Robert Sarvey
501 W. Gratnline Rd.
Tracy, Ca. 95376

State of California
Energy Resources Conservation
And Development Commission

In the Matter of:	)
	) Docket No. 99-AFC-3C
	)
Metcalf Energy Center petition to amend air quality conditions of and certification hearing	) Bob Sarvey on petition to) amend air quality conditions) request for evidentiary
	)

Request for Evidentiary hearing on proposed ammndment.

The original licensing for the Metcalf Energy Center took 30 months to anlayze and 19 days of evidentiary hearings to arrive at a decision that protects the public heath and ensures the maintanece of Federal Air Quality Standards. On February 9, 2005 staff released its analysis of the proposed ammendmennts impacts and on February 23, 2005 staff presented its findings in a workshop in Coyote that revealed that this ammendment has higher air quality impacts than any impacts analyzed in the original proceeding. The CO emission limits from comissioning have incresed CO emissions from 930 pounds per hour to 5,000 pounds per hour. This increase translates into a maximun impact to 8 hour CO levels of 1,926 ug/m3. When added to the background limits for CO from the original decision for the Metcalf Energy Center and the original FDOC from the BAAQMD of 8,167 ug/m3 a new violation of the 8-hour CO standard will occur. The applicant has propsed to change the background CO level for this ammendment to purposely avoid this signifcant impact. This change should be the subject of an evidentiary hearing to provide proof taht this change reflects actual local conditions at the site since CO impacts are a local phenomnon. The

new monitring station near the project site has been in operation since November of 2004 and the information it provided was the subject of Data Request 17 to which the applicant objected . The applicant's ansewr below states that the original monitoring data from the Commission Decision used in the certification of this facility is representative of the project site. If the comission agrees with this assesment then the original CO background level of 8,167 ug/m3 should be used and the resulting 8-hour CO violation should be mitagted.

AMBIENT AIR QUALITY MONITORING

Background

MEC-LLC is currently monitoring the ambient air quality near the MEC project site.

However, MEC-LLC has been activity monitoring for only a short while, approximately early November. The background ambient air quality being used in the petition is from the San Jose area and may not represent the MEC project site. There is clearly too little monitoring data available from the MEC project site to be used to represent the area ambient air quality. However, it is important to scrutinize what local monitoring data is available to ensure that the representative ambient air quality data is reasonable. Therefore, staff requests that MEC-LLC adequately respond to Data Request-17.

Data Request

17 **Please provide all available ambient air quality monitoring data from the MEC project vicinity in raw format for all available pollutants including, but not limited to CO, NO_2 and PM10.**

Response: MEC, LLC objects to this request as argumentative, irrelevant, and redundant because the Commission Decision in this case determined that the air quality monitoring data used in the certification proceeding is representative of the MEC project site, and the monitoring data used to support the amendment is consistent with that previously approved by the Commission. MEC, LLC further objects to this request as burdensome.

At the workshop on February 23 citizens from the project area presented the new monitoring data. The new data reveals that NO2 levels in the project area

are higher than the original licensing data.had indicated. The data indicated that comibned with the modeling impact a new 1- hour NO2 violation will occur. Clearly this conflicitng information should be the subject of evidentiary scrutiny to verify the validity of the new background monitoring data used by the applicant as reflected in the background comments section of staffs data request 17.

Several data requests remain unansewered and this information is needed for the public to fully asses this poroject. Data requests 2 through 5 related to Calpines reduction in comisssioning hours remians outstanding. Calpine in its ansewrs to these data requests has indicated that it will eliminate its request to shorten commissiiong time but at the February 23 workshop Staff indicated that the applicant has not withdrawn its request. Data request 11 asks for an explanation of how Calpine will comply with the PSD requirements. Calpines ansewr was that this has been explained in an E-mail to the BAAQMD on December 23, 2004 and a submission to the CEC on January 7, 2005. Neither of these documents have been made available to the public and the public cannot fully asses the PSD impacts of this facility without them. Calpine provides data from various power plants to justify its new commissioning and operating limits the information from these various locations shoulc be the subject of evidentiary scrutiny.

The new permit with the BAAQMD contains a provision to increase fuel sulfur contnet to 1 grains per 100scf the FDOC and the final decision limit fuel sulfur content to .2 grains per 100scf and no evaluation of SO2 and PM10 emissions increses from the new fuel sulfur content limit has been conduted. The new ammendment request is incomplete without this evaluation.

Conclusion

An evidentiary hearing should be conducted because of the magnitude of the new CO and NO2 impacts and the numerous unansewred data requests.

Respectfully Summitted
Raymond