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Comments of Robert Sarvey and Helping Hand Tools (2HT) on the Mission Rock Energy Center PDOC

Dear Mr. Zozula,

Thank you for the opportunity to comment on the Preliminary Determination of Compliance (PDOC) for the Mission Rock Energy Center which was issued on October 13, 2017. The PDOC fails to meet the some of the requirements of the rules and regulations of the VCAPCD and the California SIP. The permit fails to require BACT for VOC emissions as required by the districts rules and regulations. The mitigation for the projects NOx emissions is unidentified in the PDOC and the project application accordingly should have been rejected under the district rules and regulations. The project area is an environmental justice community. The minority population, in the census block groups within the 6-mile radius of the MREC site, comprises 57 percent of this total population.¹ The district has failed to meet the required EPA workplan for its Section 105 grant which requires, “*preparing and distributing fact sheets in English and Spanish, if appropriate, to individuals or organizations in the vicinity of the new or modified source, and providing the opportunity for public meetings.*” The PDOC has not provided an alternative analysis that complies with the requirements of Rule 26.2. Rule 26.2 requires that the applicant provide an analysis demonstrating that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

The application for the Authority to Construct is incomplete and must be denied.

According to District Rule 26.9.D, “*The APCO shall consider the AFC (i.e., California Energy Commission Application for Certification) to be equivalent to an **application** for an Authority to Construct during the Determination of Compliance review, and shall apply **all provisions of Rule 26** and all other District rules and regulations which apply to applications for an Authority to Construct.*” The applicants AFC does identify any emission offsets to satisfy the reequipments of District Rule 26. District Rule 12 B states, “*To obtain an Authority to*

*Construct a person shall submit an application to the Air Pollution Control District along with any fees or deposits required pursuant to Regulation III.” According to the rule the, “The application shall include **all information the APCO finds necessary to determine that the emissions unit(s) will operate without emitting air contaminants in violation of any applicable federal, state or local rules or regulations.** The APCO shall make available a list of information that may be required to make this determination.”² This application never included a list of ERC’s that would be used to offset the projects NOx emissions in the application nor has the applicant provided that information prior to the issuance of the PDOC. There is no way that the APCO can determine if the project meets all federal and state requirements without this information. The application should have been denied as incomplete under the district rules and regulations. The district is violating its on rules and regulations in reviewing this incomplete application and issuing a PDOC. The application must now be denied as incomplete and the applicant must submit a new application that meets all the requirements for the APCO to determine compliance with all federal and district rules and regulations which includes the offsets identified to satisfy all Federal and district requirements.*

Environmental Justice

The minority population, in the census block groups within the 6-mile radius of the MREC site, comprises 57 percent of this total population.³ The Office of Environmental Health Hazard Assessment (OEHHA), CalEnviroScreen Version 2.0,⁴ reports that the census tract where the Calpine project is proposed is in the top 25% of state-designated environmental justice communities, including being in the 96th percentile for pesticides, 82nd for hazardous waste, 81st for groundwater threats, 76th percentile for contaminated drinking water, 76th percentile for solid waste facilities. In terms of vulnerable population, it is in the 96th percentile for children/seniors and the 92nd percentile for low education levels.

¹docketpublic.energy.ca.gov/PublicDocuments/15-AFC-02/TN207151-17_20151230T154800_510_Socioeconomics.pdf Page 3 of 25

² The PDOC determines that the project requires offsets for nitrogen oxides (NOx) at a tradeoff ratio of 1.3 to 1 but those offsets have not yet been identified.

³docketpublic.energy.ca.gov/PublicDocuments/15-AFC-02/TN207151-17_20151230T154800_510_Socioeconomics.pdf Page 3 of 25

⁴ <http://oehha.ca.gov/calenviroscreen/report/calenviroscreen-version-20>

The VCAPCD receives a monetary grant from the EPA known as a “Section 105 Grant”. The EPA-approved work plan for the Section 105 Grant requires the following Environmental Justice Objective for the VCAPCD Title V and New Source Review Permitting Program,

“Enhance the opportunities for public involvement in the permitting process when new or modified sources that significantly increase air pollutant emissions are located in areas likely to have environmental justice issues.

Enhanced opportunities will occur through preparing and distributing fact sheets in English and Spanish, if appropriate, to individuals or organizations in the vicinity of the new or modified source, and providing the opportunity for public meetings. For purposes of this milestone, a significant increase in air pollutant emissions is defined as an increase triggering the public notice requirements in the District rules for criteria pollutants, or 10 tons per year of a single EPA HAP (listed pursuant to §112(b) of the federal Clean Air Act), or 25 tons per year of a combination of EPA HAPs.”

The PDOC fails to follow the Federally required guidelines and requirements to address environmental justice communities who reside near projects they exercise authority over. The district cannot assign its duties and responsibilities under its Federal Grants to another agency. Accordingly, the air district needs to start over with the issuance of this PDOC and meet its requirements under its Section 105 Grant.

BACT for VOC emissions is 1PPM averaged over 1 hour.

District Rule 26 A requires the Air Pollution Control Officer (APCO) to deny an applicant an Authority to Construct for any new emissions unit that is not equipped with the current Best Available Control Technology for PM-10, ROC, SO_x, NO_x. Best available control technology is described in District rule 26.1 (3) as, *“the most stringent emission limitation or control technology for an emissions unit which, has been achieved in practice for such emissions unit category, or Is contained in any implementation plan approved by the Environmental Protection Agency for such emissions unit category. A specific limitation or control shall not apply if the owner or operator of such emissions unit demonstrates to the satisfaction of the Air*

Pollution Control Officer (APCO) that such limitation or control technology is not presently achievable, or Is contained in any applicable New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants set forth in 40 CFR Parts 60 and 61, or any other emission limitation or control technology, including, but not limited to, replacement of such emissions unit with a lower emitting emissions unit, application of control equipment or process modifications, determined by the APCO to be technologically feasible for such emissions unit and cost effective as compared to the BACT cost effectiveness threshold adopted by the Ventura County Air Pollution Control Board.”

The PDOC proposes BACT for ROC of 2ppm averaged over 1 hour. To arrive at that conclusion, they examine BACT determinations and site-specific determinations for various air districts in the State of California. Table VIII-6 lists BACT determinations from the BAAQMD. Table VIII-6 fails to list two site specific BACT determinations made by the BAAQMD. The BAAQMD has previously determined that BACT for the LM-6000 turbines with water injection for emissions control is 1 ppm for ROC in the Mariposa FDOC. The Mariposa FDOC, *“determined that BACT for the simple-cycle gas turbines for ROC is the use of good combustion practice and abatement with an oxidation catalyst to achieve a permit limit for each gas turbine of 0.616 lb per hour or 0.00127 lb/MMbtu, which is equivalent to 1 ppm POC, 1-hr average.”*⁵

The BAAQMD has also issued a permit to the simple-cycle Marsh Landing Project in the BAAQMD which utilizes the Siemens 5000 F turbines which are approximately 190 MW. The ATC for the Marsh Landing Project limited ROC emissions to 2.9 lb/hour or 0.00132 lb/MMBtu in their permit conditions which corresponds to a ROC limit of 1 ppmvd @ 15% O₂.⁶

The P.L. Bartow Power Plant was issued a PSD permit by the Florida Department of Environmental Protection with a VOC limit of 1.2 ppmvd (excluding startups, shutdowns, and fuel switching) for four combined-cycle turbines (permitted to operate in simple-cycle mode in rare situations) and one simple-cycle turbine using Siemens turbines. The initial compliance with the 1.2 ppmvd limit has been verified by one-time source tests at 100% load for four of the

⁵ Mariposa FDOC Page 51

www.baaqmd.gov/~media/Files/Engineering/Public%20Notices/2010/20737/FDOC%20Materials/Mariposa%20FDOC%2011-24-10.ashx?la=en

⁶ Marsh Landing FDOC Page 39

www.baaqmd.gov/~media/Files/Engineering/Public%20Notices/2010/18404/FDOC%20062510/Marsh%20Landin%20FDOC%20June%2025%202010.ashx?la=en

combined-cycle turbines and 55% load for three of those units in 2009.⁷ The District could impose a ROC BACT limit of 1.2 ppmvd based on that determination but the 1 ppm ROC limits should be considered BACT.

The applicant has proposed a 1 ppmvd limit for the hourly limit on the projects turbine emissions.⁸ The manufacture has guaranteed a 1 ppmvd hourly VOC limit.⁹ The PDOC calculates the potential to emit for ROC for each turbine utilizing a 1 ppmvd emission factor.¹⁰ The PDOC calculates the projects ERC requirement based on a 1 ppmvd emission rate for ROC. Clearly 1 ppmvd for VOC is the required BACT determination for the Mission Rock Energy Center.

Rule 26.2 Section E - Analysis of Alternatives

According to the PDOC pursuant to Rule 26.2 , *“The applicant must provide an analysis of alternatives as required by Section 173(a)(5) of the federal Clean Air Act, of alternative sites, sizes, production processes, and environmental control techniques for the proposed source demonstrating that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.”* The applicant did provide an alternative analysis in Appendix J of the PDOC. The applicant’s alternative analysis fails to analyze any preferred resources or storage as an alternative to the project. The applicant’s alternative analysis provides no information related to the benefits or the environmental and social costs related to the project. Preferred resource and energy storage alternatives with no emissions can replace the proposed Mission Rock Energy Center. CAISO did a specific study to determine if preferred resources could in fact replace natural gas fired generation in the Moorpark sub area in the Puente Project which was selected by SCE to meet LCR requirements in the Moorpark sub area. The results of the study concluded that preferred resources and storage could provide the LCR resources necessary to ensure reliability in the Moorpark Sub Area. Clearly the applicant’s alternatives analysis presented in Appendix J does

⁷ 2009 FDOC Carlsbad energy Center Combined cycle Page 37 of 63

www.energy.ca.gov/sitingcases/carlsbad/documents/others/2009-08-04_SDAPCD_FDOC.pdf

⁸ PDOC Page 7 of 36 “ ROC lb/hr emissions limits are proposed by the applicant based on manufacturer performance data.”

⁹ PDOC Page 6 of 36

¹⁰ PDOC Page 10 of 36

not meet the requirements of Section 173(a)(5) of the federal Clean Air Act or the Districts Rule 26.2. The air district cannot shift its responsibility to enforce the federal requirements of Section 173 (a) (5) to another agency.

Rule 26.2 Section E - Analysis of Alternatives

On January 29, 2017, a generator fire occurred at Calpine's Delta Energy Center. The 880 MW combined cycle project isolated the steam turbine and began operating in simple cycle mode on July 1, 2017. The Delta Energy Center since July has been operating outside its Title V permit. Operating in simple cycle mode is a violation of the projects Title V permit since the existing Title V permit does not allow any alternative operating scenarios.¹¹ An Alternative operating scenario is defined in 40 CFR 70.2. as "*Alternative operating scenario* means a scenario authorized in a [Title V] permit that involves a change at the ... source for a particular emissions unit, and that either results in the unit being subject to one or more applicable requirements which differ from those applicable to the emissions unit prior to implementation of the change or renders inapplicable one or more requirements previously applicable to the emissions unit prior to implementation of the change." The Title V permit authorizes no alternative operating scenario.¹² The operating scenario provided in the FDOC for the DEC calculates emissions based on the 6,844 hours of baseload (100% load) operation per year for each CTG @ 30oF, 1,500 hours of duct burner firing per HRSG per year with steam injection power augmentation at CTG combustors, 156 one-hour hot start-ups per CTG per year and 52 three-hour cold start-ups per CTG per year¹³

Respectfully Submitted,

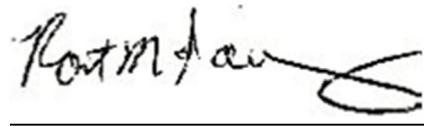
¹¹ **Permit Evaluation and Statement of Basis for MAJOR FACILITY REVIEW PERMIT RENEWAL for Delta Energy Center, LLC Facility #B2095 Page 26**
www.baaqmd.gov/~media/files/engineering/title-v-permits/b2095/b2095_2011-4_renewal-sob_03.pdf?la=en

¹² **Permit Evaluation and Statement of Basis for MAJOR FACILITY REVIEW PERMIT RENEWAL for Delta Energy Center, LLC Facility #B2095 Page 26**

www.baaqmd.gov/~media/files/engineering/title-v-permits/b2095/b2095_2011-4_renewal-sob_03.pdf?la=en

¹³ FDOC page 4 http://www.energy.ca.gov/sitingcases/delta/documents/intervenors/1999-10-21_FDOC.PDF

Respectfully Submitted,



Robert Sarvey
501 W. Grant Line Rd.
Tracy, CA. 95376
(209) 836-0277