



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

July 12, 2011

Mr. Michael E. Boyd
President
Californians for Renewable Energy, Inc.
5439 Soquel Drive
Soquel, CA 95073

Dear Mr. Boyd:

ALAMEDA COUNTY

Tom Bates
(Chairperson)
Scott Haggerty
Jennifer Hosterman
Nate Miley

CONTRA COSTA COUNTY

John Gioia
(Vice-Chair)
David Hudson
Mark Ross
Gayle B. Uilkema

MARIN COUNTY

Harold C. Brown, Jr.

NAPA COUNTY

Brad Wagenknecht

SAN FRANCISCO COUNTY

Eric Mar
Edwin M. Lee

SAN MATEO COUNTY

Carol Klatt
Carole Groom

SANTA CLARA COUNTY

Susan Garner
Ash Kaira
(Secretary)
Liz Kniss
Ken Yeager

SOLANO COUNTY

James Spering

SONOMA COUNTY

Susan Gorin
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

This letter responds to the comments you submitted to the Bay Area Air Quality Management District (District) by email dated May 24, 2011, regarding the District's proposed Title V Permit Renewal for the Delta Energy Center (B2095).

Comment 1: EPA ECHO website shows the facility is out of compliance with the Clean Air Act for twelve quarters in a row with no schedule of compliance. The Title V permit cannot be issued.

Response to Comment 1: The District contacted the USEPA regarding the information on the ECHO website. John Borton (EPA Regional High Priority Violator Coordinator) indicated that the compliance status information on the ECHO website to which you refer (showing that the Delta Energy Center was and is out of compliance with the Clean Air Act) was erroneous. It appears the cause was a simple typographical error. Thank you for pointing out this error in the ECHO database. EPA states that it will correct this information for the Delta Energy Center in the near future.

Please note that if the facility was not in compliance with any applicable requirement, then the Title V permit could still be issued as long as it contained a compliance schedule. As discussed above, however, here the District has verified with EPA that the Delta Energy Center has been in compliance with all air quality applicable requirements for the past twelve quarters and a compliance schedule is not necessary to issue the renewal Title V permit for this facility.

Comment 2: U.S. EPA's new regulation for greenhouse gases require that permits after January 1, 2011 address greenhouse gas as part of the Title V program. The proposed permit fails to meet this requirement.

Response to Comment 2: This facility is an existing Title V facility that has not proposed any modification to any GHG source or construction of any new GHG source. Thus, under current EPA regulations, there are no GHG applicable requirements that need to be addressed in the Title V renewal permit.

Comment 3: No application for permit renewal has been posted showing submittal within the publicly noticed timeline for Conditions to Implement Regulation 2, Rule 6, Major Facility Review.

Response to Comment 3: The comment indicates concern that Delta Energy Center did not submit a renewal application between March 31, 2007, and September 30, 2007. Delta Energy Center submitted a Title V renewal application on September 24, 2007. BAAQMD does not customarily post permit applications, however, CARE may request a copy by submitting a public records request. Please also note that the public notice stated that the permit application is available for public inspection at the District offices in San Francisco.

The District has considered your comments and has decided to proceed to issue the renewal permit. The final permit can be viewed and/or downloaded on the BAAQMD website at <http://www.baaqmd.gov/Divisions/Engineering/Title-V-Permit-Programs/Title-V-Permits.aspx> . If you have any questions regarding this permit, please call Brian Lusher, Senior Air Quality Engineer, at (415) 749-4623.

Sincerely yours,

Signed by Brian F. Bateman
Brian F. Bateman
Director Engineering Division

JPB:BFB:BKL

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