, and “against” inserted as italicized as below to read as follows:

4. BAAQMD clearly erred in its environmental justice analysis by failing to consider or weigh the environmental and social costs imposed on the community and the impacts on a community already suffering from disproportionate health risks and problems caused by pollution *against* the cost of RCEC’s additional pollution.

The last sentence of the last full paragraph on page 23 should be corrected as follows: strike “Caithness” and insert “Lakeside” and strike “eight” and insert “six.” The sentence should state: “The College District forwarded to the Air District the Siemens specifications provided for Lakeside in 2004 which reflected that the Air District would reduce the CO emissions *six times*, applying BAAQMD’s most recently disclosed operating profile for RCEC.”

On page 35, the phrase “. . . which not surprisingly requires an auxiliary boiler. . .” should be struck and inserted should be “. . . install *much larger* auxiliary boilers.” “Caithness” should be struck, and inserted should be “. . . Minnesota *or others*, . . .” The number “*eight*” should be struck and replaced with “*six*.” Lastly, “installed at” should be struck and inserted should be “*while ignoring Lakeside*.”

Therefore, the last sentence on page 35 should state as corrected: “. . . BAAQMD’s error is then magnified by erroneously relying on cost estimates to install *much larger* auxiliary boilers, such as intended for *Minnesota*, or *others six times larger* than needed for RCEC, *while ignoring Lakeside*, which operates the same turbines and has the same operating scenario as contemplated by RCEC. Exhibit 4.”

Counsel apologies for any inconvenience to the Board and its staff, as well as other interested parties, for these inadvertent errors. Attached for the convenience of the Board and parties is a corrected page 5, corrected page 23 and corrected page 35.

Dated: March 26, 2010

Respectfully Submitted,

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

III. ISSUES PRESENTED FOR REVIEW

1. BAAQMD clearly erred by not disclosing, plotting out and circulating for public review the modeling results for 24-hour PM_{2.5} at the achievable emissions rate of 9 lbs/hour which results in a higher concentration level of 6.33 ug/m³, a level which BAAQMD admits would cause or contribute to the violation of the NAAQS under the Clean Air Act.
2. BAAQMD clearly erred by excluding from its modeling *all roadway emissions but one* as those excluded nearby roadway emissions already have been identified as causing significant concentration gradients within the acknowledged significantly impacted area, and generally are recognized by BAAQMD as a contributing factor for the cause of the increased health problems experienced in the community.
3. BAAQMD clearly erred in rejecting an auxiliary boiler as BACT based on a cost effectiveness analysis provided by Calpine that relies on cost for an auxiliary boiler six to eight times the size/capacity of that needed for RCEC, as established by the records of both Lakeside and Caithness which has the same size turbines as those contemplated by RCEC.
4. BAAQMD clearly erred in its environmental justice analysis by failing to consider or weigh the environmental and social costs imposed on the community and the impacts on a community already suffering from disproportionate health risks and problems caused by pollution against the cost of RCEC's additional pollution.

Although the College District appreciates the fifteen day extension of time provided by BAAQMD to submit petitions for review, the underlying record is voluminous as exemplified by BAAQMD's Response consisting of 244 single spaced pages. Therefore, the College District brings to the Board's attention that if the Board agrees that review is appropriate, that the parties have the opportunity to supplement their arguments.

Corrected page 2 of Petition

Response at 105. On the other hand, as the College District has repeatedly pointed out referring to manufacturer discussions, this technology has been available to order since at least 2007 and as others observed, fast start technology was specifically recommended as a condition for approval by CEC Staff. February 5, 2009 at ___ & Response at 108, fn. 213.

In its later August 2009 ASOB, the BAAQMD concluded that an auxiliary boiler would not be required as a BACT control “because the economic impacts in having to install and operate the auxiliary boiler render it inconsistent with BACT, given the relatively small additional emissions reductions it would achieve.” Further, relying on Calpine’s data from Calpine’s plant in New Mexico, BAAQMD rejected the auxiliary boiler as cost effective:

Assuming an annual operating profile containing 6 cold startups and 100 warm startups (a conservative estimate because actual startups will likely be lower), **a similar reduction at Russell City from using an auxiliary boiler would result in 0.9 tons of NOx and 12.4 tons of CO per year.** *The Air District compared these potential emissions reductions to the costs of using an auxiliary boiler, based on a cost estimate provided by Calpine and reviewed by the District. That cost estimate showed that the annualized cost would be \$1,029,521 for the installation and operation of the auxiliary boiler.* In terms of dollars-per-ton, these figures yield a **cost-effectiveness number of \$1,143,912 per ton for the NOx reductions and \$82,800 per ton for the CO reductions.**

Response at 114, emphasis and italics added. The College District forwarded to the Air District the Siemens specifications provided for Lakeside in 2004 which reflected that the Air District would reduce the CO emissions *six times*, applying BAAQMD’s most recently disclosed operating profile for RCEC.

Comparing the proposed revised limits on RCEC with the emission reductions identified by Siemen’s in the Caithness application, the College District pointed out that

remain unplotted and undisclosed. (*Compare*, Response at 159: “since most of the modeled locations that were above the SIL were in the immediate vicinity of the proposed project, it was appropriate not to model additional sources as part of the multi-source modeling analysis.”)

Based on BAAQMD’s own records acknowledging Interstate 880 and Hesperian as significantly contributing to the emissions detrimentally harming the health of the surrounding community and within the RCEC significantly impacted area, it was clearly erroneous for BAAQMD to exclude these important nearby roadways from its air analysis.

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 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 much larger auxiliary boilers, such as intended for *Minnesota*, or others six times larger than needed for RCEC, while ignoring Lakeside, which operates the same turbines and has the same operating scenario as contemplated by RCEC. Exhibit 4.