

**INFORMAL REQUEST TO REOPEN PUBLIC COMMENT PERIOD**

**April 29, 2009**

TO: Seyed Sadredin  
Executive Director/APCO  
San Joaquin Valley Air Pollution Control District  
Regarding Avenal Energy Project

From: Rob Simpson

<b>DOCKET</b>	
<b>08-AFC-1</b>	
<b>DATE</b>	April 29 2009
<b>RECD.</b>	June 08 2009

**INFORMAL REQUEST TO REOPEN PUBLIC COMMENT PERIOD**

I have reviewed the “public notices” provided by the District regarding the Avenal Energy project. I am concerned that the public did not receive adequate opportunity to participate pursuant to district regulations, the Clean Air Act or the Public Resources Code.

The notices provided does not identify the source as “Major” District Rule 2205.4.1 or identify the “Potential to Emit greater than 100 pounds during any one day for any one affected pollutant” District Rule 2205.42

The notices do not identify the address of the applicant or facility. 40Cfr124.10

The notices do not contain the “telephone number of a person from whom interested persons may obtain further information” 40cfr124.10

The description of the activity is inadequate. It does not identify the burning of fossil fuel or reference to any air quality effect. The definition of “MW” is not identified as Megawatt 40cfr124.10, Cal Public Resources code et al

The “Notices” do not include “a statement of procedures to request a hearing” 40cfr124.10

The notices do not include the districts “analysis of the effect of construction or modification on ambient air quality” 40cfr 51.161

I have found no record of the PDOC or FDOC or public notices for this plan in the public notices section or anywhere else on the Districts website. I have found no record of the FDOC on the CEC website.

See also, United State Environmental Protection Agency Environmental Appeals Board (EAB) Remand 08-01 Simpson V Russell City Energy Center and pending EPA Administrator appeal Simpson V Humboldt Bay Repower project.

It appears that your “notices” generated no responses. I can assure you that if you follow the rules for public notices you will encourage public participation, including my own. Please withdraw the FDOC and reopen the public comment period after providing conforming public notice of your activities.

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[rob@redwoodrob.com](mailto:rob@redwoodrob.com)

Thank you,

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**§ 124.10 Public notice of permit actions and public comment period.**

(4)<sup>(d)</sup> *Contents (applicable to State programs, see §§ 123.25 (NPDES), 145.11*

*(UIC), 233.26 (404), and 271.14 (RCRA))—*

*(1) All public notices. All public notices*

issued under this part shall contain the following minimum information:

(i) Name and address of the office processing the permit action for which notice is being given;

(ii) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit, except in the case of NPDES and 404 draft general permits under §§ 122.28 and 233.37;

(iii) A brief description of the business conducted at the facility or activity described in the permit application or the draft permit, for NPDES or 404 general permits when there is no application.

(iv) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit or draft general permit, as the case may be, statement of basis or fact sheet, and the application; and

(v) A brief description of the comment procedures required by §§ 124.11 and 124.12 and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision.

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**AIR QUALITY Table 12**  
**Avenal Energy, Maximum Annual Emissions (tons per year [tpy])**

Source	NOx	VOC	PM10/ PM2.5	CO	SOx
Each Combustion Turbine	71.98	17.24	40.33	300.9	8.35
Both Combustion Turbines	144.0	34.5	80.7	601.8	16.69
Auxiliary Boiler	0.26	0.10	0.12	0.86	0.07
Fire Pump Engine	0.05	0.01	0.00	0.01	0.00
Emergency Standby Generator	0.05	0.02	0.00	0.03	0.00
<b>Total Maximum Annual Emissions</b>	<b>144.3</b>	<b>34.61</b>	<b>80.78</b>	<b>602.7</b>	<b>16.76</b>

Source: SJVAPCD 2008b, pp. 18, 19, 26.

### NOTICE OF FINAL DETERMINATION OF COMPLIANCE

NOTICE IS HEREBY GIVEN that the San Joaquin Valley Unified Air Pollution Control District has issued a Final Determination of Compliance (FDOC) to Avenal Power Center LLC for the installation of a nominal 600 MW combined cycle power plant, located at NE¼ Section 19, T21S, R18E – Mount Diablo Base Meridian on Assessor's Parcel Number 36-170-032 in Avenal, CA.

All comments received following the District's preliminary decision on this project were considered. Changes were made to the DOC in direct response to comments received from the oversight agencies and other interested parties. The changes made were minor and did not increase permitted emission levels or trigger additional public notification requirements.

The application review for project C-1080386 is available for public inspection at the **SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT, 1990 EAST GETTYSBURG AVENUE, FRESNO, CA 93726.**

Fresno Bee

**NOTICE OF PRELIMINARY DECISION  
FOR THE PROPOSED ISSUANCE OF  
DETERMINATION OF COMPLIANCE**

NOTICE IS HEREBY GIVEN that the San Joaquin Valley Unified Air Pollution Control District solicits public comment on the proposed issuance of determination of compliance (DOC) to Avenal Power Center LLC for the installation of a nominal 600 MW combined cycle power plant, located at NE¼ Section 19, T21S, R18E – Mount Diablo Base Meridian on Assessor's Parcel Number 36-170-032 in Avenal, CA.

The analysis of the regulatory basis for these proposed actions, Project #C-1080386, is available for public inspection at the District office at the address below. Written comments on this project must be submitted within 30 days of the publication date of this notice to **DAVID WARNER, DIRECTOR OF PERMIT SERVICES, SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT, 1990 EAST GETTYSBURG AVENUE, FRESNO, CA 93726.**

**AIR QUALITY Table 11  
Avenal Energy, Maximum Daily Emissions (pounds per day [lb/day])**

Source	NOx	VOC	PM10/ PM2.5	CO	SOx
Each Combustion Turbine (lb/day, with six startup/shutdown hours)	789.6	202.0	---	5,591	---
Each Combustion Turbine (lb/day with duct firing)	---	---	282.7	---	160
Both Combustion Turbines (maximum lb/day with startups)	2,537	406.5	567.0	11,182	319
Auxiliary Boiler	4.9	1.9	2.2	16.6	1.3
Fire Pump Engine	51.8	5.8	0.9	6.8	0.1
Emergency Standby Generator	45.5	15.0	1.5	27.3	0.4

Source: AFC Table 6.2-1.8 and SJVAPCD 2008b, p. 17, with fire pump engine and emergency generator engine each operating 24 hr/day.

**RULE 2201 NEW AND MODIFIED STATIONARY SOURCE REVIEW RULE**

5.4 Public Notification and Publication Requirements: The APCO shall provide public notification and publication for the following types of applications:

5.4.1 New Major Sources and Major Modifications.

5.4.2 Applications which include a new emissions unit with a Potential to Emit greater than 100 pounds during any one day for any one affected pollutant;

<http://www.valleyair.org/rules/curmtrules/r2201.pdf>

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§ 51.161 Public availability of information.

(a) The legally enforceable procedures in § 51.160 must also require the State or local agency to provide opportunity for public comment on information submitted by owners and operators. The public information must include the agency's analysis of the effect of construction or modification on ambient air quality, including the agency's proposed approval or disapproval.

(b) For purposes of paragraph (a) of this section, opportunity for public comment shall include, as a minimum—

(1) Availability for public inspection in at least one location in the area affected of the information submitted by the owner or operator and of the State or local agency's analysis of the effect on air quality;

(2) A 30-day period for submittal of public comment; and

(3) A notice by prominent advertisement in the area affected of the location of the source information and analysis specified in paragraph (b)(1) of this section.

§ 51.161 Public availability of information.

(b)(3) A notice by prominent advertisement in the area affected of the location of the source information and analysis specified in paragraph (b)(1) of this section.

**AIR QUALITY Table 14**  
**Avenal Energy, Routine Operation Maximum Impacts (µg/m<sup>3</sup>)**

Pollutant	Averaging Time	Modeled Impact	Background	Total Impact	Limiting Standard	Percent of Standard
PM10	24 hour	2.9	254	256.9	50	514
	Annual	0.8	46.3	47.1	20	236
PM2.5	24 hour	2.9	92.5	95.4	35	273
	Annual	0.8	18.4	19.2	12	160
CO	1 hour	2,175	4,222	6,397	23,000	28
	8 hour	337	2,900	3,237	10,000	32
NO <sub>2</sub>	1 hour	190.0	137.2	327.2	339	97
	Annual	0.5	22.6	23.1	57	41
SO <sub>2</sub>	1 hour	9.7	47.2	56.9	655	9
	24 hour	1.5	7.9	9.4	105	9
	Annual	0.1	2.6	2.7	80	3

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