

105. Aera Energy LLC is the legal owner of the subject steam generators and of the leases on which the steam generators are located. MSCC is the legal owner of the gas turbine cogeneration facility. MSCC is jointly owned by Sun Cogeneration Limited Partnership (Sun Cogen LP) and San Joaquin Energy Company. Sun Cogen LP is managed and controlled by a wholly owned subsidiary of Aera Energy LLC. (See Condition 104) [PSD SJ-87-01] Federally Enforceable Through Title V Permit

94. All three turbines will fire natural gas only. The Permittee (MSCC) must only combust pipeline quality natural gas with sulfur content (as S) below 0.75 grains per 100 dry standard cubic feet (dscf). [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  95. MSCC shall have legal and operational responsibility and control of all air pollutant emitting activities of the MSCP. This responsibility shall include, but shall not be limited to the following: 1.) Operating and maintaining the project to comply with all federal, state, and local air pollution laws, regulations, orders, and other requirements; 2.) Ensuring the emissions offsets, tradeoffs, or other emission reductions required for this project under permits issued by the U.S. EPA, the District, and/or the California Energy Commission are obtained as required; or 3.) Any violations of any air pollution requirements are the legal responsibility of MSCC, in addition to any other legal responsible entity. Any proposed change to this condition shall require prior written concurrence of the US EPA. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  96. In accordance with the emissions offset plan proposed by the applicant for the District (dated November 12, 1987) and the emissions offset plan for the U.S. EPA (dated July 21, 1987), Aera Energy LLC must not operate the following four steam generators (listed by District permit numbers S-1135-119, S-1135-122, S-1135-123, and S-1135-115) simultaneously with the firing of the MSCP turbines unless one or more of the MSCP turbines is shutdown: Andersen-Goodwin Lease: S-1135-119, S-1135-122, S-1135-123 and Neely Lease: S-1135-115 [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  97. MSCC shall maintain a record of the date(s), time(s), and duration(s) of the shutdown of any of the above mentioned steam generators. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  98. Aera Energy LLC shall not lease or modify the permit conditions for any of the above generators for use in the Midway Sunset Oil field, unless creditable emissions reductions (as defined in 40 C.F.R. 52.21), at a ratio of at least 1:1, are provided for emissions from those generators. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  99. Aera Energy LLC shall not modify any of the District Permit to Operate numbers. If any of the above steam generators are issued new Permit to Operate numbers by the District, Aera Energy LLC shall notify the U.S. EPA in writing of this action and shall make such notification upon issuance of a new Permit to Operate number. This letter shall include the original District Permit to Operate number(s) of the subject generator(s) and a copy of the new Permit to Operate issued by the District. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  100. Aera Energy LLC shall notify the U.S. EPA in writing of the intention to sell, or potential sale, of any of the above generators and shall make such notification prior to the District's final action of the re-permitting process associated with the sale of a generators. This letter shall include the following: a.) The subject steam generator as identified by its District Permit to Operate number; b.) The name of the buyer (as identified by the company name) of the steam generator; and c.) An estimated date of the final action of the re-permitting process by the District. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  101. The allowable incidental taking (killing, harming, or harassment) of San Joaquin kit foxes, blunt-nosed leopard lizards, and giant kangaroo rats is confined to the proposed cogeneration plant site one half mile radius around this site (on lands owned or leased by Aera Energy LLC), and associated subject cogeneration plant facilities (including pipelines, transmission lines, temporary equipment stockpiling areas, and access roads) as discussed in the project Application for Certification report (Sun Cogeneration Company and Southern Sierra Energy Company 1985). [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  102. MSCC is required to implement the "Agreement on Conditions for Mitigation of the Biological Impacts of the Midway-Sunset Project" as required by the U.S. Fish and Wildlife Service (USFWS) (Memorandum dated March 16, 1987 from the USFWS to the US EPA). [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  103. Any endangered species found dead should be turned in to the California Department of Fish and Game for Analysis. MSCC must also report this event to the USFWS. The USFWS may recommend amendment to the existing project actions pending results of the analysis. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
- All correspondence as required by this permit shall be forwarded to: 1.) Director, Air Division (Attn: Air-3) EPA Region IX 75 Hawthorne Street San Francisco, CA 94105-3901 Tel: (415) 744-1291 Fax: (415) 744-1076; 2.) Chief, Stationary Source Division, California Air Resource Board P.O. Box 2815 Sacramento, CA 95812; and 3.) Air Pollution Control Officer, San Joaquin Valley Unified APCD 2700 M Street, Suite 275 Bakersfield, CA 93301-2370. [PSD SJ-87-01] Federally Enforceable Through Title V Permit

84. This condition applies prior to the startup of the WMSCP: On and after the date of start-up of any of the three turbines, MSCC must not discharge (per turbine, based on 3-hour rolling average) into the atmosphere NOx (as NO2) in excess of the following: 1.) The more stringent of 25.0 ppmvd @ 15% O2 or 85.0 pounds per hour for loads greater than or equal to 75%; 2.) The more stringent of 42.0 ppmvd @ 15% O2 or 85 pounds per hour for loads greater than or equal to 35% but less than 75%; 3.) 85 pounds per hour for loads less than 35%. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  85. The hourly (3-hour averaging) emissions must not exceed: 1.) 94 pounds of CO and 85 pounds of NOx; 2.) All CEMs must be operating during startups and shut downs; 3.) The time, date and duration of each startup and shutdown event must be recorded. The records must include the lbs/hour calculations based on the CEM data. These records must be kept for five years following the date of such events. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  86. Prior to the date of startup and thereafter, the Permittee (MSCC) must install, maintain and operate the following continuous monitoring systems (CEMs) in the exhaust stacks: a.) Continuous monitoring systems to measure stack gas NOx, CO and O2 concentrations. The systems must meet EPA monitoring performance specification (40 C.F.R. 60.13 and 40 C.F.R. 60, Appendix B, Performance Specifications 2, 3 and 4); b.) A continuous monitoring system to measure stack gas and natural gas volumetric flow rates. The stack gas flow measurement system must meet EPA Performance Specifications for (40 C.F.R. Part 52, Appendix E). [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  87. The Permittee (MSCC) must maintain a file of all measurements, including continuous monitoring systems evaluations; all continuous monitoring systems or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; performance and all other information required by 40 C.F.R. 60 Appendices A-B recorded in a permanent form suitable for inspection. The file must be retained for five years following the date of such measurements, maintenance, reports and records. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  88. The Permittee (MSCC) must notify EPA of the date on which demonstration for the continuous monitoring system performance commences (40 C.F.R. 60.13). This date must be no later than 60 days after full load operation but not later than 180 days after startup. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  89. In addition to reporting requirements under Condition 75 of this permit, the Permittee (MSCC) must submit a written report of all excess emissions to EPA for every calendar quarter. The quarterly report must include the following: a.) The magnitude of the excess emissions computed in accordance with 40 C.F.R. 60.13(h), any conversion factors used, and the date and time of commencement and compilation of each time period of excess emissions; b.) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of any equipment. The nature and cause of any malfunction (if known) and the corrective action taken or preventative measures adopted must also be reported; c.) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks, and the nature of the system repairs or adjustments; d.) When no excess emissions have occurred or the continuous monitoring system has not been inoperative, repaired, or adjusted, such information must be stated in the report; and e.) Excess emissions must be defined as any 3-hour period during which the average emissions of CO, as measured by the CEM exceeds the maximum emission limits set forth in Condition 90-91 or any 3-hour period during which the average emissions of NOx exceed the maximum emission limits set forth in Conditions 92-93. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  90. Excess emissions indicated by the CEM system must be considered violations of the applicable emission limit for the purpose of this permit. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  91. The quality assurance project plan used by the Permittee (MSCC) for the certification and operation of the continuous emissions monitors, which meets the requirements of 40 C.F.R. Part 60, Appendix F, must be available upon request to EPA. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  92. The Permittee (MSCC) must keep a monthly record of all fuel uses. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
- The proposed power plant is subject to the federal regulations entitled Standards of Performance for New Stationary Sources (40 C.F.R. 60). The owner or operator must meet all applicable requirements of 40 C.F.R. 60 Subparts A and GG of this regulation. [PSD SJ-87-01] Federally Enforceable Through Title V Permit

CONDITIONS CONTINUE ON NEXT PAGE

84. This condition applies prior to the startup of the WMSCP: On and after the date of start-up of any of the three turbines, MSCC must not discharge (per turbine, based on 3-hour rolling average) into the atmosphere NOx (as NO2) in excess of the following: 1.) The more stringent of 25.0 ppmvd @ 15% O2 or 85.0 pounds per hour for loads greater than or equal to 75%; 2.) The more stringent of 42.0 ppmvd @ 15% O2 or 85 pounds per hour for loads greater than or equal to 35% but less than 75%; 3.) 85 pounds per hour for loads less than 35%. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  85. The hourly (3-hour averaging) emissions must not exceed: 1.) 94 pounds of CO and 85 pounds of NOx; 2.) All CEMs must be operating during startups and shut downs; 3.) The time, date and duration of each startup and shutdown event must be recorded. The records must include the lbs/hour calculations based on the CEM data. These records must be kept for five years following the date of such events. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  86. Prior to the date of startup and thereafter, the Permittee (MSCC) must install, maintain and operate the following continuous monitoring systems (CEMs) in the exhaust stacks: a.) Continuous monitoring systems to measure stack gas NOx, CO and O2 concentrations. The systems must meet EPA monitoring performance specification (40 C.F.R. 60.13 and 40 C.F.R. 60, Appendix B, Performance Specifications 2, 3 and 4); b.) A continuous monitoring system to measure stack gas and natural gas volumetric flow rates. The stack gas flow measurement system must meet EPA Performance Specifications for (40 C.F.R. Part 52, Appendix E). [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  87. The Permittee (MSCC) must maintain a file of all measurements, including continuous monitoring systems evaluations; all continuous monitoring systems or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; performance and all other information required by 40 C.F.R. 60 Appendices A-B recorded in a permanent form suitable for inspection. The file must be retained for five years following the date of such measurements, maintenance, reports and records. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  88. The Permittee (MSCC) must notify EPA of the date on which demonstration for the continuous monitoring system performance commences (40 C.F.R. 60.13). This date must be no later than 60 days after full load operation but not later than 180 days after startup. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  89. In addition to reporting requirements under Condition 75 of this permit, the Permittee (MSCC) must submit a written report of all excess emissions to EPA for every calendar quarter. The quarterly report must include the following: a.) The magnitude of the excess emissions computed in accordance with 40 C.F.R. 60.13(h), any conversion factors used, and the date and time of commencement and compilation of each time period of excess emissions; b.) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of any equipment. The nature and cause of any malfunction (if known) and the corrective action taken or preventative measures adopted must also be reported; c.) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks, and the nature of the system repairs or adjustments; d.) When no excess emissions have occurred or the continuous monitoring system has not been inoperative, repaired, or adjusted, such information must be stated in the report; and e.) Excess emissions must be defined as any 3-hour period during which the average emissions of CO, as measured by the CEM exceeds the maximum emission limits set forth in Condition 90-91 or any 3-hour period during which the average emissions of NOx exceed the maximum emission limits set forth in Conditions 92-93. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  90. Excess emissions indicated by the CEM system must be considered violations of the applicable emission limit for the purpose of this permit. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  91. The quality assurance project plan used by the Permittee (MSCC) for the certification and operation of the continuous emissions monitors, which meets the requirements of 40 C.F.R. Part 60, Appendix F, must be available upon request to EPA. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
  92. The Permittee (MSCC) must keep a monthly record of all fuel uses. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
- The proposed power plant is subject to the federal regulations entitled Standards of Performance for New Stationary Sources (40 C.F.R. 60). The owner or operator must meet all applicable requirements of 40 C.F.R. 60 Subparts A and GG of this regulation. [PSD SJ-87-01] Federally Enforceable Through Title V Permit

CONDITIONS CONTINUE ON NEXT PAGE

74. The provisions of the PSD permit SJ-87-01 are severable, and, if any provisions of the permit is held invalid, the remainder of the permit must not be affected thereby. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
75. The permittee (MSCC) must construct and operate the proposed power plant in compliance with all other applicable provisions of 40 CFR Parts 52, 60, 62, and 63 and all other applicable Federal, State, and local air quality regulations. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
76. The Permittee (MSCC) must notify the EPA in writing of compliance with Conditions 86 and 95 below, and must make such notification within fifteen (15) days of such compliance. The letter must be signed by a responsible official of the Permittee (MSCC). [PSD SJ-87-01] Federally Enforceable Through Title V Permit
77. On or before the date of startup (as defined in 40 C.F.R. 60.2) of the Western Midway Sunset Cogeneration Project (WMSCP; PSD Permit No. SJ-00-01) and thereafter the Permittee (MSCC) must install, continuously operate, and maintain the Dry Low NOx (DLN) combustion systems to reduce NOx emissions from each of its three turbines. The Permittee (MSCC) shall also use proper combustion techniques for the control of CO emissions from the equipment at MSCP. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
78. Within 60 days after achieving the base load, but no later than 180 days after initial startup of all three modified turbines (as defined in 40 C.F.R. 60.2), and annually thereafter (at about the anniversary of the initial performance test), the Permittee (MSCC) must conduct performance tests (as described in 40 C.F.R. 60.8) for NOx, and CO on the exhaust stack gases. The Permittee (MSCC) must furnish the District, the California Air Resources Board (CARB), and the EPA a written report of the results of such a tests. Upon written request from the Permittee (MSCC), and adequate justification, EPA may waive a specific annual test and/or allow for testing to be done at less than maximum operating capacity. [PSD SJ 87-01] Federally Enforceable Through Title V Permit
79. Performance tests for the emissions of NOx, and CO must be conducted and the results reported in accordance with the test methods set forth in 40 C.F.R. 60.8 and 40 C.F.R. 60, Appendix A. The following test methods must be used: a.) Performance tests for the emissions of NOx must be conducted using EPA Method 1-4 and 7E. b.) Performance tests for the emissions of CO must be conducted using the EPA Methods 1-4 and 10. In lieu of the above-mentioned test methods, equivalent methods may be used with prior written approval from EPA. The Permittee (MSCC) must notify EPA in writing at least 30 days prior to such tests to allow time for the development of an approvable performance test plan and to arrange for an observer to be present at the test. [PSD SJ 87-01] Federally Enforceable Through Title V Permit
80. For performance test purposes, sampling ports, platforms, and access must be provided by the Permittee on the emission unit exhaust system in accordance with 40 C.F.R. 60.8(e). [PSD SJ 87-01] Federally Enforceable Through Title V Permit
81. On and after the date of startup of the WMSCP (PSD Permit No. SJ-00-01), the Permittee (MSCC) must not discharge or cause the discharge of CO into the atmosphere in excess of the following emission limits per turbine: The more stringent of 25 ppmvd @ 15% O2 or 55 pounds per hour, based on 3-hour rolling average. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
82. This condition applies prior to the startup of the WMSCP: On and after the date of start up any of the three turbines at MSCP must not discharge (per turbine, and based on 3-hour rolling average) into the atmosphere CO in excess of the following of any of: 1.) The more stringent of 52.0 ppmvd @ 15% O2 or 94 pounds for loads greater than or equal to 75%. 2.) The more stringent of 62.0 ppmvd @ 15% O2 or 94 pounds for loads greater than or equal to 35% but less than 75%. 3.) 94 pounds per hour for loads less than 35%. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
83. On and after the date of startup of the WMSCP (PSD Permit No. SJ-00-01), the Permittee (MSCC) must not discharge or cause the discharge of NOx into the atmosphere in excess of the following emission limits per turbine: The more stringent of 10 ppmvd @ 15% O2 or 36.1 pounds per hour, based on 3-hour rolling average. [PSD SJ-87-01] Federally Enforceable Through Title V Permit