

San Joaquin Valley  
Air Pollution Control District

Certified Mail

COPY

August 21, 2002

Stephen Artus  
Modesto Energy Limited Partnership  
2024 Camino Ramon, Suite 101  
San Ramon, CA 94583

**Re: Invoices for Projects 1001257 and 1000188**

Dear Mr. Artus:

Enclosed are the invoices for Projects 1001257 (ERC's for shutdown of facility) and 1000188 (Change stack monitoring for the CEM). I apologize that the invoice for the ERC project was not sent out with the ERC's, and thank you for bringing that to my attention.

Additionally, as Project 1000188 had already gone out for public notice prior to the shutdown of the plant, you are responsible for the engineering time spent on it.

The last page of each of the invoices contains an account summary. It incorrectly shows that you still owe permit fees for the past 2 years. Please disregard this, as you are not responsible for those fees.

Thank you for your cooperation in this matter. Should you have any questions, please contact Mr. Jim Swaney at (209) 557-6400.

Sincerely,

Seyed Sadredin  
Director of Permit Services

Jim Swaney  
Permit Services Manager

JS

c: Karen Morris, Finance

David L. Crow  
Executive Director, Air Pollution Control Officer



San Joaquin Valley  
Unified Air Pollution  
Control District

Due Date

9/13/2002

Amount Due

\$ 1,070.50

Amount Enclosed

ERCFEE

2045 N39257 8/14/2002

**RETURN THIS TOP PORTION ONLY, WITH REMITTANCE TO:**

MODESTO ENERGY LIMITED PARTNER  
PO BOX 302  
WESTLEY, CA 95387

SJVAPCD  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9321

*Thank You!*



San Joaquin Valley  
Unified Air Pollution  
Control District

SJVAPCD Tax ID: 77-0262563

Facility ID

N2045

Invoice Date

8/14/2002

Invoice Number

N39257

Invoice Type

Project: N1001257

MODESTO ENERGY LIMITED PARTNER  
4549 INGRAM CREEK ROAD  
WESTLEY, CA 95387

**PROJECT NUMBER: 1001257**

APPLICATION FILING FEES	\$ 650.00
ENGINEERING TIME FEES	\$ 1,070.50
TOTAL FEES	\$ 1,720.50
LESS PREVIOUSLY PAID PROJECT FEES APPLIED TO THIS INVOICE	(\$ 650.00)
<b>PROJECT FEES DUE (Enclosed is a detailed statement outlining the fees for each item.)</b>	<b>\$ 1,070.50</b>

San Joaquin Valley Air Pollution Control District  
4230 Kiernan Avenue, Suite 130, Modesto, CA 95356-9321, (209) 557-6400, Fax (209) 557-6475

## Invoice Detail

Facility ID: N2045

MODESTO ENERGY LIMITED PARTNER  
 4549 INGRAM CREEK ROAD  
 WESTLEY, CA 95387

Invoice Nbr: N39257  
 Invoice Date: 8/14/2002  
 Page: 1

### Application Filing Fees

Project Nbr	Permit Number	Description	Application Fee
N1001257	N-2045-1001257-0	Emission Reduction Credit Banking Evaluation Fee	\$ 650.00
<b>Total Application Filing Fees:</b>			<b>\$ 650.00</b>

### Engineering Time Fees

Project Nbr	Quantity	Rate	Description	Fee
N1001257	31 hours	\$ 55.50/h	Standard Engineering Time	\$ 1,720.50
			Less Credit For Application Filing Fees	(\$ 650.00)
			Standard Engineering Time SubTotal	<u>\$ 1,070.50</u>
<b>Total Engineering Time Fees:</b>				<b>\$ 1,070.50</b>

San Joaquin Valley Air Pollution Control District

**Account Summary**

Facility ID: N2045

MODESTO ENERGY LIMITED PARTNER  
 4549 INGRAM CREEK ROAD  
 WESTLEY, CA 95387

Statement Date: 8/21/2002

Invoice Date	Invoice Number	Invoice Due Date	Description of Fees	Amount Due
8/29/2000	N32215	10/28/2000	00/01 Annual Permits To Operate	\$ 25,277.00
11/9/2000	N32974	12/9/2000	Penalty Fees	\$ 12,638.50
8/28/2001	N35482	10/27/2001	01/02 Annual Permits To Operate	\$ 25,277.00
11/1/2001	N36354	12/1/2001	Penalty Fees	\$ 12,638.50
8/14/2002	N39257	9/13/2002	Project: N1001257	\$ 1,070.50
<b>Total Outstanding Balance:</b>				<b>\$ 76,901.50</b>



UAE ENERGY OPERATIONS CORP.

RECEIVED  
JUN 17 2002

SAN JOAQUIN VALLEY  
UNIFIED A.P.C.D.  
NO. REGION

June 14, 2002

Mr. Philip M. Jay  
District Counsel  
San Joaquin Valley Air Pollution Control District  
1990 E. Gettysburg Ave.  
Fresno, CA 93726-0244

Re: Modesto Energy Limited Partnership Emission Reduction Credits

Dear Phil:

Thank you very much for meeting yesterday with Roger Day and me on Modesto Energy Limited Partnership (MELP) Emission Reduction Credits (ERCs). We were pleased to hear that based on analysis of the language of MELP's lease with its ex-landlord, Ed Filbin, that you had come to the same conclusion as we had, that MELP's ERCs are clearly the property of MELP and not Ed Filbin or his affiliate entities.

I also understand, based on our meeting, that confirmation of MELP's compliance with application timing provisions is the only remaining task before the SJVAPCD will issue public notice of its intent to issue to MELP its ERC certificates. I also understand that Jim Swaney, Permit Services Manager Northern Region is concluding this analysis. As we discussed during our meeting with Sadredin Seyed on the telephone, MELP had such an analysis performed by counsel. To facilitate conclusion of this process, I requested our counsel to issue its analysis in letter form to me, which I have attached to this letter for your review.

Based on the information that we have provided to Jim Swaney and the attached analysis, we believe that it is very clear that MELP complied with all appropriate regulations including application timing provisions to acquire its ERCs.

I will call Jim Swaney Monday afternoon, June 17, to seek his concurrence with regard to application compliance and seek a target date for the public notice.

I would like to thank you, Seyed and Jim for helping us bring this process to expeditious closure.

Sincerely,

Edward W. Tomeo  
President, UAE Energy Operations Corp., Asset Manager to MELP

Cc: Mr. Sadredin Seyed  
Mr. Jim Swaney

F:\WPF\63SR\63861sr.doc

# HellerEhrman

ATTORNEYS

June 14, 2002

*Via Facsimile*

Thomas M. Donnelly  
tdonnelly@hewm.com  
Direct (415) 772-6611  
Main (415) 772-6000  
Fax (415) 772-6268

26947-0005

Mr. Edward Tomeo  
UAE Energy Operations Corporation  
2420 Camino Ramon, Suite 101  
San Ramon, California 94583

**Re: Application for Emission Reduction Credits**

Dear Mr. Tomeo:

This is in response to your request that we analyze the relevant provisions of the San Joaquin Air Pollution Control District Regulations ("Regulations") to determine whether Modesto Energy Limited Partnership ("MELP") applied for Emission Reduction Credits ("ERCs") within applicable deadlines. As discussed below, our evaluation indicates that MELP did submit a timely application for ERCs.

**I. Relevant Facts**

A tire fire in the historic tire pile located adjacent to MELP's waste-tire-to-energy facility in Westley, California started in September, 1999, and was suppressed in October, 1999. The incinerator at the facility ceased operating on January 31, 2000 as a result of the tire fire. In February, 2000, all but six personnel were laid off. The six remaining employees held operational, maintenance, and administrative positions. The plant was maintained in a cold shutdown condition, and the six employees were retained to provide the core for a plant restart. In June, 2000, the six remaining personnel were laid off or transferred to other facilities. But basic maintenance was still performed by personnel from other facilities to keep major equipment in a condition for restart. All permits remained in place.

Serious discussions with Stanislaus Energy Partners (SEP), potential purchasers of the plant, commenced in March, 2000. In July, 2000 an Asset Purchase Agreement was signed with SEP that provided for the restart and operation of the facility. However, SEP experienced difficulty in obtaining funds for the purchase. In August, 2000, MELP established October 6, 2000, as the deadline for closing the sale. SEP did not provide funds for closing by the October 6 deadline. On October 16, 2000, MELP declared permanent

shutdown of the incinerator. MELP filed for ERCs from the San Joaquin Unified Air Pollution Control District ("District") on November 30, 2000.

## II. Issue

Rule 2301, Section 4.2.1, of the District's regulations provides that an application for ERCs must be filed no later than 180 days after the emission reductions have occurred. This deadline is repeated in Section 5.5 of the District rules. Does the 180-day application deadline run from January 31, 2000, or from October 16, 2000? If the deadline is triggered on October 16, 2000, MELP filed a timely application under the District Regulations.

## III. Discussion

Emission Reduction Credits and banking are authorized by Section 40709 of the California Health and Safety Code. Under District Rule 2301 ("Emission Reduction Credit Banking"), permanent shutdown of a source can result in the creation of ERCs. Section 3.11 defines "Shutdown" as follows:

"... either the earlier of the permanent cessation of emissions from an emitting unit or the surrender of that unit's operating permit. If, prior to the surrender of the operating permit, the APCO [Air Pollution Control Officer] determines that:

3.11.1 the unit has been removed or fallen into an inoperable and unmaintained condition such that startup would require an investment exceeding 50% of the current replacement cost; and

3.11.2 the owner cannot demonstrate to the satisfaction of the APCO that the owner intended to operate again, then the APCO may cancel the permit and deem the source shutdown as of the date of last emissions. Evidence of an intent to operate again may include valid production contracts, orders, other agreements, or any economically based reasons which would require the operation of the emitting unit after initial cessation of emissions."

The two key concepts in this provision are surrender of an operating permit and permanent cessation.

*Status of operating permit:* Even after MELP submitted its ERC application on November 30, 2000, its operating permits were still in place. Indeed, in its December 14, 2000 letter, the District stated that the MELP operating permits "will be cancelled" because an application for ERCs based upon shutdown is considered authorization to cancel all operating permits. In a District letter dated December 21, 2000, the District announced that

the operating permits were suspended "effective immediately" for nonpayment of the annual fees. This amounts to an acknowledgement by the District that the operating permits were in effect as of the date of the ERC application. Therefore, permits were in effect within 180 days of the filing of the application.

It is important to note that the District did not cancel the permits under the authority provided in Section 3.11 based upon a finding that the unit had fallen into "an inoperable or unmaintained condition." Failure to pull the permit as specified in the Regulations precludes the District from deeming the incinerator shutdown as of the date of last emissions, which was January 31, 2000.

Since the operating permits were in effect even after the date of the ERC application, the key issue is determining when "permanent cessation" of emissions occurred.

*Permanent Cessation:* As MELP indicated in its April 8, 2002 letter to the District, MELP did not intend to permanently shut down the incinerator until October 16, 2000. The last sentence of section 3.11 identifies elements that indicate an intent to operate again, including "any economically based reasons which would require the operation of the emitting unit" after initial shutdown. MELP had several such economically based reasons: (a) an idle but maintained incinerator is more attractive to a buyer than a shutdown incinerator (it's easier to sell); (b) a plant that is permanently shutdown and has lost its permits is much less attractive than an idle but permitted plant; and (c) it costs more to start up a shutdown plant than an idle plant.

There is another line of argument supporting MELP. District Rule 2201 (New and Modified Stationary Source Review Rule), Section 3.2.1, provides that emission reductions must be "real, enforceable, quantifiable, surplus, and permanent." U.S. EPA uses similar language. For example, Appendix S to 40 CFR Part 51 sets out EPA's "Emission Offset Interpretative Ruling." Section C(3)(i) of the Ruling states that "[a] source may generally be credited with emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours . . . if such reductions are permanent, quantifiable, and federally enforceable . . ." EPA's December 4, 1986 "Emissions Trading Policy Statement" provides that ERCs must be surplus, enforceable, permanent, and quantifiable. The policy also indicates that shutdowns are treated for purposes of emissions trading like any other type of emission reduction.

Thus, both U.S. EPA and the District Regulations require that reductions must be enforceable in order to be creditable. In a March 3, 2000 letter, EPA Region V explained how the concept of enforceability applies to shutdowns. A steel mill modified two blast furnaces and shutdown two electric arc furnaces. It argued that the two "netted out" such that no offsets were required. EPA stated:



"However, the emissions reductions from the shutdown of the electric arc furnaces may have been enforceable if the owner or operator intended the shutdown to be permanent at the time of the shutdown. A permanent shutdown may be considered legally enforceable because reactivation of that shutdown would itself trigger NSR [New Source Review]; thus the regulation effectively acts as the enforceable mechanism. Key to a determination of whether a shutdown is permanent and enforceable are factors such as the condition and ability to use the equipment, the reason for the shutdown, and statements by the owner or operator."

Under this EPA ruling, MELP could not have obtained credits in January, 2000, because the emission reductions were not enforceable, and emission reductions must be enforceable in order to be creditable. The MELP incinerator was not permanently shutdown in January, 2000 because it still had the ability to start up again. MELP would not have wanted to apply in January, 2000 and have the District suspend the permit, since MELP was trying to sell the incinerator. Without an operating permit, the incinerator would have had a much lower purchase price.

#### IV. Conclusion

The MELP incinerator did not shutdown for purposes of certifying and banking emission reduction credits until MELP announced permanent shutdown on October 16, 2000. District Rule 2301 defines "shutdown" as the earlier of (a) the permanent cessation of emissions or (b) surrender of a plant's operating permit. Factors showing that the plant did not "shutdown" until October 16, 2000 include:

- Plant operating permits were in effect as of the date of the ERC application (and thereafter), as evidenced by the December 14, 2000 District letter announcing that the operating permits "will be cancelled" because of the ERC application;
- The District did not cancel the permits under a provision of Rule 2301, Section 3.11, that authorizes the District to cancel a permit if the unit has become inoperable and unmaintained;
- From January 16, 2000 to October, 2000, MELP continued to maintain the plant. Six employees were at the plant until June, 2000. After that date maintenance was performed by personnel from other facilities; and
- From January 16, 2000 to October, 2000, MELP was taking steps to sell the facility. District Rule 2301 provides that evidence of an intent to operate may include economically-based reasons which would require operation after initial cessation of

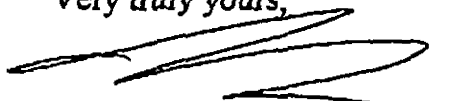
**HellerEhrman**  
ATTORNEYS

Mr. Edward Tomco  
June 14, 2002  
Page 5

emissions. The potential sale of the facility created a strong economic reason to maintain the plant rather than to permanently cease operations.

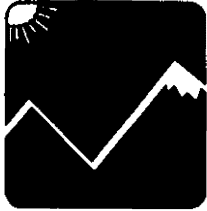
Please feel free to call if you have any questions.

Very truly yours,



Thomas M. Donnelly

cc: Stephen C. Artus



San Joaquin Valley  
Air Pollution Control District

March 21, 2002

Stephen C. Artus  
UAE Energy Operations Corporation  
2420 Camino Ramon, Suite 101  
San Ramon, CA 94583

**Re: Request for Additional Information**  
**Project Number: 1001257, Facility ID: N-2045**  
**ERC Applications: N-224-1 through N-224-5**

Dear Mr. Artus:

The District is in the process of processing your application for Emission Reduction Credits (ERCs) resulting from the shutdown of the tire derived fuel resource recovery facility, at 4549 Ingram Creek Road in Westley, CA.

In order to ensure that the ERC application complies with District Rule 2301: Emission Reduction Credit Banking, the following information is needed:

1. Please state in writing if the tire-derived fuel resource recovery facility was capable of operation during the tire fire incident. Please state if the equipment at the facility fell into a state of disrepair during the tire fire incident.
2. Please state in writing if the tire-derived fuel resource recovery facility was under any government (federal, state, local, etc.) orders to cease operation during the tire fire incident. If so, please provide copies of said orders.
3. Please provide a copy of the lease between Modesto Energy Limited Partnership and Mr. Ed Filbin and contact information for Mr. Ed Filbin

David L. Crow  
Executive Director/Air Pollution Control Officer

Northern Region Office  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9322  
(209) 557-6400 • FAX (209) 557-6475

Central Region Office  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
(559) 230-6000 • FAX (559) 230-6061

Southern Region Office  
2700 M Street, Suite 275  
Bakersfield, CA 93301-2370  
(661) 326-6900 • FAX (661) 326-6985

Stephen C. Artus  
March 21, 2002  
Page 2

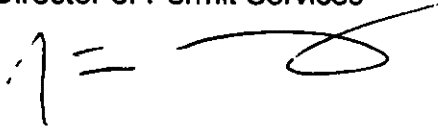
In response, please refer to the above project number, and send to the attention of Mr. Nick Peirce.

Please submit the requested information as soon as possible. The District will not be able to process your application until this information is received. Please note that the District's Small Business Assistance Office is available to all applicants. If you would like our SBA office's assistance in responding to this letter, please contact them at (209) 557-6446.

Thank you for your cooperation in this matter. Should you have any questions, please contact Mr. Jim Swaney of Permit Services at (209) 557-6400.

Sincerely,

Seyed Sadredin  
Director of Permit Services

A handwritten signature in black ink, appearing to read "Jim Swaney", with a long horizontal flourish extending to the right.

Jim Swaney  
Permit Services Manager

NRP  
Attachment  
CC: SJVAPCD – Small Business Assistance Office



San Joaquin Valley  
Air Pollution Control District

**Fax Transmittal**

4230 Kiernan Avenue, Suite 130  
Modesto, California 95356-9321  
Phone (209) 557-6400  
Fax (209) 557-6475

Date : 3/20/02

To : STEPHEN ADAMS

Fax Number : 925-244-1101

From : SIM SWADEY

Number of pages (including cover sheet): 3

Description :

INFORMATIONAL LETTER

- Per Your Request
- Per Our Conversation
- Take Appropriate Action
- Please Answer
- For Your Information
- For Your Approval
- Review & Comment
- Review & Return

Original transmittal will follow via mail

Remarks / Response : CALL IF YOU HAVE ANY QUESTIONS

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## Jim Swaney

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**From:** Josette Merced Bello  
**Sent:** Thursday, February 28, 2002 8:39 AM  
**To:** Bob Dowell; Bob Kard; Carolyn Rose; Charlie Goldberg; Charlie Hemphill; Clif Calderwood; Councilmember Applegate (E-mail); Councilmember Armentrout (E-mail); Councilmember Maggard (E-mail); Dave Jones; Dave Warner; Dave Crow; Fred Bates; Gary Martin; Jami Aggers; Janis Parker; Jim Swaney; John Cadrett; Karen Morris; Kelly Malay; Linda Phillips; Mark Boese; Michelle Banuelos; Phil Jay; Rich Milhorn; Roger McCoy; Seyed Sadredin; Sissy Smith; Stacey Galati; Supervisor Blom (E-mail); Supervisor Barba (E-mail); Supervisor Case (E-mail); Supervisor Dominici (E-mail); Supervisor O'Banion (E-mail); Supervisor Patrick (E-mail); Supervisor Sanders (E-mail); Supervisor Sieglock (E-mail); Jeff Findley; Tom Jordan; Ken Pretzer  
**Subject:** In the News

### Filbin acquires Westley tire plant

*February 28, 2002 Posted: 05:55:05 AM PST*

By JOHN HOLLAND MODESTO BEE STAFF WRITER

Ed Filbin, who started the infamous tire pile near Westley, now owns the tire-burning power plant next door.

Filbin acquired the idle plant a month ago at no cost because Modesto Energy Limited Partnership stopped making lease payments to him. He said Tuesday that he hopes to find a company to restart the plant.

"They gave the keys to me," Filbin said. "They could not economically keep the thing going."

Modesto Energy entered into a contract with Filbin to build the plant on his land in 1987.

Filbin is among the defendants in lawsuits over the huge fire at the pile in 1999. He started the pile about 40 years ago on his ranchland in a canyon west of Interstate 5.

He declined to talk about the litigation but said he is eager to get things going at the tire-burning plant, which was built to consume the stockpiled tires and others hauled there.

Ed Tomeo, president of Modesto Energy, said Wednesday that the company stopped making payments after failing to find a buyer for the plant or to get a state subsidy for restarting it.

"Basically, the terms of the lease did allow for the turnover of the facility to (Filbin) in the event lease payments were not made," Tomeo said.

The plant cost about \$41 million to build. Stanislaus County has dropped its assessed value to just \$742,500 because the plant is not making money.

Modesto Energy still exists as a corporation even though its main asset is now in Filbin's hands, said Tomeo, who still works for its parent company, United American Energy Corp. of San Ramon.

Modesto Energy has met its obligation to help pay for the fire cleanup under a settlement with the state attorney general and the Stanislaus County district attorney, he said.

The plant operated for about a dozen years, selling enough power to Pacific Gas & Electric Co. to supply about 15,000 homes. It shut down in September 1999 after lightning ignited the neighboring tire pile, which then held about 7 million tires.

The plant resumed operation for a while, helping with the initial cleanup at the site, but it shut down again in January 2000 because of legal problems with its main tire supplier.

Filbin said he is negotiating with five companies interested in operating the plant for him.

"It will take some money to get it back in operation, but that's not a problem," he said. "It would be private funding. We

don't have to go to the state (for a subsidy) to get it going."

### **State subsidy denied**

Modesto Energy last year asked for \$3 million a year from the California Integrated Waste Management Board to help operate the plant. Tomeo argued that the subsidy -- from a \$1 surcharge on the purchase of each tire -- would help solve both the tire-dumping problem and the energy shortage then gripping the state.

The state board declined to act, and the easing of the energy crisis meant that electricity from tires was not so much in demand.

The plant can burn as many as 6 million tires a year, about a fifth of the total discarded annually in the state. Tomeo said he is glad that Filbin will take a crack at restarting it.

"We really liked the facility," Tomeo said. "The power plant does the right thing. It consumes six out of every 10 tires (discarded) from Fresno to Yreka."

Filbin would have to get a new permit from the state waste board to stockpile tires for burning in the plant, board spokesman Lanny Clavecilla said.

"There are going to be some space requirements between the piles, so in the event there's a fire, it will remain small, and they would provide access lanes," Clavecilla said.

The plant also would have to meet standards set by the county and by the regional boards dealing with air and water pollution, he said.

Modesto Energy had kept a relatively small pile of tires right at the plant. Filbin owned the larger pile until 1995, when he sold it to Mark Kirkland. He retained ownership of the land underneath the tires.

A judge ruled in December that Filbin is partly responsible for cleanup costs after the fire. That ruling came in a lawsuit by the attorney general and district attorney.

Filbin also is named in a lawsuit by about 11,000 West Side residents who claim smoke from the fire made them sick.



San Joaquin Valley  
Air Pollution Control District

COPY

July 6, 2001

Stephen C. Artus  
UAE Energy Operations Corporation  
2420 Camino Ramon, Suite 101  
San Ramon, CA 94583

**Re: Request for Additional Information**  
**Project Number: 1001257, Facility ID: N-2045**  
**ERC Applications: N-224-1 through N-224-5**

Dear Mr. Artus:

The District is in the process of reviewing your application for Emission Reduction Credits (ERCs) resulting from the shutdown of the tire derived fuel resource recovery facility, at 4549 Ingram Creek Road in Westley, CA.

Based on this calculations performed in this review, the District has determined that the baseline emissions period for the banking of ERCs from the shutdown of the tire derived fuel resource recovery facility is from Quarter 2 1995 to Quarter 1 1997. Please provide the following information to facilitate further processing:

1. Please provide continuous emissions monitoring (CEM) data from the tire incinerator units (PTO N-2045-2) for the time period from Quarter 2 1995 to Quarter 1 1997.
2. Please provide records of the hours of operation of the 2020 hp emergency diesel-fired internal combustion engine (PTO N-2045-4) for the time period from Quarter 2 1995 to Quarter 1 1997.
3. Please provide records of the hours of the daily amounts of fly ash received in the 20 ton storage silo (PTO N-2045-5) for the time period from Quarter 2 1995 to Quarter 1 1997.

David L. Crow  
Executive Director/Air Pollution Control Officer

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Northern Region Office  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9322  
(209) 557-6400 • FAX (209) 557-6475

Central Region Office  
1990 East Gettysburg Avenue  
Fresno, CA 93726-0244  
(559) 230-6000 • FAX (559) 230-6061  
[www.valleyair.org](http://www.valleyair.org)

Southern Region Office  
2700 M Street, Suite 275  
Bakersfield, CA 93301-2373  
(661) 326-6900 • FAX (661) 326-6985



Stephen C. Artus  
UAE Energy Operations Corporation  
July 6, 2001  
Page 2

In response, please refer to the above project number, and send to the attention of Mr. Nick Peirce.

Please submit the requested information as soon as possible. The District will not be able to process your application until this information is received. Please note that the District's Small Business Assistance Office is available to all applicants. If you would like our SBA office's assistance in responding to this letter, please contact them at (209) 557-6446.

Thank you for your cooperation in this matter. Should you have any questions, please contact Mr. Nick Peirce of Permit Services at (209) 557-6453..

Sincerely,

Seyed Sadredin  
Director of Permit Services

A handwritten signature in black ink, appearing to read 'Seyed Sadredin', with a long horizontal flourish extending to the right.

Jim Swaney  
Permit Services Manager

Attachment  
NRP

CC: SJVAPCD – Small Business Assistance Office



San Joaquin Valley  
Air Pollution Control District

COPY

February 5, 2001

Stephen C. Artus  
Modesto Energy Limited Partnership  
2420 Camino Ramon, Suite 101  
San Ramon, CA 94583

**Re: Notice of Receipt of Complete Application - Emission Reduction Credits  
Project Number: 1001257**

Dear Mr. Artus:

The District has completed a preliminary review of your application for Emission Reduction Credits (ERCs) resulting from the shutdown of a stationary source, at 4549 Ingram Creek Road in Westley, CA.

Based on this preliminary review, the application appears to be complete. However, during processing of your application, the District may request additional information to clarify, correct, or otherwise supplement, the information on file.

Pursuant to District Rule 3010, section 3.0, your application may be subject to an hourly Engineering Evaluation Fee. If the applicable fees exceed the submitted application filing fee, the District will notify you at the conclusion of our review.

Thank you for your cooperation. Should you have any questions, please contact Mr. Jim Swaney at (209) 557-6400.

Sincerely,

Seyed Sadredin  
Director of Permit Services

Jim Swaney  
Permit Services Manager

NRP

David L. Crow  
Executive Director/Air Pollution Control Officer

Northern Region Office  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9322  
(209) 557-6400 • FAX (209) 557-6475

Central Region Office  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
(559) 230-6000 • FAX (559) 230-6061

Southern Region Office  
2700 M Street, Suite 275  
Bakersfield, CA 93301-2370  
(661) 326-6900 • FAX (661) 326-6985

12/21/00

Suspend

As per Dave via Sejed

> we will change status from D to suspend and you will get a suspend letter.

> if ~~business~~ they want to operate they can pay back fee & re-activate their permits.

ERC

> Need letter that no matter what outcome of ERC will be they agree to pay for time spend to process ERC applications.

> preliminary notice will say that permits will be cancelled at the time of final issuance of ERCs.

COPY

SJVUAPCD NORTHERN REGION

Telephone Report:

Date: 10/31/00 Time: 11:00 AM

WITH: Stephen Artus TITLE: General Manager

COMPANY Modesto Energy FID#2045 PH# (925) 244-1100

APCD REPRESENTATIVE K. Morris TITLE Adm Analyst

SUBJECT OF CONVERSATION Pending Penalty Fees

**Summary of Conversation:**

I called facility to notify penalty was going to be assessed. Penalty fee was going to be substantial, so I wanted to make sure the facility was aware that Renewal payment had not been received. There were a couple of other people there with Mr. Artus on speakerphone. They told me they were aware of non-payment. They also explained they were looking for a buyer, no prospects yet. Said if they couldn't find a buyer they would be applying for ERC's. They didn't know if they were going to pay the renewal fees.

I explained the billing procedure and the one-time waiver option. I told them 30-days after the penalty was assessed, permits would be suspended. Also, explained that most Sources keep permits active for potential buyers. Mr. Artus agreed but said prospects for finding a buyer looked grim.

They thanked me for calling them and said they would send a letter acknowledging our conversation.

Filing Code 2045

\_\_\_\_\_  
\_\_\_\_\_



MODESTO ENERGY LIMITED PARTNERSHIP

RECEIVED  
NOV 13 2000

SAN JOAQUIN VALLEY  
UNIFIED A.P.C.D.  
NO. REGION

November 3, 2000

Ms. Karen Morris  
San Joaquin Valley  
Unified Air Pollution Control District  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356

Re: Modesto Energy Limited Partnership Air Permit N-2045

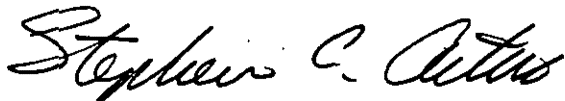
Dear Ms. Morris:

This letter confirms our conference call of October 31<sup>st</sup>. As we discussed, the Modesto Energy Limited Partnership (MELP) waste tire-to-energy facility was temporarily shutdown on January 31<sup>st</sup> of this year due to issues stemming from the tire fire. MELP maintained the plant in a condition that would allow restart while seeking a buyer. MELP has not been successful in finding a purchaser for the facility.

As a result, MELP is initiating decommissioning of the facility. MELP is working with its environmental consultant, RTP Environmental, on the application for emissions reduction credits. The appropriate application will be sent to you shortly. Given the financial condition of the facility, MELP cannot pay the annual permit fee which was due on October 27<sup>th</sup>. MELP also understands that there is one time exemption from the penalty for non-payment if the facility is permanently shutdown. Permanent shutdown is now the most likely case.

We appreciate your phone call to us advising us that the annual permit fee had not been paid and your obvious concern for the facility. If you have any questions regarding this matter, please call me.

Sincerely,



Stephen C. Artus  
General Manager  
UAE Energy Operations Corp.

cc: R. Gill, SJVUAPCD

F:\WPF\63SR\63688sr.doc

Due Date
10/28/2000

Amount Due
\$ 25,277.00

Amount Enclosed

REN  
2045 N32215 8/29/2000

MODESTO ENERGY LIMITED PARTNER  
PO BOX 302  
WESTLEY, CA 95387

SJVAPCD  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9321

Facility ID
N2045

Invoice Date
8/29/2000

Invoice Number
N32215

Invoice Type
00/01 Annual Permits To Operate

MODESTO ENERGY LIMITED PARTNER  
4549 INGRAM CREEK ROAD  
WESTLEY, CA 95387

**A PENALTY OF 50% WILL BE ADDED IF NOT PAID BY 10/28/2000**

Permit Fees Due (Enclosed is a detailed statement outlining the fees for each item.)

\$ 25,277.00

**Invoice Detail**

Facility ID: N2045

MODESTO ENERGY LIMITED PARTNER  
 4549 INGRAM CREEK ROAD  
 WESTLEY, CA 95387

Invoice Nbr: N32215  
 Invoice Date: 8/29/2000  
 Page: 1

Permit Nbr	Billing Period	Equipment Description	Fee Rule	Qty	Fee Amount	Total Fees
N-2045-2-3	11/1/2000 to 10/31/2001	TIRE INCINERATORS (2), 6,423 LB/HR; BOILERS (2), HIGH-PRESSURE, 129,700 LBS/HR COMBINED STEAM CAPACITY; GENERATOR, STEAM TURBINE, 18.5 MW GROSS POWER; CONTROL EQUIPMT - BAGHOUSE, SO2 SCRUBBER, AMMONIA INJECTION SYSTEM AND ASSOCIATED EQUIPMENT.	3020-07 D	1	\$ 24,476.00	\$ 24,476.00
N-2045-4-1	11/1/2000 to 10/31/2001	ONE 2020 HP DETROIT DIESEL MODEL 149 9163-7316 TURBOCHARGED AND AFTERCOOLED IC ENGINE SERVING AN EMERGENCY STANDBY 1,500 KW GENERATOR	3020-10 F	1	\$ 641.00	\$ 641.00
N-2045-5-1	11/1/2000 to 10/31/2001	ONE 20 TON FLY ASH STORAGE SILO SERVED BY A FLEX-KLEEN MODEL 1000 BAGHOUSE	3020-05 B	1	\$ 79.00	\$ 79.00
N-2045	11/1/2000 to 10/31/2001	TITLE V PERMIT UNIT SURCHARGE	3020-13	3	\$ 27.00	\$ 81.00
<b>Total Amount Due:</b>					<b>\$ 25,277.00</b>	

Note: Any of the above units which have been permanently removed from service may be marked through, and the corresponding fee for that equipment may be subtracted from the total amount due. Please sign and return with your payment a copy of each "Invoice Detail" page which has been so altered.

Name (Please print)	Title	Phone	Signature
---------------------	-------	-------	-----------

Due Date
12/9/2000

Amount Due
\$ 12,638.50

Amount Enclosed

RENPEN  
2045 N32974 11/9/2000

MODESTO ENERGY LIMITED PARTNER  
PO BOX 302  
WESTLEY, CA 95387

SJVAPCD  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9321

Facility ID
N2045

Invoice Date
11/9/2000

Invoice Number
N32974

Invoice Type
Penalty Fees

MODESTO ENERGY LIMITED PARTNER  
4549 INGRAM CREEK ROAD  
WESTLEY, CA 95387

Our records indicate that your permit fees are now past due. District Rule 3010, Part 6, requires that the fees be increased by 50 percent if not paid within 60 days of the original due date.

**FAILURE TO PAY THE CURRENT CHARGES PLUS THE PAST DUE AMOUNT(S) BY 12/9/2000 MAY RESULT IN SUSPENSION OF YOUR PERMIT(S) TO OPERATE.**

Penalty Fees Due (Enclosed is a detailed statement outlining the fees for each item.)

\$ 12,638.50



### Invoice Detail

Facility ID: N2045

MODESTO ENERGY LIMITED PARTNER  
4549 INGRAM CREEK ROAD  
WESTLEY, CA 95387

Invoice Nbr: N32974  
Invoice Date: 11/9/2000  
Page: 1

Unpaid Invoice Number	Original Due Date	Original Invoice Type	Unpaid Invoice Amount	Penalty Percent	Total Fees
N32215	10/28/2000	00/01 Annual Permits To Operate	\$ 25,277.00	50%	\$ 12,638.50
			<b>Total Amount Due:</b>		<b>\$ 12,638.50</b>

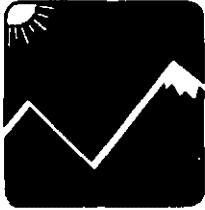
Facility Status: V  
Facility ID: N2045

Site Address:  
MODESTO ENERGY LIMITED PARTNER  
4549 INGRAM CREEK ROAD  
WESTLEY, CA 95387  
(925) 244-1100

Mailing Address:  
MODESTO ENERGY LIMITED PARTNER  
PO BOX 302  
WESTLEY, CA 95387

Invoice	Date	Description	Trans Type	Check #	Debit	Credit	Balance
N26859	4/20/1994	94 TOXIC BILLING; Orig Inv C11007	BILLING		\$ 4,276.00		\$ 4,276.00
N26859	4/20/1994	Assume old invoice paid-in-full; payment detail unavailable.	ADJUST			(\$ 4,276.00)	\$ 0.00
N27794	4/13/1995	95 TOXIC BILLING; Orig Inv C16743	BILLING		\$ 5,599.00		\$ 5,599.00
N27794	6/26/1995	Orig Invoice was T16743	PAYMENT	3298		(\$ 5,599.00)	\$ 0.00
N14300	8/5/1995	95/96 PERMITS	BILLING		\$ 23,310.00		\$ 23,310.00
N14300	9/1/1995	WRONG STATEMENT DATE	ADJUST			(\$ 23,310.00)	\$ 0.00
N14456	9/5/1995	95/96 PERMITS	BILLING		\$ 23,310.00		\$ 23,310.00
N14456	10/27/1995	14456	PAYMENT	3948		(\$ 23,310.00)	\$ 0.00
N28498	6/28/1996	96 TOXIC BILLING; Orig Inv C22540	BILLING		\$ 3,808.00		\$ 3,808.00
N28498	7/19/1996	Orig Invoice was T22540	PAYMENT	6458		(\$ 3,808.00)	\$ 0.00
N17087	9/2/1996	96/97 PERMITS	BILLING		\$ 23,310.00		\$ 23,310.00
N17087	10/14/1996	17087	PAYMENT	6890		(\$ 23,310.00)	\$ 0.00
N29101	5/21/1997	97 TOXIC BILLING; Orig Inv C27757	BILLING		\$ 3,734.00		\$ 3,734.00
N29101	7/7/1997	Orig Invoice was T27757	PAYMENT	7494		(\$ 3,734.00)	\$ 0.00
N19743	9/2/1997	97/98 PERMITS	BILLING		\$ 24,476.00		\$ 24,476.00
N19743	10/21/1997	19743	PAYMENT	716		(\$ 24,476.00)	\$ 0.00
N22321	8/26/1998	1-DAY CREDIT - CYCLE ADJUSTMENT	ADJUST			(\$ 67.06)	(\$ 67.06)
N22321	8/26/1998	98/99 PERMITS	BILLING		\$ 24,476.00		\$ 24,408.94
N22423	9/17/1998	Prorated PTO 04/01/97 to 11/01/99	BILLING		\$ 1,657.82		\$ 26,066.76
N22853	10/2/1998	Prorated PTO 10/03/97 to 11/01/99	BILLING		\$ 164.28		\$ 26,231.04
N22423	11/9/1998	N-22423	PAYMENT	2623		(\$ 1,657.82)	\$ 24,573.22
N22853	11/9/1998	N-204522853	PAYMENT	2623		(\$ 164.28)	\$ 24,408.94
N22321	11/9/1998	N-22321	PAYMENT	2623		(\$ 24,408.94)	\$ 0.00
N24953	9/1/1999	99/00 PERMITS	BILLING		\$ 25,196.00		\$ 25,196.00
N24953	9/27/1999	N-2045/24953	PAYMENT	4131		(\$ 25,196.00)	\$ 0.00
N1000188	3/30/2000	ATC	PAYMENT	1744		(\$ 60.00)	(\$ 60.00)
N30953	4/11/2000	Prorated PTO 01/10/00 to 10/31/00	BILLING				(\$ 60.00)
N32215	8/29/2000	00/01 Annual Permits To Operate	BILLING		\$ 25,277.00		\$ 25,217.00
N32974	11/9/2000	Penalty Fees	BILLING		\$ 12,638.50		\$ 37,855.50
N32974	12/19/2000	PER CANCELLATION OF N-2045	ADJUST			(\$ 12,638.50)	\$ 25,217.00
N32215	12/19/2000	PER CANCELLATION OF N-2045	ADJUST			(\$ 25,277.00)	(\$ 60.00)

Invoice	Date	Description	Trans Type	Check #	Debit	Credit	Balance
				Total:	\$ 201,232.60	(\$ 201,292.60)	(\$ 60.00)



San Joaquin Valley  
Air Pollution Control District

COPY

December 14, 2000

Stephen C. Artus  
UAE Energy Operations Corporation  
2420 Camino Ramon, Suite 101  
San Ramon, CA 94583

**Re: Notice of Incomplete Application**  
**Project Number: 1001257, Facility ID: N-2045**  
**ERC Applications: N-224-1 through N-224-5**

Dear Mr. Artus:

The District has completed a preliminary review of your application for Emission Reduction Credits (ERCs) resulting from the shutdown of the tire derived fuel resource recovery facility, at 4549 Ingram Creek Road in Westley, CA.

Based on this preliminary review, the application has been determined to be incomplete. The following information is required prior to further processing:

1. To facilitate the establishment of an appropriate baseline emissions period, please provide tire derived fuel throughput data for each calendar quarter for the ten (10) consecutive years prior to the shutdown of the facility. Once the District establishes this baseline period, the District will require continuous emissions monitoring (CEM) data for at least eight (8) consecutive calendar quarters during this baseline period. A request for CEM data for this baseline period will be addressed in a future correspondence.
2. Please be advised that a submitted application for emission reduction credits from the shutdown of an entire stationary source is considered by the District to be sufficient authorization to cancel all the Permits to Operate (PTOs) for that stationary source. Therefore, all PTOs issued to Facility N-2045 will be cancelled.
3. Please include a correspondence from Modesto Energy Limited Partnership (MELP) authorizing UAE Energy Operations Corporation to act on MELP's behalf.

In addition, the District has determined that the ERC application filing fee of \$650.00 has not been fully paid. Payment of the attached bill is required prior to further processing.

David L. Crow  
Executive Director/Air Pollution Control Officer

Northern Region Office  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9322  
(209) 557-6400 ♦ FAX (209) 557-6475

Central Region Office  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
(559) 230-6000 ● FAX (559) 230-6061

Southern Region Office  
2700 M Street, Suite 275  
Bakersfield, CA 93301-2370  
(661) 326-6900 ● FAX (661) 326-6985

Stephen C. Artus  
UAE Energy Operations Corporation  
December 14, 2000  
Page 2

In response, please refer to the above project number, and send to the attention of Mr. Nick Peirce.

Please submit the requested information within 90 days. The District will not be able to process your application until this information is received. Please note that the District's Small Business Assistance Office is available to all applicants. If you would like our SBA office's assistance in responding to this letter, please contact them at (209) 557-6446.

Thank you for your cooperation in this matter. Should you have any questions, please contact Mr. Nick Peirce of Permit Services at (209) 557-6453.

Please submit the requested information within 90 days. The District will not be able to process your application until this information is received. Please note that the District's Small Business Assistance Office is available to all applicants. If you would like our SBA office's assistance in responding to this letter, please contact them at (209) 557-6446.

Thank you for your cooperation in this matter. Should you have any questions, please contact Mr. Nick Peirce of Permit Services at (209) 557-6453.

Sincerely,

Seyed Sadredin  
Director of Permit Services

  
Jim Swaney  
Permit Services Manager

Attachment  
NRP

CC: Richard Booth  
RTP Environmental Associates  
1466 Ripchak Road  
Corona, CA 92879

SJVAPCD – Small Business Assistance Office

# SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT FEES

FACILITY I.D. #N-2045  
PROJECT #1001257

DISTRICT TAXPAYER ID #770262563

UAE Energy Operations Corporation  
2420 Camino Ramon, Suite101  
San Ramon, CA 94583

BILLING FOR: APPLICATION FILING FEE

BILLING DATE: 12/14/2000

TOTAL FEES	\$ 650.00
LESS AMOUNT PAID	\$ 0.00
<b>BALANCE DUE</b>	<b>\$ 650.00</b>

THE ABOVE TOTAL IS BASED ON THE FOLLOWING ITEMIZED LISTING:

<u>FACILITY</u>	<u>FEE</u>	<u>DESCRIPTION</u>
N-2045	\$650.00	APPLICATION FILING FEE

PLEASE **RETURN A COPY OF THIS BILL**, WITH THE AMOUNT DUE, WITHIN 30 DAYS TO:

SAN JOAQUIN VALLEY UNIFIED APCD  
4230 KIERNAN AVENUE, SUITE 130  
MODESTO, CA 95356-9321  
ATTENTION: Nick Peirce



San Joaquin Valley  
Air Pollution Control District

COPY

July 20, 2000


Stephen C. Artus  
UAE Energy Operations Corp.  
2420 Camino Ramon, Suite 101  
San Ramon, CA 94583

**Re: Emission Reduction Credits for Facility Shutdown.**

Dear Mr. Artus:

The District has received your letter dated July 13, 2000 and offers the following response. In accordance with District Rule 2301 Emission Reduction Credit Banking, "shutdown" is defined as the earlier of the permanent cessation of emissions from an emitting unit or the surrender of the unit's operating permit. Provided that the emission unit does not fall into an inoperable and unmaintained condition, the emission unit will not be considered shutdown as long as the operating permit remains valid. Consequently, you would have 180 days from the date that the operating permit was surrendered to file an application for emission reduction credits (ERC). Please be advised that the baseline period for calculating the actual emission reductions would be determined from the period immediately prior to the submission of a complete application for ERC. The maximum time frame that could be eligible for baseline period consideration is five years back from the complete application submittal date. Further, the use of any time period other than the two years immediately preceding the application submittal date must be justified by the applicant. Should you have any questions, please contact me at (209) 557-6400.

Sincerely,

  
Anthony Mendes  
Permit Services Manager

C: Roland Brooks, Compliance Manager, SJVAPCD

David L. Crow  
Executive Director/Air Pollution Control Officer

# TELEPHONE RECORD FORM

Project # 1001257

Date/Time/

Initials

Names of All Persons Involved and Conversation Record

1/22/01 @ 8:04 AM NRP (925) 244-1101	left msg for Stephen Artus to return my call regarding a meeting to discuss his ERC application.
1/22/01 @ 9:00 AM NRP	Stephen Artus called and requested a meeting to discuss the project on Wednesday Jan 24 <sup>th</sup> @ 1:30 PM.
10/31/01 NRP	Steve Artus left voice mail msg asking for a project status update.
11/1/01 @ 10:45 AM NRP (925) 244-1100	I called Steve Artus and told him that I am currently working on the project. I said that I am making progress & I would call if any issues came up.
11/8/01 @ 10:19 AM NRP (925) 244-1100 x:208	left msg for Stephen Artus. Told him I needed the CEMS emission summary for 1998, and the amount of fly ash generated during 1999. Told him I needed it ASAP.
11/9/01 @ 11:37 AM NRP (925) 244-1100 x:208	I spoke with Steve Artus. I explained that when the Tire Fire incident is considered, the baseline period becomes Q2 1996 - Q1 1998. I explained how the District calculates the



# TELEPHONE RECORD FORM

Project # 1001257

Date/Time/  
Initials

Names of All Persons Involved and Conversation Record

	baseline period. Steve said he would provide the CEMS data for Q2-Q4 1996 & Q1 1998 ASAP.
11/14/2001 @ 3:05PM NRP (925)244-1100	I called Steve Artus about the quarterly emission data he sent. I said that I also needed the "hours on-line" data as well as monthly emissions breakdown to verify that none of the OEL's were exceeded. I told him I would fax a sample emission data sheet format for him to follow. He said OK.
11/20/01 @ 9:14AM NRP (925)244-1100	left voice msg for Steve Artus to return my call regarding the fax I sent with the emission data summary sheet.
11/20/01 @ 12:11PM NRP	Steve Artus left a voice mail msg. He said he sent the requested data via overnight mail, so I should get it any day now.
3/11/02 @ 11:40AM NRP (925)244-1100 x:203	left msg for Steve Artus explaining the issues that must be addressed.

# TELEPHONE RECORD FORM

Project # 1001257

Date/Time/ Initials	Names of All Persons Involved and Conversation Record
8/1/02 NRP	Steve Artus left voice mail msg requesting a status update.
8/1/02 @ 5:21 PM NRP (925) 244-1100 x:208	I spoke with Ed Tomeo of UAE. I said that so far we have only received a comment from CARB asking if the ERCs were from the tire fire. EPA has yet to comment. I explained that due to a clerical error on the District's part, the project was put into notice until July 15. This is approx. 2 weeks later than I previously stated. I apologized for any inconveniences this caused. Ed said it isn't a problem. He said he would pass the info along to Steve.
8/1/02 @ 5:27 PM NRP (415) 972-3965	Left msg for Mark Sims of EPA regarding questions about this project. Apparently he is review SJVAPCO projects in Ed Pile's absence.
8/5/02 @ 11:30 AM NRP	Mark Sims called and said he can't find the ERC banking document. I said the package was addressed to Gerardo Rios. He said he would look again and call back.

# TELEPHONE RECORD FORM

Project # 1001257

Date/Time/

Initials

Names of All Persons Involved and Conversation Record

8/5/02 @ 11:40 AM	I left the following voice mail msg for Mark Sims: The package was shipped FedEx overnight and was delivered to your office on July 12, 2002 at approx. 10:00 AM! Someone named J. Alcantara signed for it. I also stated that the proposed ERC quantities are: $\approx 112,000 \frac{\text{lb-NH}_3}{\text{yr}}$ , $945 \frac{\text{lb-UC}}{\text{yr}}$ , $\approx 82,000 \frac{\text{lb-CO}}{\text{yr}}$ , $\approx 19,000 \frac{\text{lb-PM}_{10}}{\text{yr}}$ , and $\approx 56,000 \frac{\text{lb-SO}_x}{\text{yr}}$ . I asked him to return my call if he needed more info.
NRP	
(415) 972-3965	
8/8/02 @ 2:46 PM	left msg for Mark Sims of EPA. I reminded him that the notice period for this project is up on August 13. I asked him to get his comments to me before that day, if he has any. I also said that if he needed an electronic copy of the package, I could send one via e-mail.
NRP	
(415) 972-3965	
8/9/02 @ 9:06 AM	Mark Sims of EPA left a voice mail msg on Friday. He said the EPA will not be commenting on this project.
NRP	

<b>CONTINUOUS EMISSION MONITORING RESULTS SUMMARY</b>				
<b>TEST RESULTS</b>	<b>RUN #1</b>	<b>RUN #2</b>	<b>RUN #3</b>	<b>AVERAGE</b>
<b>DATE</b> <b>RUN TIME</b>	6/4/98 0830-0918	6/4/98 1012-1100	6/4/98 1200-1248	
<b><u>Concentrations</u></b>				
NOx ppm v/v	54.6	53.4	54.4	54.1
CO ppm v/v	42.3	45.4	46.1	44.6
SO <sub>2</sub> ppm v/v	14.0	11.5	17.7	14.4
THC ppm v/v as C <sub>1</sub>	1.3	4.8	1.1	2.4
O <sub>2</sub> %	7.2	7.3	6.7	7.1
CO <sub>2</sub> %	11.5	11.4	11.9	11.6
<b><u>Volume Flow Rate</u></b>				
SDCFM	46,887	46,887	44,765	46,180
<b><u>Emission Rates lbs/hr</u></b>				
NOx	18.6	18.2	17.7	18.2 ✓
CO	8.8	9.4	9.1	9.1 ✓
SO <sub>2</sub>	6.6	5.5	8.0	6.7 ✓
THC as C <sub>1</sub>	0.1	0.4	0.1	0.2 ✓
<b><u>Emission Rates lbs/day</u></b>				
NOx	447	437	425	436
CO	211	226	219	219
SO <sub>2</sub>	159	131	192	161

TABLE 2-3

<b>PARTICULATE MATTER RESULTS SUMMARY</b>				
<b>TEST RESULTS</b>	<b>RUN #1</b>	<b>RUN #2</b>	<b>RUN #3</b>	<b>AVERAGE</b>
<b>DATE RUN TIME</b>	6/4/98 0834-0939	6/4/98 1115-1219	6/4/98 1505-1608	
<b><u>Duct Conditions</u></b>				
Temperature °F	183	184	185	184
O <sub>2</sub> % Vol. Dry	7.2	6.7	7.0	7.0
CO <sub>2</sub> % Vol. Dry	11.5	11.9	11.7	11.7
H <sub>2</sub> O %	21.3	21.4	22.2	21.6
Molecular Weight (wet)	27.5	27.6	27.5	27.5
Velocity ft/second	83.1	81.3	82.4	82.3
ACFM	73540	71950	72953	72814
SCFM	59611	56963	57671	58082
SDCFM	46887	44765	44882	45511
Percent Isokinetic	99.6	98.8	99.1	99.2
<b><u>Particulate Concentration</u></b>				
Total Particulate grns/SDCF	0.015	0.010	0.004	0.010
<b><u>Particulate Emission Rate</u></b>				
Total Particulate lbs/hr.	5.89	3.99	1.67	3.84
Total Particulate lbs/day	141.4	95.8	40.1	92.3

TABLE 2-2

EXECUTIVE SUMMARY		
ANALYTE	TEST RESULTS	LIMIT
PARTICULATE	92.3 lbs/day ✓	113.0 lbs/day
NOX	436 lbs/day	500 lbs/day
CO	219 lbs/day	549 lbs/day
SO <sub>2</sub>	161 lbs/day	250 lbs day
NH <sub>3</sub>	2.5 ppm ✓	50 ppm
NOX RATA (LBS/DAY)	11 %	20 %
CO RATA (PPM)	9 %	10 %
CO RATA (PPM)	3.0 ppm	±5.0 ppm
SO <sub>2</sub> RATA (LBS/DAY)	15 %	20 %

TABLE 2-1

# The Avogadro Group

---

4085 Nelson Ave., Ste. E  
Concord, CA 94520  
(925) 680-4300  
(925) 680-4416 FAX

**RECEIVED**  
MAY 20 1998

SAN JOAQUIN VALLEY  
UNIFIED A.P.C.D.  
NO. REGION

---

## **TEST PLAN FOR 1998 COMPLIANCE TEST MODESTO ENERGY LIMITED PARTNERSHIP WESTLEY, CALIFORNIA**

---

Prepared for:

**MODESTO ENERGY LIMITED PARTNERSHIP**

Westley, California

for Submittal to:

**SAN JOAQUIN VALLEY UNIFIED  
AIR POLLUTION CONTROL DISTRICT**

Modesto, California

Prepared by:

John Pascale

May 15, 1998

98056



GASEOUS POLLUTANTS RESULTS SUMMARY							
TEST RESULTS	RUN #2	RUN #3	RUN #4	RUN #5	RUN #6	RUN #7	AVERAGE
DATE	5/29/97	5/29/97	5/29/97	5/29/97	5/29/97	5/29/97	
RUN TIME	1030- 1054	1112- 1136	1200- 1224	1242- 1306	1324- 1348	1407- 1431	
<u>Concentrations</u>							
NOx ppm v/v	45.66	46.85	49.69	48.11	46.88	52.82	48.34
CO ppm v/v	71.44	72.13	49.02	49.47	43.93	55.18	56.86
SO <sub>2</sub> ppm v/v	6.63	1.56	0.65	0.91	11.27	9.99	5.17
THC ppm v/v as C <sub>1</sub>	4.83	0.00	0.00	0.54	0.69	0.00	1.01
O <sub>2</sub> %	8.16	8.36	8.77	8.20	8.74	7.37	8.27
CO <sub>2</sub> %	10.22	10.17	9.79	10.41	9.71	10.95	10.21
<u>Volume Flow Rate</u>							
SDCFM	48500	48500	49900	49900	49900	49900	49400
<u>Emission Rates</u>							
<u>lbs/hr</u>							
NOx	16.11	16.53	18.04	17.47	17.02	19.18	17.39 ✓
CO	15.34	15.49	10.83	10.93	9.71	12.19	12.42 ✓
SO <sub>2</sub>	3.29	0.77	0.33	0.46	5.71	5.05	2.60 ✓
THC as C <sub>1</sub>	0.44	0.00	0.00	0.05	0.07	0.00	0.09 ✓

TABLE 2-3



PARTICULATE MATTER RESULTS SUMMARY				
TEST RESULTS	RUN #1	RUN #2	RUN #3	AVERAGE
DATE RUN TIME	5/29/97 0940-1050	5/29/97 1215-1325	5/29/97 1555-1705	
<u>Duct Conditions</u>				
Temperature °F	181	179	180	180
O <sub>2</sub> % Vol. Dry	8.2	8.5	8.1	8.3
CO <sub>2</sub> % Vol. Dry	10.2	10.1	10.5	10.3
H <sub>2</sub> O %	16.3	16.3	16.8	16.5
Molecular Weight (wet)	28.0	28.0	28.0	28.0
Velocity ft/second	82.4	84.7	82.7	83.3
ACFM	72945	74948	73148	73680
SCFM	57904	59688	58163	58585
SDCFM	48464	49947	48417	48943
Percent Isokinetic	102.2	99.8	98.7	100.3
<u>Particulate Concentration</u>				
Total Particulate grns/SDCF	0.006	0.005	0.004	0.005 ✓
<u>Particulate Emission Rate</u>				
Total Particulate lbs/hr.	2.43	2.26	1.70	2.13 ✓
Total Particulate lbs/day	58.3	54.2	40.8	51.1 ✓

TABLE 2-2



**RECEIVED**

JUL 31 1997

SAN JOAQUIN VALLEY  
UNIFIED A.P.C.D.  
NO. REGION

**CARNOT**  
**SOURCE TEST REPORT 302268**  
**JULY 17, 1997**

**MODESTO ENERGY**  
**LIMITED PARTNERSHIP**  
**ANNUAL COMPLIANCE**

<b>GASEOUS POLLUTANTS RESULTS SUMMARY</b>				
<b>TEST RESULTS</b>	<b>RUN #1</b>	<b>RUN #2</b>	<b>RUN #3</b>	<b>AVERAGE</b>
<b>DATE</b>	6/25/96	6/25/96	6/25/96	
<b>RUN TIME</b>	1224-1324	1406-1506	1606-1706	
<b><u>Concentrations</u></b>				
NOx ppm v/v	50.1	49.6	49.1	49.6
CO ppm v/v	59.0	54.1	44.2	52.4
SO <sub>2</sub> ppm v/v	21.2	17.6	13.4	17.4
CO <sub>2</sub> %	11.9	11.9	11.8	11.9
O <sub>2</sub> %	6.5	6.4	6.7	6.5
<b><u>Volume Flow Rate</u></b>				
SDCFM	45187	44967	45724	45293
<b><u>Emission Rates</u></b>				
NOx lbs/hr.	16.5	16.2	16.3	16.4
CO lbs/hr.	11.8	10.8	8.9	10.5
SO <sub>2</sub> lbs/hr.	9.7	8.0	6.2	8.0
NOx lbs/day	395.5	389.6	392.3	392.4 ✓
CO lbs/day	283.2	258.7	214.7	252.2 ✓
SO <sub>2</sub> lbs/day	232.4	192.0	149.0	191.2 ✓

TABLE 2-3

Before 1997 (Initial TV permit), the unit was not required to source test for VOC emissions. That is why 1996 source tests don't include THC

<b>PARTICULATE MATTER RESULTS SUMMARY</b>				
<b>TEST RESULTS</b>	<b>RUN #1</b>	<b>RUN #2</b>	<b>RUN #3</b>	<b>AVERAGE</b>
<b>DATE</b>	6/25/96	6/25/96	6/25/96	
<b>RUN TIME</b>	1123-1227	1331-1434	1537-1642	
<b><u>Duct Conditions</u></b>				
Temperature °F	185	187	185	186
O <sub>2</sub> % Vol. Dry	11.9	11.9	11.8	11.9
CO <sub>2</sub> % Vol. Dry	6.5	6.4	6.7	6.5
H <sub>2</sub> O %	14.8	15.1	14.8	14.9
Molecular Weight (wet)	28.4	28.3	28.4	28.4
Velocity ft/second	76.1	76.2	77.1	76.5
ACFM	67352	67470	68182	67671
SCFM	53015	52944	53676	53212
SDCFM	45187	44967	45724	45292
Percent Isokinetic	98.5	98.7	98.2	98.5
<b><u>Particulate Concentration</u></b>				
Total Particulate grns/SDCF	0.006	0.010	0.001	0.006
<b><u>Particulate Emission Rate</u></b>				
Total Particulate lbs/hr.	2.18	3.83	0.56	2.19
Total Particulate lbs/day	52.3	91.9	13.4	52.5

TABLE 2-2

**RECEIVED**

AUG 28 1996

SAN JOAQUIN VALLEY  
UNIFIED A.P.C.D.  
NO. REGION

**BROWN AND  
CALDWELL**

**ANNUAL COMPLIANCE  
SOURCE TEST REPORT 3911.01  
AUGUST 26, 1996**

**MODESTO ENERGY  
LIMITED PARTNERSHIP**

San Joaquin Valley  
Unified Air Pollution Control District

To: Craig Mitchell

From: John Cadrett

Date: 12-31-96

Subject: Source Test Update

Facility: Modesto Energy

Permit Number: N-2045-2-1

Equipment Tested: Tire incinerator with Baghouse, SO<sub>2</sub> scrubber  
NH<sub>3</sub> injection

Date of Test: 8-26-96

Test Performed By: Brown & Caldwell

Previous Test Date: 10-26-95

Next Test Date: 8-97

Pollutants Tested For:

NO<sub>x</sub> , CO , SO<sub>x</sub> , CO<sub>2</sub> , HC , O<sub>3</sub>   
Total Part, , PM<sub>10</sub> , Other NH<sub>3</sub> & RATA NO, CO, SO<sub>2</sub>

Comments - \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Passed Source test- Yes (  ), No (  ), retest date \_\_\_\_\_

Comments- \_\_\_\_\_  
\_\_\_\_\_

Enforcement Action - Yes (  ), No (  )

Reason for Enforcement - \_\_\_\_\_  
\_\_\_\_\_

For additional information on source test results please review the test summary.

**NMHC, (as Methane)**

ppm, dry	250.0	250.0	250.0				250.00
ppm, wet	213.1	212.3	213.0				212.8
lb/hr	<b>28.65</b>	<b>28.51</b>	<b>28.99</b>				<b>28.72</b>
lb/MMBtu	0.1279	0.1270	0.1297				0.1282
ppm @ 3% O <sub>2</sub>	310.8	214.1	214.1				246.3
ppm @ 15% O <sub>2</sub>	102.4	101.7	103.9				102.7

**Ammonia, (use only with Front-Half Method-5 analysis or enter STB-1 data separately!!!)**

Net mg.	0	0	0	0	0	0	0.0
ppm, dry	0.0	0.0	0.0				0.0
ppm, wet	0.0	0.0	0.0				0.0
lb/hr	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>				<b>0.00</b>
lb/MMBtu	0.0000	0.0000	0.0000				0.0000
ppm @ 3% O <sub>2</sub>	0.0	0.0	0.0				0.0
ppm @ 15% O <sub>2</sub>	0.0	0.0	0.0				0.0

**Weight % of Exhaust Gas**

SO <sub>2</sub>	0.0048	0.0040	0.0030				0.0039
NO <sub>2</sub>	0.0081	0.0081	0.0080				0.0080
CO	0.0058	0.0053	0.0044				0.0052
NMHC	0.0141	0.0142	0.0141				0.0141
NH <sub>3</sub>	0.0000	0.0000	0.0000				0.0000
SUM							<b>0.0315</b>

**FUEL "F" FACTOR, (DSCF/MMBTU)**

%C	70.475	70.475	70.475	70.475	70.475	70.475	140.950
%H	23.091	23.091	23.091	23.091	23.091	23.091	46.182
%O	0.690	0.690	0.690	0.690	0.690	0.690	1.380
%N	5.744	5.744	5.744	5.744	5.744	5.744	11.488
%S	0.000	0.000	0.000	0.000	0.000	0.000	0.000
HHV, Btu/lb	22,713.1	22,713.1	22,713.1	22,713.1	22,713.1	22,713.1	45,426.3
F-Factor	8,341.0	8,341.0	8,341.0				8,341.0

**EPA Method 19 Flowrates, dscfm**

@ Ts(std) & %O <sub>2</sub>	44,710	44,401	45,339				44,817
-----------------------------	--------	--------	--------	--	--	--	--------

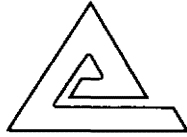
**EPA Method 1-4 Flowrates vs. EPA Method 19 Flowrates, dscfm**

Absolute Difference	477.2	565.7	384.4				475.8
Percent Difference	1.06	1.26	0.84				1.05

**Unit Load, (Based on Plant's Data)**

MMBtu/hr	225.00	225.00	225.00				225.00
----------	--------	--------	--------	--	--	--	--------

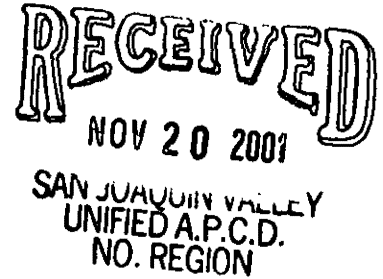




**MODESTO ENERGY LIMITED PARTNERSHIP**

November 16, 2001

Mr. Jim Swaney  
San Joaquin Valley Air Pollution Control District  
4320 Kiernan Avenue, Suit 130  
Modesto, CA 95356



Re: Request for Additional Information  
Project Number: 10011257, Facility ID: N-2045  
ERC Applications: N-224-1 through N-224-5

Dear Mr. Swaney:

In accordance with the request of Mr. Nick Pierce, attached is quarterly emissions data needed to complete the evaluation of the Emission Reduction Credits for the Modesto Energy Limited Partnership facility. This letter supercedes the Modesto Energy Limited Partnership letter of November 9, 2001.

If you have any questions regarding this data, please call me.

Sincerely,

Stephen C. Artus  
General Manager  
UAE Energy Operations Corp.

enclosure

## Modesto Energy Limited Partnership

### Quarter 1, 1998

Calendar Month	Hours on Line	Natural Gas Useage mmBTUs	Tons of Tires Burned	NOx #/mo	CO #/mo	SO2 #/mo
January	744	533	5,704	11,729	8,481	6,399
February	647	276	5,201	10,929	7,460	5,710
March	697	2,745	5,321	11,656	8,748	6,623

### Quarters 2, 3, & 4, 1996

	Calendar Month	Hours on Line	Natural Gas Useage mmBTUs	Tons of Tires Burned	NOx #/mo	CO #/mo	SO2 #/mo
	April	0	0	0	0	0	0
Q2	May	61	3,218	446	*	*	*
	June	676	3,893	5,056	9,193	7,859	4,872
	July	742	695	5,700	11,497	8,111	6,146
Q3	August	744	1,234	5,443	12,877	8,133	6,387
	September	720	3	5,594	14,500	9,828	6,533
	October	727	2,089	5,382	13,355	8,942	5,858
Q4	November	615	22,086	3,409	8,971	5,902	4,960
	December	736	1,696	5,625	13,172	8,959	6,352

\* Data missing from the daily report — Assumed to be zero.

Series 149 generator set engine 9163-7316

GENERAL DATA

General Data

Model.....	9163-7316
Number of Cylinders.....	14
Bore and Stroke(in/mm).....	5.75x5.75(146x146)
Displacement-in <sup>3</sup> (L).....	2399(39.18)
Compression Ratio.....	15:1
Combustion System.....	DIRECT INJECTION
Engine Type.....	43.3° VEE - 2 CYCLE
Application.....	TURBOCHARGED

Configuration

Turbocharger.....	TV8403(1.23)
Charge Air Cooling System.....	JVIC*
Water Temp. to Intercooler-°F(°C).....	VARIES WITH FAN
Blower Type.....	STD (EXT. BYPASS)
Blower Drive Ratio.....	2.26:1*
Thrust Bearing Load Limit	
Continuous-lbf(N).....	1100(4890)
Intermittent-lbf(N).....	3300(14680)
Engine Crankcase Vent System.....	OPEN
Max. Pressure in H <sub>2</sub> O(kPa).....	2.5(0.60)

Physical Data

Size	
Length-in(mm).....	106(2692)
Width-in(mm).....	64(1626)
Height-in(mm).....	68(1727)
Weight, dry-lb(kg).....	10970(4976)
Weight, wet-lb(kg).....	11690(5303)
Center of Gravity Distance	
From R.F.O.B. (x axis)-in(mm).....	37.44(951)
Above Crankshaft (y axis)-in(mm).....	14.46(367.3)
Right of Crankshaft (z axis)-in(mm).....	0.9(22.9)
Installation Drawing.....	23505386
Max. Allowable Static Bending Moment at Rear Face of Block-lbf ft(N m).....	SEE ENG. BULLETIN #45
Maximum Allowable Vertical Load at Rear Face of Crankshaft-lb(kg).....	2050(930)

Fuel System

	1800	1500
Fuel Injector/Timing.....	7155/2.185	7155/2.185
Fuel Consumption-lb/hr(kg/hr).....	731.2(331.7)	622.8(282.5)
Fuel Consumption-gal/hr(L/hr).....	102.8(389.1)	87.6(331.6)
Fuel Spill Rate-lb/hr(kg/hr).....	1757.8(797.3)	1439.2(652.8)
Fuel Spill Rate-gal/hr(L/hr).....	247.2(935.8)	202.4(766.2)
Total Fuel Flow-lb/hr(kg/hr).....	2489(1129.0)	2062(935.3)
Total Fuel Flow-gal/hr(L/hr).....	350(1324.9)	290(1097.8)
Max. Allowable Fuel Pump Suction		
Clean System-in Hg(kPa).....	6.0(20.3)	6.0(20.3)
Dirty System-in Hg(kPa).....	12.0(40.6)	12.0(40.6)
Fuel Filter Micron Size		
Primary - Micron.....	30	30
Secondary - Micron.....	12*	12*

Lubrication System

Oil Pressure	
Rated Speed-lbf/in <sup>2</sup> (kPa).....	65-80(448-551)
Low Idle-lbf/in <sup>2</sup> (kPa).....	10(69)
In Pan Oil Temperature-°F(°C).....	230(107.3)MAX.
Oil Flow-gal/min(L/min).....	130(568)
Oil Pan Capacity	
High-qt(L).....	160(151.4)
Low-qt(L).....	114(107.9)
Total Engine Oil Capacity with filters-qt(L).....	200(189.3)
Engine Angularity Limits	
Front up - degrees.....	15
Front down - degrees.....	15
Side tilt - degrees.....	NOT AVAILABLE

Electrical System

Recommended Battery Capacity(CCA @ 0°F)	
24 Volt System	
Above 32°F(0°C) A.....	950/STARTER
Below 32°F(0°C) A.....	1250/STARTER
Max. Allowable Resistance of Starting Circuit	
24 volt system - ohm.....	0.002/STARTER

Part Load Fuel Consumption

Fuel-gal/hr(L/hr) - 0% Power.....	11.8 (44.7)	8.4 (31.8)
25% Power.....	28.5(107.9)	26.0 (98.4)
50% Power.....	52.0(196.8)	47.5(179.8)
75% Power.....	75.0(283.9)	64.5(244.2)
100% Power.....	102.8(389.1)	87.6(331.6)

Cooling System

	1800	1500
Engine Heat Rejection		
Engine Coolant-Btu/min(kW).....	59600(1048)*	50200(533)*
Engine Radiated Heat-Btu/min(kW).....	8000(141)	7810(137)
Coolant Flow		
Engine Coolant-gal/min(L/min).....	530(2004)*	440(1666)*
Minimum Coolant Flow gal/min (L/min).....	95% OF RATED FLOW	
Thermostat		
Start to Open-°F(°C).....	170(77.6)	170(77.6)
Fully Open-°F(°C).....	185(84.9)	185(84.9)
Minimum Water Pump Inlet Pressure		
Rapid Warmup Radiator.....	POSITIVE	POSITIVE
Conventional Radiator In Hg (kPa).....	-3(-10.10)	-3(-10.10)
Engine Coolant Capacity-qt(L).....	187(177)	187(177)
Minimum Pressure Cap-lbf/in <sup>2</sup> (kPa).....	14(96.6)	14(96.6)
Remote Pressurization lbf/in <sup>2</sup> (kPa).....	7-10(48.3-69.0)	
Max. Coolant Pump Pressure (Exclusive of Pressure Cap and/or Head)-lbf/in <sup>2</sup> (kPa).....	30(207)	30(207)
Maximum Cooling System Static Head Nonpressure Cap-lbf/in <sup>2</sup> (kPa).....	50(149)	50(149)
Max. Top Tank Temperature-°F(°C).....	200(93)	200(93)
Min. Top Tank Temperature-°F(°C).....	160(74)	160(74)
Minimum Coolant Fill Rate-gal/min(L/min).....	3(19.0)	3(19.0)
Deaeration-Air Injection		
Capacity-ft <sup>3</sup> /min(m <sup>3</sup> /min).....	1.6(0.46)	1.6(0.46)
Drawdown - Percentage of the Total Cooling System Capacity.....	SEE ENG. BULLETIN #50	
Best Exchanger Raw Water Flow gal/min(L/min).....	172(651)	172(651)
Max. Suction Pressure (Raw Water) in. Hg.(kPa).....	5(16.93)	5(16.93)
Max. Discharge Pressure (Raw Water) lb/in <sup>2</sup> (kPa).....	10(68.95)	10(68.95)

Air System

Max. Allowable Temperature Rise (Ambient Air to Engine Inlet)-°F(°C).....	30(17)	30(17)
Air Intake Restriction Max. Limit		
Clean Air Cleaner-in H <sub>2</sub> O(kPa).....	10.5(2.6)	7.5(1.9)
Dirty Air Cleaner-ig H <sub>2</sub> O(kPa).....	17.5(4.4)	13.0(3.2)
Engine Air Flow - ft <sup>3</sup> /min(m <sup>3</sup> /min).....	3400(153)	5000(142)
Engine Air Box/Manifold Pressure-in Hg(kPa).....	52.7	45.9
Recommended Intake Pipe Dia.		
Single-in(mm).....	12(305)	12(305)
Dual-in(mm).....	8(203)	8(203)

Exhaust System

Exhaust Flow-ft <sup>3</sup> /min(m <sup>3</sup> /min).....	12340(350)	10980(311)
Exhaust Temperature-°F(°C).....	820(435)	770(410)
Max. Allowable Back Pressure-in Hg(kPa)(New System).....	1.5(5.1)	1.0(3.4)
Pressure-in Hg(kPa)(Dirty System).....	2.0(6.8)*	1.5(5.1)*
Recommended Exhaust Pipe Dia.		
Single-in(mm).....	14(356)	12(305)
Dual-in(mm).....	10(254)	8(203)

Performance Data

Power Output-bhp(kW).....	2020(1507)	1730(1291)
Rated Speed-r/min.....	1800	1500
BMEP-lbf/in <sup>2</sup> (kPa).....	186(1285)	191(1319)
Piston Speed-ft/min(m/min).....	1723(526)	1438(438)
Friction Power -hp(kW).....	350(261)	250(187)
Altitude Capability-ft(m).....	7500(2280)	7500(2280)
Noise - db(A) @ 1m.....	NOT AVAIL.	NOT AVAIL.
Smoke - Bosch Number.....	NOT AVAIL.	NOT AVAIL.

Emission Data-g/hr (at percent load) - 1800 r/min

	0%	25%	50%	75%	100%	
NO <sub>x</sub>	2800	5400	10600	14600	17800	5.81 g-N <sub>2</sub> O <sub>x</sub>
CO <sub>x</sub>	670	640	965	3640	11050	hp-hr
HC	590	590	840	900	370	5.47 g-CO
						hp-hr

Emission Data-g/hr (at percent load) - 1500 r/min

	0%	25%	50%	75%	100%	
NO <sub>x</sub>	930	4600	8700	13200	13400	0.18 g-VOC
CO <sub>x</sub>	950	470	2600	8200	18000	hp-hr
HC	610	300	410	430	220	

\*Revised

All values at rated speed and power and with standard engine hardware unless otherwise noted.

Curve No. 84-9165-32-33  
Date: 12-8-83  
Rev./Date: 9/2-12-92

Emission Statement - Calendar Year 1997 Emissions

Date / Time Printed 4/14/98  
11:20:53 AM

Please Sign and Return to:  
San Joaquin Valley Unified APCD  
1999 Tuolumne St, Suite 200  
Fresno, CA 93721

Facility ID# N - 2045  
TAD# 50 - 2045  
SIC 4911  
Facility Name MODESTO ENERGY LIMITED PARTNER

Device ID #	Process Number	Equipment Type	Rating MMBTU / Hr	Yearly Process Rate	Units	Wk / Yr	Heat Content	Control Device	NOX # / Unit	TOG # / Unit	FROG # / Unit	SOX # / Unit	CO # / Unit	PM # / Unit
					Source Classification Code									
2	1	BOILER NG	94.18	40.59	1 MILLION CUBIC FEET BURNED	45			140.0	6.0	0.3985	.8	35.0	3.0
					10000802				2.84	.12	.05	.01	.71	.08
2	2	BOILER SOLID WASTE	94.18	57624	TONS BURNED	45			2.06	0	0.8988	1.12	1.83	.31
					10001201				59.93	.63	.02	32.33	48.9	8.92
Totals For the Facility (TONS / YEAR)									62.77	.15	.07	32.34	47.61	8.98

EMISSIONS  
EMISSIONS

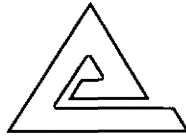
<b>Contact</b>	P. K VYLIE	<b>Name and Title of Responsible Official</b>	I certify that the information contained in the Emission Statement is accurate to the best of my knowledge.
<b>Company</b>	MODESTO ENERGY LIMITED PARTNE		
<b>Address</b>	PO BOX 902	_____	Signature of Responsible Official and Date
<b>City, State, Zip</b>	WESTLEY CA 95387		
<b>Telephone</b>	(209) 98843161	_____	
<b>Location of facility if different from above</b>	MODESTO ENERGY LIMITED PARTNE 4548 INGRAM CREEK ROAD		

1997  
TONS/YR

NOX 62.77  
TOG 0.15  
FROG 0.07  
SOX 32.34  
CO 47.61  
PM 5.98

This data was taken from last year's emissions inventory data. Please make any correction to this document in red ink.  
Fraction Reactive Organic Gases (ROG) will be corrected to 1998 values or changed if specified.

Calendar Month	Hours on Line	Natural Gas Usage mm/BTU's	Tons of Tires Burned	NOx #/mo	CO #/mo	SO2 #/mo
JANUARY	672	2,019	5,173	11,874	8,616	5,499
FEBRUARY	660	8,097	4,642	1,345	1,301	793
MARCH	722	178	5,508	12,442	9,322	6,624
APRIL	588	15,143	3,631	8,781	7,976	4,261
MAY	740	291	5,422	12,388	10,764	6,093
JUNE	720	254	4,807	11,720	7,807	5,601
JULY	696	2,595	4,659	11,297	8,535	6,159
AUGUST	743	1,083	5,511	12,900	10,306	6,658
SEPTEMBER	720	8,836	5,316	11,676	8,953	6,105
OCTOBER	702	494	5,158	12,069	6,941	6,302
NOVEMBER	709	1,951	4,904	11,869	8,704	5,633
DECEMBER	573	1,682	2,796	7,176	5,994	4,950
TOTAL	7,574	42,623	57,526	125,538	95,218	64,677
#NOx /TON TIRES	=	125538	/	57526	=	2.18
# CO /TON TIRES	=	95218	/	57526	=	1.66
#SOx /TON TIRES	=	64677	/	57526	=	1.12
TONS OF NOx =	62.77					
TONS OF CO =	47.61					
TONS OF SOx =	32.34					
EQUIVELANT WKS =	7,574 / 168		45			



MODESTO ENERGY LIMITED PARTNERSHIP

RECEIVED  
AUG 22 2001

SAN JOAQUIN VALLEY  
UNIFIED A.P.C.D.  
NO. REGION

August 20, 2001

Mr. Jim Swaney  
San Joaquin Valley Air Pollution Control District  
4320 Kiernan Avenue, Suite 130  
Modesto, CA 95356

Re: Request for Additional Information  
Project Number: 1001257, Facility ID: N-2045  
ERC Applications: N-224-1 through N224-5

Dear Mr. Swaney:

Per your request in your letter of July 6, 2001, attached are the following items of information:

1. Continuous emissions monitoring (CEM) data from the tire incinerator units (PTO N-2045-2) for 1995 and 1996. Data for 1997 was previously submitted to you.
2. Hours of operation of the 2020hp emergency diesel-fired internal combustion engine (PTO N-2045-4) for the time period from Quarter 2 1995 to Quarter 1 1997.
3. Quarterly amounts of fly ash received in the 20 ton storage silo (PTO N-2045-5) for the time period from quarter 2 1995 to quarter 1 1997.

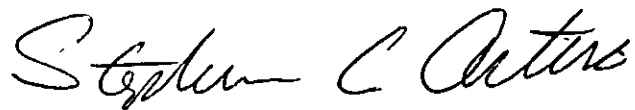
As discussed in our Application, the facility did not operate for 3-4 months (approximately one quarter) during each of the years 1995 and 1996. These shutdown periods during 1995 and 1996 were the result of a negotiated deal between Pacific Gas and Electric Company (PG&E), MELP's power purchaser, and MELP. Although the facility was capable of operation during that time, PG&E had excess generating capacity on its system and did not need MELP's output. Therefore it is not appropriate to consider the years 1995 and 1996 as normal operating years from the perspective of historical actual emissions. Thus MELP believes the years 1997 and 1998 represent normal operating years for determining actual historical emissions within the last five year period. As a result, MELP has also included emergency diesel hours of operation for 1997 and 1998, and tons of fly ash generated by quarter for 1997 and 1998.

Once the District has reviewed the data, MELP suggests a meeting to discuss the appropriate years for determining the Emission Reduction Credits.

\\FSSR\VOL.I\WP\F63SR\63787sr.doc

Mr. Jim Swaney  
August 20, 2001  
Page 2

Sincerely,

A handwritten signature in black ink that reads "Stephen C. Artus". The signature is written in a cursive style with a large, prominent 'S' at the beginning.

Stephen C. Artus  
General Manager  
UAE Energy Operations Corp.

enclosure

**Emission Statement - Calendar Year 1996 Emissions**

Date / Time Printed 3/5/97  
8:50:55 AM

Please Sign and Return to:  
San Joaquin Valley Unified APCD  
1999 Tuolumne St, Suite 200  
Fresno, CA 93721

Facility ID # N - 2045  
TAD # 50 - 2045  
SIC 4911  
Facility Name MODESTO ENERGY LIMITED PARTNER

Device ID #	Process Number	Equipment Type	Rating MMBTU / Hr	Yearly Process Rate	Units	Wk / Yr	Heat Content	Control Device	NOX # / Unit	TOG # / Unit	FROG	SOX # / Unit	CO # / Unit	PM # / Unit
					Source Classification Code									
2	1	BOILER NG	94.18	12.17	MILION CUBIC FEET BURNED	35			140	5.8		0.6	35	3
					10300602				0.85	0.03		0	0.21	0.02
2	2	BOILER SOLID WASTE	94.18	42486	TONS BURNED	35			1.89	0.001		0.958	1.365	0.31
					10301201				40.16	0.02		20.36	29	6.59
<b>Totals For the Facility</b>									<b>41.01</b>	<b>0.05</b>		<b>20.36</b>	<b>29.21</b>	<b>6.61</b>

EMISSIONS  
EMISSIONS

<b>Contact</b>	JOE GRECO	<b>Name and Title of Responsible Official</b>	I certify that the information contained in the Emission Statement is accurate to the best of my knowledge.
<b>Company</b>	MODESTO ENERGY LIMITED PARTN	_____	
<b>Address</b>	4549 INGRAM CREEK RD	_____	
<b>City, State, Zip</b>	WESTLY CA 95387	_____	
<b>Telephone</b>	(209) 894 - 3161	_____	
<b>Location of facility if different from above</b>	MODESTO ENERGY LIMITED PARTN 4549 INGRAM CREEK RD	_____	_____ Signature of Responsible Official and Date

This data was taken from last year's emissions inventory data. Please make any correction to this document in red ink.  
Fraction Reactive Organic Gases (ROG) will be corrected to 1996 values or changed if specified.

08/16/2001 THU 09:51 FAX 5592306102 SJVAPCD CENTRAL

005/007



**EMISSION STATEMENT - CALENDAR YEAR 1995 EMISSIONS**

Please sign and return to:

San Joaquin Valley Unified APCD  
 1999 Tuolumne St, Suite 200  
 Fresno, CA 93721

Facility ID # 2045  
 TAD # 50-05  
 SIC 4911  
 Facility Name MODESTO ENERGY

N-2045-

by: DN, bgs date: 12-12-95, 3-05-96

dev. ID	equip. number	equipment type	rating mwh/yr	yearly process rate	emits		heat content	control device(s)	NOx #/unit	TOG #/unit	ROG fraction	SOx #/unit	CO #/unit	PM10 #/unit	
					source code	wt/yr									
1	2	INCINERATOR/STEAM GENERATOR TRES		51982.00	TONS	47		16.32	2.00	0.00	0.00	0.00	1.84	0.48	emissions
					1-03-012-01				52.12	0.04	0.02	22.59	34.41	11.81	
1	2	INCINERATOR/STEAM GENERATOR NG.		0.10	MMCF	47	1050		140.00	5.60	0.48	0.00	35.00	3.00	emissions
					1-03-008-02				0.01	0.00	0.00	0.00	0.00	0.00	
<b>TOTAL EMISSIONS (tons/year):</b>									<b>52.13</b>	<b>0.04</b>	<b>0.02</b>	<b>22.59</b>	<b>34.41</b>	<b>11.81</b>	

Contact  
 Company  
 Address  
 City, State, Zip  
 Telephone  
 Location of facility if  
 different from above

JOE GRECO  
MODESTO ENERGY LIMITED PARTNERSHIP  
POB 302  
WESTLEY, CA 95387  
510 244 1100, 208 894 3161  
4549 INGRAM CREEK ROAD  
WESTLEY

Name & Title of  
 responsible official:

\_\_\_\_\_  
 \_\_\_\_\_

I certify that the information contained  
 in this Emission Statement is accurate  
 to the best of my knowledge.

\_\_\_\_\_  
 signature of responsible official / date

### Emergency Diesel Generator Hours of Operation

Time Period	Hours of Operation
Qtr 2, 3, 4 of 1995	28
1996	55 13, 14, 14, 14
Qtr 1, 1997	17
1997	67 16, 17, 17
1998	70 17, 17, 18, 18

### Quarterly Amounts of Fly Ash Generated

Time Period	Amount (tons)
Qtr 2, 1995	123
Qtr 3, 1995	653
Qtr 4, 1995	621
Qtr 1, 1996	239
Qtr 2, 1996	211
Qtr 3, 1996	549
Qtr 4, 1996	580
Qtr 1, 1997	613
Qtr 2, 1997	554
Qtr 3, 1997	619
Qtr 4, 1997	514
Qtr 1, 1998	592
Qtr 2, 1998	551
Qtr 3, 1998	637
Qtr 4, 1998	566



**MODESTO ENERGY LIMITED PARTNERSHIP**

**RECEIVED**

JAN 29 2001

SAN JOAQUIN VALLEY  
UNIFIED A.P.C.D.  
NO. REGION

January 25, 2001

Mr. Nick Peirce, Permit Services  
San Joaquin Valley Unified APCD  
Northern Regional Office  
4230 Kiernan Ave., Suite 130  
Modesto, CA 95356

Re: Modesto Energy Limited Partnership ERC Application

Dear Mr. Pierce:

Per your request at the meeting held in your office on January 24, 2001, attached is a revised fuel throughput data table showing fuel usage for 1991 and 1990 by quarters. As also discussed, Modesto Energy Limited Partnership (MELP) is willing to reimburse the San Joaquin Valley Unified Air Pollution Control District for actual costs associated with processing the MELP ERC application in excess of the application fee of \$650.00.

If you have any questions regarding this matter, please call me.

Sincerely,

Stephen C. Artus  
General Manager  
UAE Energy Operations Corp.

enclosure

**TIRE CONSUMPTION  
(TONS)**

Year	1 <sup>st</sup> Qtr	2 <sup>nd</sup> Qtr	3 <sup>rd</sup> Qtr	4 <sup>th</sup> Qtr
1990	11,874	11,678	13,592	12,180
1991	13,545	7,058	13,002	10,844
1992	13,431	14,255	15,149	13,935
1993	12,003	15,406	14,306	13,564
1994	15,683	14,185	16,022	13,283
1995	16,407	3,088	16,334	15,525
1996	5,982	5,279	16,737	14,494
1997	15,323	13,860	15,486	12,858
1998	14,812	13,878	15,917	14,160
1999	14,347	11,838	13,321	7,097
2000	3,410	0	0	0

Notes:

1. The tire fire occurred in the fourth quarter of 1999 and MELP was shutdown for approximately half of the quarter.
2. As a result of the fire, MELP could not receive sufficient tire supply to remain operational and was temporarily shutdown in the first quarter of 2000.
3. Due a mutual agreement between PG&E and MELP, the facility was not operating in the Spring of 1995 and 1996.



**MODESTO ENERGY LIMITED PARTNERSHIP**

January 12, 2001

**RECEIVED**  
JAN 16 2001

SAN JOAQUIN VALLEY  
UNIFIED A.P.C.D.  
NO. REGION

Mr. Nick Peirce, Permit Services  
San Joaquin Valley Unified APCD  
Northern Regional Office  
4230 Kiernan Ave., Suite 130  
Modesto CA 95356

Re: Modesto Energy Limited Partnership ERC Application

Dear Mr. Pierce:

With respect to Mr. Jim Swaney's letter dated December 14, 2000 that addresses the incompleteness determination for the Modesto Energy Limited Partnership (MELP) ERC application please note the following.

1. Attached is the fuel use data starting in 1992 which represents nine years of facility operation instead of the ten years requested by the San Joaquin Valley Unified Air Pollution Control District (APCD). UAE Energy Operations Corp. (UAEEOC) assumed responsibility for operation of the MELP facility in October of 1993 and does not have access to additional fuel use data. The fuel use data clearly shows the effect of the mutually agreed upon curtailment between Pacific Gas and Electric Company (PG&E) and MELP in the Spring of 1995 and 1996. These two years are thus not indicative of facility normal operation, as described in our ERC application. The fuel use data also show that the years 1997 and 1998 are indicative of normal source operation. Once the base line period is established by the APCD, we will send under separate cover as you request the CEMS data for the period in question. MELP does not have access to CEMS data prior to October of 1993.

Although we have provided nine years of fuel use data, MELP does not agree that a period longer than five years is allowed for determining the baseline period under the conditions set forth in the APCD Rules. APCD Rules 2201(3.7) and 2301(3.5) define the "baseline period" for purposes of Emission Reduction Credits determination. The rules specifically identify a two (2) year period immediately preceding the application, or any other two-year period within the immediately preceding five (5) years which the APCD deems to be more representative of normal source operations. The APCD's determination has historically been based upon data supplied to the APCD by the source as well as data already obtained by the APCD from the source over the course of operations. A previous letter from the APCD (Mr. Anthony

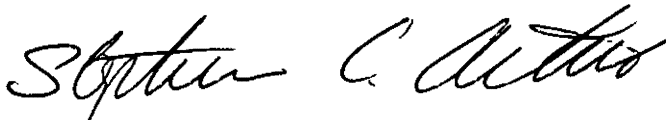
Mr. Nick Peirce, Permit Services  
San Joaquin Valley Unified APCD  
Northern Regional Office  
4230 Kiernan Ave., Suite 130  
Modesto CA 95356  
January 12, 2001  
Page 2

Mendes) dated July 7, 2000 clearly delineates the baseline period requirements of five years.

2. MELP also does not agree that a submitted application for emission reduction credits is sufficient authorization for the APCD to cancel all the appropriate permits to operate. Due to non-payment of fees, MELP's permit to operate is currently suspended (see attached letter from Mr. Jim Swaney dated December 21, 2000). MELP intends to keep its permit in suspended status until the ERC certificates are issued.
3. UAE Energy Operations Corp. is the asset manager for the MELP facility. As such it has authority to act on behalf of MELP. Please see attached letter from Mr. Edward Tomeo, the president of Modesto Environmental Corp., the general partner of MELP.
4. The application processing fee of \$650.00 will be sent to you.

If you have any questions regarding this matter, please call me.

Sincerely,



Stephen C. Artus  
General Manager  
UAE Energy Operations Corp.

cc: R. Booth, RTP

enclosure

**TIRE CONSUMPTION  
(TONS)**

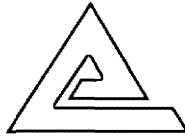
Year	1 <sup>st</sup> Qtr	2 <sup>nd</sup> Qtr	3 <sup>rd</sup> Qtr	4 <sup>th</sup> Qtr
1992	13,431	14,255	15,149	13,935
1993	12,003	15,406	14,306	13,564
1994	15,683	14,185	16,022	13,283
1995	16,407	3,088	16,334	15,525
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1997	15,323	13,860	15,486	12,858
1998	14,812	13,878	15,917	14,160
1999	14,347	11,838	13,321	7,097
2000	3,410	0	0	0

*PG&E paid plant not to operate*

*tire fire*

Notes:

1. The tire fire occurred in the fourth quarter of 1999 and MELP was shutdown for approximately half of the quarter.
2. As a result of the fire, MELP could not receive sufficient tire supply to remain operational and was temporarily shutdown in the first quarter of 2000.
3. Due a mutual agreement between PG&E and MELP, the facility was not operating in the Spring of 1995 and 1996.



**MODESTO ENERGY LIMITED PARTNERSHIP**

January 9, 2001

Mr. Nick Peirce  
San Joaquin Valley Unified APCD  
Northern Regional Office  
4230 Kiernan Ave., suite 130  
Modesto CA 95356

Re: Modesto Energy Limited Partnership ERC Application

Dear Mr. Peirce:

The purpose of this letter is to verify that under an existing Asset Management Agreement between Modesto Energy Limited Partnership (MELP) and UAE Energy Operations Corp. (UAEEOC), UAEEOC is authorized to act on MELP's behalf.

If you have any questions regarding this matter, please call me.

Sincerely,

Edward W. Tomeo  
President  
Modesto Environmental Corp.  
(MELP's General Partner)





San Joaquin Valley  
Air Pollution Control District

DECEMBER 21, 2000

CERTIFIED MAIL

MODESTO ENERGY LIMITED PARTNERSHIP  
2420 CAMINO RAMON STE 101  
SAN RAMON CA 94583

RE: DELINQUENT PERMIT FEES - SUSPENSION OF PERMIT TO OPERATE  
FACILITY ID#2045

Dear Operator:

**THIS LETTER SUPERCEDES THE PREVIOUS CORRESPONDENCE DATED  
DECEMBER 18, 2000, CANCELLING YOUR PERMITS TO OPERATE.**

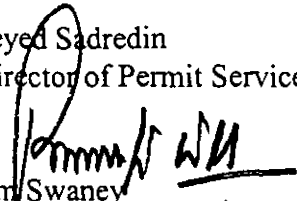
Air Pollution Control District records show that you have failed to pay the annual fees and penalty fees in a timely fashion for your operation(s) at 4549 INGRAM CREEK RD, WESTLEY.

Pursuant to District Rule 3010, Section 8.0, and California Health and Safety Code, Section 41512, effective immediately, your permit(s) for the above referenced facility have been suspended. Operating without a valid Permit to Operate is a misdemeanor punishable by a fine of up to \$10,000 per day of operation.

Within ten days of the receipt of this notice, you may request the District hearing board to hold a hearing to determine whether the permits were properly suspended. To obtain further information regarding possible reinstatement of your permits, or if you have any other questions regarding this matter, please contact Rupi Gill, 557-6400.

Sincerely,

Seyed Sadredin  
Director of Permit Services

  
Jim Swaney  
Permit Services Manager

c: Mike Escotto, Supervising Air Quality Inspector  
Karen Morris, Administrative Analyst  
David L. Crow  
Executive Director, Air Pollution Control Officer

Northern Region Office  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9322  
(209) 557-6400 ♦ FAX (209) 557-6475

Central Region Office  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
(559) 230-6000 ♦ FAX (559) 230-6061

Southern Region Office  
2700 M Street, Suite 275  
Bakersfield, CA 93301-2370  
(661) 326-6900 ♦ FAX (661) 326-6985

**DECLARATION OF PUBLICATION  
(C.C.P. S2015.5)**

**RECEIVED**

**AUG 21 2002**

**ADMINISTRATIVE  
SERVICES**

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

*Nick Perci*

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am the printer And Principal clerk of the publisher of **THE MODESTO BEE**, printed and Published in the City of **MODESTO**, County Of **STANISLAUS**, State of California, daily, For which said newspaper has been adjudged a Newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, under the date of **February 25, 1951**, **Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue thereof on the following dates, to wit:

**AUGUST 19, 2002**

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at **MODESTO, California** on

**AUGUST 19, 2002**

*Evelyn Ormery*  
**(Signature)**

**NOTICE OF FINAL ACTION  
FOR THE ISSUANCE OF  
EMISSION REDUCTION CREDITS**

NOTICE IS HEREBY given that the Air Pollution Control Officer has issued Emission Reduction Credits (ERCs) to Modesto Energy Limited partnership for emission reduction generated by the shutdown of a fire-derived fuel resource recovery facility, at 6549 Ingram Creek road in Westley, CA. The quantity of ERCs to be issued is 111,811 pounds of NOx per year, 945 pounds of VOC per year, 81,342 pounds of CO per year, 19,029 pounds of PM10 per year, and 56,221 pounds of SOx per year.

No comments were received following the District's preliminary decision on this project.

The application review for Project #A-1001257 is available for public inspection at the SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT, 4238 KIERNAN AVENUE #136, MODESTO, CA 95354-2239 KIERNAN AVENUE #136, MODESTO, CA 95396.

August 19, 2002

**RECEIVED**

**AUG 26 2002**

**SAN JOAQUIN VALLEY  
UNIFIED A.P.C.D.  
NO. REGION**

Name SAN JOAQUIN VLY UNIFIED AIR PO Phone 5592306020

Address 1990 E GETTYSBURG Account SAN JOAQ VLY

Class 8000 Times 1 Start 8/19/02 Stop 8/19/02

Total Cost 51.75 Total Paid Rep JIMENEZ

Lines 9 AD COPY ENLARGED TO 150% > AD2100X 557-6475

AD COPY

NOTICE OF FINAL ACTION  
FOR THE ISSUANCE OF  
EMISSION REDUCTION CREDITS

*Attn  
Nick P.*

NOTICE IS HEREBY given that the Air Pol-  
lution Control Officer has issued Emission Reduc-  
tion Credits (ERCs) to Modesto Energy Limited  
partnership for emission reduction generated by the  
shutdown of a tire-derived fuel resource recovery  
facility, at 4549 Ingram Crank road in Westley, CA.  
The quantity of ERCs to be issued is 111,811 pounds  
of NOx per year, 945 pounds of VOC per year, 81,342  
pounds of CO per year, 19,029 pounds of PM10 per  
year, and 56,221 pounds of SOx per year.

RECEIVED  
AUG 16 2002

No comments were received following the Dis-  
trict's preliminary decision on this project.

SAN JOAQUIN VALLEY  
UNIFIED A.P.C.D.  
NO. REGION

The application review for Project #N-1001257 is  
available for public inspection at the SAN JOAQUIN  
VALLEY UNIFIED AIR POLLUTION CONTROL  
DISTRICT, 4230 KIERNAN AVENUE #130, MO-  
DESTO, CA 953564230 KIERNAN AVENUE #130,  
MODESTO, CA 95356.  
August 19, 2002



San Joaquin Valley  
Air Pollution Control District

August 15, 2002

Mr. Ed Filbin  
c/o David Grilli  
Nomelli and Grilli  
P O Box 1461  
Stockton, CA 95201

**Re: Notice of Final Decision – Emission Reduction Credits  
Project Number: N-1001257**

Dear Mr. Grilli:

This letter serves as notification that the District has issued to Modesto Energy Limited Partnership Emission Reduction Credits (ERCs) resulting from the shutdown of a tire-derived fuel resource recover facility at 4549 Ingram Creek Road in Westley, CA in the following amounts: 111,811 pounds of oxides of nitrogen (NO<sub>x</sub>) per year, 945 pounds of volatile organic compounds (VOC) per year, 81,342 pounds of carbon monoxide (CO) per year, 19,029 pounds of particulate matter (PM<sub>10</sub>) per year, and 56,221 pounds of oxides of sulfur (SO<sub>x</sub>) per year.

If you have any questions regarding this matter, please contact Mr. Jim Swaney of Permit Services at (209) 557-6400.

Sincerely,

Seyed Sadredin  
Director of Permit Services

SS:NRP/cp  
c: Jim Swaney, Permit Services Manager

David L. Crow  
Executive Director/Air Pollution Control Officer

---

Northern Region Office  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9322  
(209) 557-6400 • FAX (209) 557-6475

Central Region Office  
1990 East Gettysburg Avenue  
Fresno, CA 93726-0244  
(559) 230-6000 • FAX (559) 230-6061  
[www.valleyair.org](http://www.valleyair.org)

Southern Region Office  
2700 M Street, Suite 275  
Bakersfield, CA 93301-2373  
(661) 326-6900 • FAX (661) 326-6985



San Joaquin Valley  
Air Pollution Control District

August 15, 2002

Stephen Artus  
Modesto Energy Limited Partnership  
2024 Camino Ramon, Suite 101  
San Ramon, CA 94583

**RE: Notice of Final Action - Emission Reduction Credits  
Project Number: N-1001257**

Dear Mr. Artus:

The Air Pollution Control Officer has issued Emission Reduction Credits (ERCs) to Modesto Energy Limited Partnership for emission reduction generated by the shutdown of a tire-derived fuel resource recovery facility, at 4549 Ingram Creek Road in Westley, CA. The quantity of ERCs to be issued is 111,811 pounds of NO<sub>x</sub> per year, 945 pounds of VOC per year, 81,342 pounds of CO per year, 19,029 pounds of PM<sub>10</sub> per year, and 56,221 pounds of SO<sub>x</sub> per year.

Enclosed are copies of the ERC Certificates and a copy of the notice of final action to be published approximately three days from the date of this letter.

Notice of the District's preliminary decision to issue the ERC Certificates was published on July 15, 2002. The District's analysis of the proposal was also sent to CARB and US EPA Region IX on July 11, 2002. No comments were received following the District's preliminary decision on this project.

Also enclosed is an invoice for the engineering evaluation fees pursuant to District Rule 3010. Please remit the amount owed, along with a copy of the attached invoice, within 30 days.

David L. Crow  
Executive Director/Air Pollution Control Officer

---

Northern Region Office  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9322  
(209) 557-6400 • FAX (209) 557-6475

Central Region Office  
1990 East Gettysburg Avenue  
Fresno, CA 93726-0244  
(559) 230-6000 • FAX (559) 230-6061  
[www.valleyair.org](http://www.valleyair.org)

Southern Region Office  
2700 M Street, Suite 275  
Bakersfield, CA 93301-2373  
(661) 326-6900 • FAX (661) 326-6985

Mr. Artus  
Page 2  
August 15, 2002

Thank you for your cooperation in this matter. If you have any questions, please contact Mr. Jim Swaney at .

Sincerely,

A handwritten signature in black ink, appearing to read 'Seyed Sadredin', with a long horizontal flourish extending to the right.

Seyed Sadredin  
Director of Permit Services

SS:NRP/cp  
Enclosures  
c: Jim Swaney, Permit Services Manager



San Joaquin Valley  
Air Pollution Control District

August 15, 2002

Gerardo C. Rios (AIR 3)  
Acting Chief, Permits Office  
Air Division  
U.S. E.P.A. - Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

**RE: Notice of Final Action - Emission Reduction Credits  
Project Number: N-1001257**

Dear Mr. Rios:

The Air Pollution Control Officer has issued Emission Reduction Credits (ERCs) to Modesto Energy Limited Partnership for emission reduction generated by the shutdown of a tire-derived fuel resource recovery facility, at 4549 Ingram Creek Road in Westley, CA. The quantity of ERCs to be issued is 111,811 pounds of NO<sub>x</sub> per year, 945 pounds of VOC per year, 81,342 pounds of CO per year, 19,029 pounds of PM<sub>10</sub> per year, and 56,221 pounds of SO<sub>x</sub> per year.

Enclosed are copies of the ERC Certificates and a copy of the notice of final action to be published approximately three days from the date of this letter.

Notice of the District's preliminary decision to issue the ERC Certificates was published on July 15, 2002. The District's analysis of the proposal was also sent to CARB and US EPA Region IX on July 11, 2002. No comments were received following the District's preliminary decision on this project.

David L. Crow  
Executive Director/Air Pollution Control Officer

---

Northern Region Office  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9322  
(209) 557-6400 • FAX (209) 557-6475

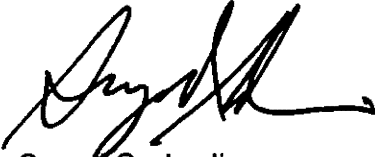
Central Region Office  
1990 East Gettysburg Avenue  
Fresno, CA 93726-0244  
(559) 230-6000 • FAX (559) 230-6061  
[www.valleyair.org](http://www.valleyair.org)

Southern Region Office  
2700 M Street, Suite 275  
Bakersfield, CA 93301-2373  
(661) 326-6900 • FAX (661) 326-6985

Mr. Rios  
Page 2  
August 15, 2002

Thank you for your cooperation in this matter. If you have any questions, please contact Mr. Jim Swaney at (209) 557-6400.

Sincerely,

A handwritten signature in black ink, appearing to read 'Seyed Sadredin', written in a cursive style.

Seyed Sadredin  
Director of Permit Services

SS:NRP/cp  
Enclosures

c: Jim Swaney, Permit Services Manager





San Joaquin Valley  
Air Pollution Control District

August 15, 2002

Mike Tollstrup, Chief  
Project Assessment Branch  
Stationary Source Division  
California Air Resources Board  
PO Box 2815  
Sacramento, CA 95812-2815

**RE: Notice of Final Action - Emission Reduction Credits  
Project Number: N-1001257**

Dear Mr. Tollstrup:

The Air Pollution Control Officer has issued Emission Reduction Credits (ERCs) to Modesto Energy Limited Partnership for emission reduction generated by the shutdown of a tire-derived fuel resource recovery facility, at 4549 Ingram Creek Road in Westley, CA. The quantity of ERCs to be issued is 111,811 pounds of NOx per year, 945 pounds of VOC per year, 81,342 pounds of CO per year, 19,029 pounds of PM10 per year, and 56,221 pounds of SOx per year.

Enclosed are copies of the ERC Certificates and a copy of the notice of final action to be published approximately three days from the date of this letter.

Notice of the District's preliminary decision to issue the ERC Certificates was published on July 15, 2002. The District's analysis of the proposal was also sent to CARB and US EPA Region IX on July 11, 2002. No comments were received following the District's preliminary decision on this project.

David L. Crow  
Executive Director/Air Pollution Control Officer

---

Northern Region Office  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9322  
(209) 557-6400 • FAX (209) 557-6475

Central Region Office  
1990 East Gettysburg Avenue  
Fresno, CA 93726-0244  
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Southern Region Office  
2700 M Street, Suite 275  
Bakersfield, CA 93301-2373  
(661) 326-6900 • FAX (661) 326-6985

Mr. Tollstrup  
Page 2  
August 15, 2002

Thank you for your cooperation in this matter. If you have any questions, please contact Mr. Jim Swaney at (209) 557-6400.

Sincerely,

A handwritten signature in black ink, appearing to read 'Seyed Sadredin', with a horizontal line extending to the right.

Seyed Sadredin  
Director of Permit Services

SS:NRP/cp  
Enclosures

c: Jim Swaney, Permit Services Manager

Modesto Bee  
Project #N-1001257

**NOTICE OF FINAL ACTION  
FOR THE ISSUANCE OF  
EMISSION REDUCTION CREDITS**

NOTICE IS HEREBY GIVEN that the Air Pollution Control Officer has issued Emission Reduction Credits (ERCs) to Modesto Energy Limited Partnership for emission reduction generated by the shutdown of a tire-derived fuel resource recovery facility, at 4549 Ingram Creek Road in Westley, CA. The quantity of ERCs to be issued is 111,811 pounds of NO<sub>x</sub> per year, 945 pounds of VOC per year, 81,342 pounds of CO per year, 19,029 pounds of PM<sub>10</sub> per year, and 56,221 pounds of SO<sub>x</sub> per year.

No comments were received following the District's preliminary decision on this project.

The application review for Project #N-1001257 is available for public inspection at the **SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT, 4230 KIERNAN AVENUE #130, MODESTO, CA 95356** 4230 KIERNAN AVENUE #130, MODESTO, CA 95356.



San Joaquin Valley  
Air Pollution Control District

Northern Regional Office • 4230 Kiernan Avenue, Suite 130 • Modesto, CA 95356-9322

## Emission Reduction Credit Certificate N-224-1

ISSUED TO: **MODESTO ENERGY LIMITED PARTNER**  
ISSUED DATE: **August 14, 2002**  
LOCATION OF REDUCTION: **4549 INGRAM CREEK ROAD  
WESTLEY, CA 95387**

### For VOC Reduction In The Amount Of:

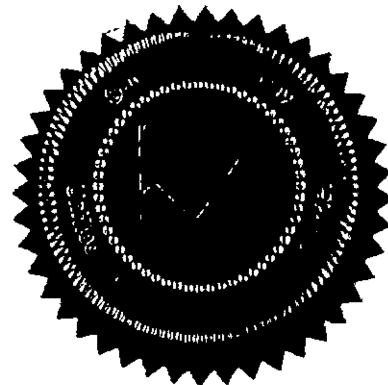
Quarter 1	Quarter 2	Quarter 3	Quarter 4
255 lbs	174 lbs	267 lbs	249 lbs

Conditions Attached

#### Method Of Reduction

- Shutdown of Entire Stationary Source  
 Shutdown of Emissions Units  
 Other

Use of these credits outside the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) is not allowed without express written authorization by the SJVUAPCD.



David L. Crow, Executive Director / APCO

Seyed Sadredin, Director of Permit Services



San Joaquin Valley  
Air Pollution Control District

Northern Regional Office • 4230 Kiernan Avenue, Suite 130 • Modesto, CA 95356-9322

# Emission Reduction Credit Certificate

## N-224-2

ISSUED TO: **MODESTO ENERGY LIMITED PARTNER**  
ISSUED DATE: **August 14, 2002**  
LOCATION OF REDUCTION: **4549 INGRAM CREEK ROAD  
WESTLEY, CA 95387**

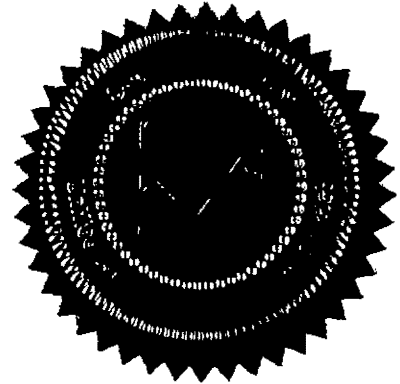
**For NOx Reduction In The Amount Of:**

Quarter 1	Quarter 2	Quarter 3	Quarter 4
27,589 lbs	19,467 lbs	34,202 lbs	30,553 lbs

Conditions Attached

Method Of Reduction

- Shutdown of Entire Stationary Source
- Shutdown of Emissions Units
- Other



Use of these credits outside the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) is not allowed without express written authorization by the SJVUAPCD.

David L. Crow, Executive Director / APCO

Seyed Sadredin, Director of Permit Services



San Joaquin Valley  
Air Pollution Control District

Northern Regional Office • 4230 Kieman Avenue, Suite 130 • Modesto, CA 95356-9322

## Emission Reduction Credit Certificate N-224-3

ISSUED TO: **MODESTO ENERGY LIMITED PARTNER**  
ISSUED DATE: **August 14, 2002**  
LOCATION OF REDUCTION: **4549 INGRAM CREEK ROAD  
WESTLEY, CA 95387**

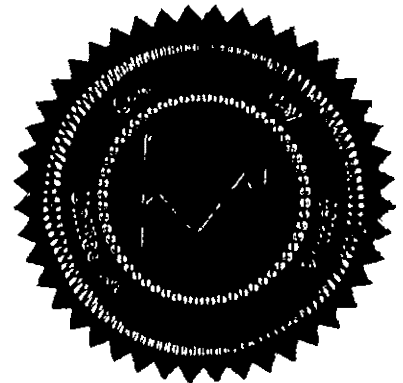
For CO Reduction In The Amount Of:

Quarter 1	Quarter 2	Quarter 3	Quarter 4
20,140 lbs	15,811 lbs	24,591 lbs	20,800 lbs

Conditions Attached

Method Of Reduction

- Shutdown of Entire Stationary Source  
 Shutdown of Emissions Units  
 Other



Use of these credits outside the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) is not allowed without express written authorization by the SJVUAPCD.

David L. Crow, Executive Director / APCO

Seyed Sadredin, Director of Permit Services



San Joaquin Valley  
Air Pollution Control District

Northern Regional Office • 4230 Kieman Avenue, Suite 130 • Modesto, CA 95356-9322

## Emission Reduction Credit Certificate N-224-4

ISSUED TO: **MODESTO ENERGY LIMITED PARTNER**  
ISSUED DATE: **August 14, 2002**  
LOCATION OF REDUCTION: **4549 INGRAM CREEK ROAD  
WESTLEY, CA 95387**

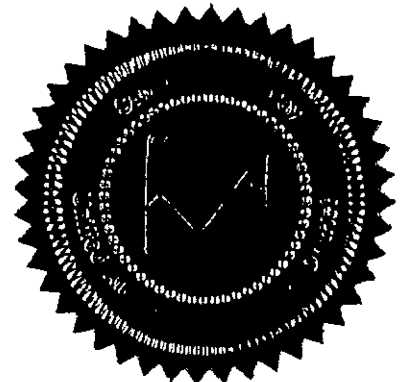
### For PM10 Reduction In The Amount Of:

Quarter 1	Quarter 2	Quarter 3	Quarter 4
5,132 lbs	3,464 lbs	5,403 lbs	5,030 lbs

Conditions Attached

#### Method Of Reduction

- Shutdown of Entire Stationary Source  
 Shutdown of Emissions Units  
 Other



Use of these credits outside the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) is not allowed without express written authorization by the SJVUAPCD.

David L. Crow, Executive Director / APCO

Seyed Sadredin, Director of Permit Services



San Joaquin Valley  
Air Pollution Control District

Northern Regional Office • 4230 Kieman Avenue, Suite 130 • Modesto, CA 95356-9322

## Emission Reduction Credit Certificate N-224-5

ISSUED TO: **MODESTO ENERGY LIMITED PARTNER**  
ISSUED DATE: **August 14, 2002**  
LOCATION OF REDUCTION: **4549 INGRAM CREEK ROAD  
WESTLEY, CA 95387**

**For SO<sub>x</sub> Reduction In The Amount Of:**

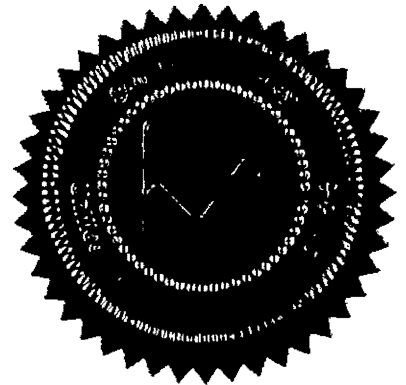
Quarter 1	Quarter 2	Quarter 3	Quarter 4
14,291 lbs	9,417 lbs	17,141 lbs	15,372 lbs

Conditions Attached

Method Of Reduction

- Shutdown of Entire Stationary Source  
 Shutdown of Emissions Units  
 Other

Use of these credits outside the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) is not allowed without express written authorization by the SJVUAPCD.



David L. Crow, Executive Director / APCO

Seyed Sadredin, Director of Permit Services



**DECLARATION OF PUBLICATION  
(C.C.P. S2015.5)**

RECEIVED  
JUL 22 2002  
SAN JOAQUIN VALLEY  
UNIFIED A.P.C.D.

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and of **THE MODESTO BEE**, printed in the City Principal clerk of the publisher of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue thereof on the following dates, to wit:

*Nick Pierce*

**JULY 15, 2002**

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at **MODESTO, California** on

**JULY 15, 2002**

*Esther Ramirez*  
(Signature)

**NOTICE OF PRELIMINARY DECISION  
FOR THE PROPOSED ISSUANCE  
OF EMISSION REDUCTION CREDITS**

NOTICE IS HEREBY GIVEN that the San Joaquin Valley Unified Air Pollution Control District solicits public comment on the proposed issuance of Emission Reduction Credits (ERCs) to Modesto Energy Limited Partnership for the shut down of a tire-derived fuel resource recovery facility, at 4549 Ingram Creek Road in Westley, Ca. The quantity of ERCs proposed for banking is 111,811 pounds of NOx per year, 945 pounds of VOC per year, 11,342 pounds of CO per year, 19,029 pounds of PM10 per year, and 55,221 pounds of SOx per year.

The analysis of the regulatory basis for these proposed actions. Project #N-1001257, 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 SEYED SADREDIN, DIRECTOR OF PERMIT SERVICES, SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT, 4230 KIERNAN AVENUE #130, MODESTO, CA 95358  
JULY 15, 2002

RECEIVED  
JUL 19 2002

SAN JOAQUIN VALLEY  
UNIFIED A.P.C.D.  
NO. REGION

Story #35700 System MODZ

by JIMENEZ

Time 9:27:

Name SAN JOAQUIN VLY UNIFIED AIR PO Phone 5592306020

Address 1990 E GETTYSBURG Account SAN JOAQ VLY

Class 8000 Times 1 Start 7/15/02 Stop 7/15/02

Total Cost 57.50 Total Paid Rep JIMENEZ

Lines 10 AD COPY ENLARGED TO 150% > AD2100X

AD COPY

557-6475

NOTICE OF PRELIMINARY DECISION  
FOR THE PROPOSED ISSUANCE  
OF EMISSION REDUCTION CREDITS

*NICK P.*

NOTICE IS HEREBY GIVEN that the San Joaquin Valley Unified Air Pollution Control District solicits public comment on the proposed issuance of Emission Reduction Credits (ERCs) to Modesto Energy Limited Partnership for the shut down of a tire-derived fuel resource recovery facility, at 4549 Ingram Creek Road in Westley, Ca. The quantity of ERCs proposed for banking is 111,811 pounds of NOx per year, 945 pounds of VOC per year, 81,342 pounds of CO per year, 19,029 pounds of PM10 per year, and 56,221 pounds of SOx per year.

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JULY 15, 2002

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JUL 15 2002

SAN JOAQUIN VALLEY  
UNIFIED A.P.C.D.  
NO. REGION



San Joaquin Valley  
Air Pollution Control District

RECEIVED  
JUL 11 2002

SAN JOAQUIN VALLEY  
UNIFIED A.P.C.D.  
NO. REGION

July 11, 2002

Stephen Artus  
Modesto Energy Limited Partnership  
2024 Camino Ramon, Suite 101  
San Ramon, CA 94583

**Re: Notice of Preliminary Decision - Emission Reduction Credits**  
**Project Number: N-1001257**

Dear Mr. Artus:

Enclosed for your review and comment is the District's analysis of Modesto Energy Limited Partnership's application for Emission Reduction Credits (ERCs) resulting from the shut down of a tire-derived fuel resource recovery facility, at 4549 Ingram Creek Road in Westley, CA. The quantity of ERCs proposed for banking is 111,811 pounds of NOx per year, 945 pounds of VOC per year, 81,342 pounds of CO per year, 19,029 pounds of PM10 per year, and 56,221 pounds of SOx per year.

The notice of preliminary decision for this project will be published approximately three days from the date of this letter. Please submit your written comments on this project within the 30-day public comment period, which begins on the date of publication of the public notice.

Thank you for your cooperation in this matter. If you have any questions regarding this matter, please contact Mr. Nick Peirce of Permit Services at (209) 557-6453.

Sincerely,

Seyed Sadredin  
Director of Permit Services

SS:NRP/cp  
Enclosures

c: Jim Swaney, Permit Services Manager

David L. Crow  
Executive Director/Air Pollution Control Officer



San Joaquin Valley  
Air Pollution Control District

July 11, 2002

Mr. Ed Filbin  
c/o David Grilli  
Nomelli and Grilli  
P O Box 1461  
Stockton, CA 95201

**Re: Notice of Preliminary Decision – Emission Reduction Credits  
Project Number: N-1001257**

Dear Mr. Grilli:

This letter serves as notification that the District intends to issue to Modesto Energy Limited Partnership Emission Reduction Credits (ERCs) resulting from the shutdown of a tire-derived fuel resource recover facility at 4549 Ingram Creek Road in Westley, CA in the following amounts: 111,811 pounds of oxides of nitrogen (NO<sub>x</sub>) per year, 945 pounds of volatile organic compounds (VOC) per year, 81,342 pounds of carbon monoxide (CO) per year, 19,029 pounds of particulate matter (PM<sub>10</sub>) per year, and 56,221 pounds of oxides of sulfur (SO<sub>x</sub>) per year.

The analysis of the regulatory basis for these proposed actions, Project #N-1001257, 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 **Seyed Sadredin, Director of Permit Services, San Joaquin Valley Unified Air Pollution Control District, 4230 Kiernan Avenue #130, Modesto, CA, 95356.**

If you have any questions regarding this matter, please contact Mr. Jim Swaney of Permit Services at (209) 557-6400.

Sincerely,

Seyed Sadredin  
Director of Permit Services

SS:NRP/cp

c: Jim Swaney, Permit Services Manager

David L. Crow  
Executive Director/Air Pollution Control Officer



San Joaquin Valley  
Air Pollution Control District

July 11, 2002

Gerardo C. Rios (AIR 3)  
Acting Chief, Permits Office  
Air Division  
U.S. E.P.A. - Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

**Re: Notice of Preliminary Decision - Emission Reduction Credits  
Project Number: N-1001257**

Dear Mr. Rios:

Enclosed for your review and comment is the District's analysis of Modesto Energy Limited Partnership's application for Emission Reduction Credits (ERCs) resulting from the shut down of a tire-derived fuel resource recovery facility, at 4549 Ingram Creek Road in Westley, CA. The quantity of ERCs proposed for banking is 111,811 pounds of NOx per year, 945 pounds of VOC per year, 81,342 pounds of CO per year, 19,029 pounds of PM10 per year, and 56,221 pounds of SOx per year.

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Sincerely,

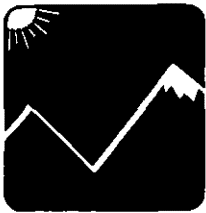
Seyed Sadredin  
Director of Permit Services

SS:NRP/cp

Enclosure

c: Jim Swaney, Permit Services Manager

David L. Crow  
Executive Director/Air Pollution Control Officer



San Joaquin Valley  
Air Pollution Control District

July 11, 2002

Mike Tollstrup, Chief  
Project Assessment Branch  
Stationary Source Division  
California Air Resources Board  
PO Box 2815  
Sacramento, CA 95812-2815

**Re: Notice of Preliminary Decision - Emission Reduction Credits**  
**Project Number: N-1001257**

Dear Mr. Tollstrup:

Enclosed for your review and comment is the District's analysis of Modesto Energy Limited Partnership's application for Emission Reduction Credits (ERCs) resulting from the shut down of a tire-derived fuel resource recovery facility, at 4549 Ingram Creek Road in Westley, CA. The quantity of ERCs proposed for banking is 111,811 pounds of NOx per year, 945 pounds of VOC per year, 81,342 pounds of CO per year, 19,029 pounds of PM10 per year, and 56,221 pounds of SOx per year.

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Sincerely,

Seyed Sadredin  
Director of Permit Services

SS:NRP/cp

Enclosure

c: Jim Swaney, Permit Services Manager

David L. Crow  
Executive Director/Air Pollution Control Officer

Modesto Bee  
Project #N-1001257

**NOTICE OF PRELIMINARY DECISION  
FOR THE PROPOSED ISSUANCE OF  
EMISSION REDUCTION CREDITS**

NOTICE IS HEREBY GIVEN that the San Joaquin Valley Unified Air Pollution Control District solicits public comment on the proposed issuance of Emission Reduction Credits (ERCs) to Modesto Energy Limited Partnership for the shut down of a tire-derived fuel resource recovery facility, at 4549 Ingram Creek Road in Westley, CA. The quantity of ERCs proposed for banking is 111,811 pounds of NOx per year, 945 pounds of VOC per year, 81,342 pounds of CO per year, 19,029 pounds of PM10 per year, and 56,221 pounds of SOx per year.

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**MODESTO ENERGY LIMITED PARTNERSHIP**

November 30, 2000

Mr. Rupi Gill  
Permit Services Manager  
San Joaquin Valley Unified APCD  
4230 Kiernan Ave., Suite 130  
Modesto CA 95356

**RECEIVED**

DEC 05 2000

SAN JOAQUIN VALLEY  
UNIFIED A.P.C.D.  
NO. REGION

Re: Emissions Reductions Credits Application for Modesto Energy Limited Partnership

Dear Mr. Gill:

On October 16, 2000 the Modesto Energy Limited Partnership (MELP) tire derived fuel resource recovery facility was permanently shut down. The San Joaquin Valley Unified APCD may consider this letter as the official notification of the closure and shutdown.

Pursuant to APCD Rules 2201 (NSR) and 2301 (ERC Banking), MELP is filing for the available emissions reductions credits. Enclosed please find the following materials.

Attachment A - APCD ERC Application Form  
Attachment B - Current APCD Permits to Operate  
Attachment C - Background and Support Data for the ERC Application

If you or your staff have any questions concerning the application materials please feel free to contact me or Mr. Richard Booth of RTP Environmental Associates, Inc. at (909) 279-8580.

Sincerely,

Stephen C. Artus  
General Manager  
UAE Energy Operations Corp.

RTP  
1466 Ripchak Pk  
Cerritos, CA 92879

enclosure



Application for  
Emission Reduction Credits  
and  
ERC Certificate

Prepared for:  
UAE Energy Operations Corp.  
San Ramon, CA.  
94583

Prepared by:  
RTP Environmental Associates, Inc.  
San Diego, CA.  
92037

November 13, 2000

Application for  
Emission Reduction Credits  
and  
ERC Certificate

Prepared for:  
UAE Energy Operations Corp.  
San Ramon, CA.  
94583

Prepared by:  
RTP Environmental Associates, Inc.  
San Diego, CA.  
92037

November 13, 2000

Attachment A



San Joaquin Valley  
Air Pollution Control District

**Fax Transmittal**

4230 Kiernan Avenue, Suite 130  
Modesto, California 95356-9321  
Phone (209) 557-6400  
Fax (209) 557-6475

Date : 12/07/00  
To : Dave Warner  
From : Rubi Gill

Fax Number : 7  
Number of pages (including cover sheet): \_\_\_\_\_

Description :

- |                                     |   |                          |                      |
|-------------------------------------|---|--------------------------|----------------------|
| <input checked="" type="checkbox"/> | Per Your Request                          | <input type="checkbox"/> | For Your Information |
| <input type="checkbox"/>            | Per Our Conversation                      | <input type="checkbox"/> | For Your Approval    |
| <input type="checkbox"/>            | Take Appropriate Action                   | <input type="checkbox"/> | Review & Comment     |
| <input type="checkbox"/>            | Please Answer                             | <input type="checkbox"/> | Review & Return      |
| <input type="checkbox"/>            | Original transmittal will follow via mail |                          |                      |

Remarks / Response : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# San Joaquin Valley Unified Air Pollution Control District

APPLICATION FOR:

- EMISSION REDUCTION CREDIT (ERC)       ERC WITHDRAWAL  
 CONSOLIDATION OF ERC CERTIFICATES       ERC TRANSFER OF OWNERSHIP

1. ERC TO BE ISSUED TO: **Modesto Energy Limited Partnership (MELP)**

---

2. MAILING ADDRESS:  
 STREET/P.O. BOX: 2420 Camino Ramon, Suite 101  
 CITY: San Ramon STATE: CA 9-DIGIT ZIP CODE: 94583

---

3. LOCATION OF REDUCTION: **Modesto Energy Limited Partnership**  
 STREET: 4549 Ingram Creek Rd.  
 CITY: Westley, CA. 95387  
 \_\_\_\_\_ /4 SECTION \_\_\_\_\_ TOWNSHIP \_\_\_\_\_ RANGE \_\_\_\_\_

4. DATE OF REDUCTION: 10-16-2000 \*  
 \*Date of Permanent Closure

---

5. PERMIT NO(S): 2045-0-1, 2045-2-3, 2045-4-1 EXISTING ERC NO(S): None  
2045-5-1.

---

6. METHOD RESULTING IN EMISSION REDUCTION:  
 SHUTDOWN       RETROFIT       PROCESS CHANGE       OTHER  
 DESCRIPTION: Permanent shutdown of Modesto Energy facility. See attached support data.  
 (Use additional sheets if necessary)

---

7. REQUESTED ERCS (In Pounds Per Calendar Quarter):

	VOC	NOx	CO	PM-10	SOx	OTHER
1ST QUARTER	55	29650	23050	3450	15050	
2ND QUARTER	55	29650	23050	3450	15050	
3RD QUARTER	55	29650	23050	3450	15050	
4TH QUARTER	55	29650	23050	3450	15050	

---

8. SIGNATURE OF APPLICANT: *Edward W. Tomeo*      TYPE OR PRINT TITLE OF APPLICANT:  
 President of the General Partner of Modesto  
 Energy Limited Partnership

---

9. TYPE OR PRINT NAME OF APPLICANT: Edward W. Tomeo      DATE: Nov 20, 2000      TELEPHONE NO: 925-244-1100

FOR APCD SECTION **RECEIVED** 224 1-5

DATE STAMP: **DEC - 5 2000**

SAN JOAQUIN VALLEY UNIFIED A.P.C.D. NO. REGION

FILING FEE RECEIVED: \$ 0

DATE PAID: \_\_\_\_\_

PROJECT NO.: 1001257      FACILITY ID.: 2045

## BACKGROUND

The Modesto Energy Limited Partnership (MELP) tire derived fuel resource recovery facility is being permanently shutdown as of October 16, 2000. The facility which was originally permitted for operation as the Modesto Energy Facility has been operating at the existing site for approximately 12 years. The facility was originally reviewed for its authority to construct (ATC) permits in the fall of 1985 by the Stanislaus County APCD. The original ATC was issued on or about 12-20-85. Since 1985 the facility has had several modifications to both its ATCs and permits to operate (PTOs). The APCD files contain numerous pieces of data on these filings that need not be delineated here. Data in the APCD files is incorporated into this analysis by reference. Attachment B contains copies of the most recent operational permits for the permitted processes at the facility. These permits include the following processes:

- N-2045-0-1 Facilitywide Requirements
- N-2054-2-3 Tire Derived Fuel Incinerators and Associated Systems and APC Equipment
- N-2045-4-1 1500 kW Emergency Standby Generator
- N-2045-5-1 20 Ton Flyash Storage Silo

## POTENTIAL EMISSIONS

Based upon the review of the current facility/process permits as well as data provided by the applicant in the Title V application, the facility potential to emit values are derived as follows:

Process	Potential to Emit Facility Processes			
	ppm	lb/hr	lb/day	tons/yr
TDF Incinerators				
NOx	0.2lb/mmBtu	140	500	91.25
CO	400*	-	549	100.2
VOC	-	-	148.4	27.08
SOx	2000*	200	250	45.63
PM	0.1gr/dscf	10	113	20.62
NH3	50*	-	-	-

\* at 3%O2

### Emergency Generator

NOx		6.2 tons/yr
VOC		0.5 tons/yr
CO		1.3 tons/yr
PM	0.1 gr/dscf	0.4 tons/yr
SOx	2000 ppm @ 2% O <sub>2</sub>	0.4 tons/yr
Fuel S	< = 0.05% wt.	
Hours/yr	< =200	

### Flyash Silo

PM	0.005 lbs/ton ash received
	0.1 gr/dscf
	20 tons/day receiving limit
	= 0.018 tons/yr

## HISTORICAL ACTUAL EMISSIONS

ERCs per Rule 2201 and 2301 are not based upon potential to emit values but are rather based upon "historical actual emissions (HAE)" as defined in Rule 2201 (6.2.1) and (3.2). Further, the calculation period for HAE is defined in Rule 2201 (3.7). Sections 3.7.1 and 3.7.2 apply to the facility, while sections 3.7.3 and 3.7.4 do not apply. As such, the baseline period for HAE calculations is the 2 consecutive years of operation prior to the submission of the ERC application, or, any 2 consecutive years within the past 5 years immediately prior to the submission of the application for ERCs.

In the case of the MELP facility, note the following:

- The 5 calendar years preceding the application would be 1995 through 1999.
- The 2 calendar years preceding the application would be 1998 and 1999.
- The facility did not operate for several months in 1999 as a result of the accidental tire fuel storage area fire.
- The facility did not operate for 3-4 months during the years 1995 and 1996. These shutdown periods during 1995 and 1996 were the result of a negotiated deal between Pacific Gas and Electric, MELP's power output purchaser, and MELP. At that time, PG&E had excess generating capacity on its system and did not need MELP's output. In addition, PG&E was paying MELP under its fixed price contract period terms, therefore the power price PG&E paid was approximately four (4) times higher than power available from other sources. As a result, PG&E paid MELP to shut down and not generate electricity for the 3-4 month periods in 1995 and 1996. Through that time, the MELP facility would have been able to operate, and had available tire fuel and other requirements to allow it to operate. This ability to operate was required by PG&E as a condition of payment during the shutdown. Therefore it is not appropriate to consider the years 1995 and 1996 as normal operating years from the perspective of

historical actual emissions. The economics to support such a shutdown did not exist after 1996, therefore 1997 and 1998 represent normal operating years.

- The facility experienced normal operations during calendar years 1997 and 1998.

As a result of the above, MELP is proposing that the applicable baseline period for ERC evaluation be the operational period of calendar years 1997 and 1998. These years are the most representative of normal operations during the preceding 5 year period.

Per Rule 2201 (6.2.1.1 through 6.2.1.4) HAE must be discounted per the provisions of these sections. Presently, none of the provisions apply to the MELP facility ERC request, therefore HAE need not be discounted. Per Rule 2201 (6.5) actual emission reductions (AER) will be discounted 10% to fulfill the net air quality improvement provisions of the NSR rule.

Per Rule 2301 (4.2.1) the HAE for the MELP facility meet the following requirements:

- Real – shutdown emissions from the MELP facility are real emissions as calculated and reported to the APCD per the requirements of the APCD annual emissions inventory. The emissions as reported are based upon source testing, CEMS data, and approved emissions factors supplied by the APCD.
- Surplus – the shutdown emissions are considered as surplus upon the effective date of the facility shutdown, i.e., 10-16-2000.
- Permanent – the shutdown is considered permanent, therefore the emissions reductions generated from the shutdown are also permanent.
- Quantifiable – the HAE are quantifiable per the provisions of Rule 2201 (6.2.1)
- Enforceable – the shutdown emissions and subsequent ERCs are enforceable since the facility will voluntarily surrender the applicable PTOs (as delineated in Attachment B) upon confirmation of the HAE values by the APCD and intent by the APCD to issue ERC banking certificates for the calculated HAE as presented herein.

Based on the text of Rules 2201 and 2301, we assumed the HAE values to be the averages of the individual pollutant species during the two (2) year baseline period, i.e., 1997 and 1998.

Attachment C contains copies of the annual emissions reports for the facility. These reports delineate actual fuel use values and emissions based upon CEMs data, source test data, or approved emissions factors supplied by the APCD. Furthermore, HAE calculations are given only for the TDF Incinerators. Actual emissions reductions from the emergency generator and flyash silo are insignificant and are not included in the ERC calculations.

## **REQUESTED ERC'S**

Based upon emission inventory reporting data for 1997 and 1998, the following historical actual emissions from the MELP TDF incinerators are delineated.

### **Annual Emissions**



Baseline Period 1997-1998  
Tons/Yr

Pollutant	1997	1998	Average
NOx	62.77	68.98	65.88
CO	47.61	54.81	51.21
VOC(TOG)	0.15	0.09	0.12
SOx	32.34	34.51	33.43
PM/PM10	5.98	9.34	7.66

Based on the above, the HAE with the 10% discounting applied per Rule 2201 (6.5) results in adjusted HAE as follows:

Pollutant	HAE, tons/yr
NOx	59.3
CO	46.1
VOC(TOG)	0.11
SOx	30.1
PM10	6.9

Since the facility operated on a consistent basis during the years 1997 and 1998 (based on the monthly activity levels as reported to the APCD), the HAE values expressed in terms of lbs/quarter are as follows:

Pollutant	HAE, lbs/quarter			
	1 <sup>st</sup> Q	2 <sup>nd</sup> Q	3 <sup>rd</sup> Q	4 <sup>th</sup> Q
NOx	29650	29650	29650	29650
CO	23050	23050	23050	23050
VOC	55	55	55	55
SOx	15050	15050	15050	15050
PM10	3450	3450	3450	3450

The above values represent the final adjusted HAE values which form the basis for the MELP ERC application and ERC banking certificate request.

Please note that MELP currently holds ERC certificate #N-89-2 issued on 2-12-97. This ERC certificate is for NOx only in the amount of 9480 lbs per quarter. The ERC request delineated above will have no affect on certificate N-89-2. MELP will continue to hold certificate N-89-2 for future use. Attachment C contains a copy of ERC certificate #N-89-2.

Attachment B



San Joaquin Valley  
Air Pollution Control District

# Permit to Operate

**FACILITY:** N-2045

**EXPIRATION DATE:** 10/31/2004

**LEGAL OWNER OR OPERATOR:**  
**MAILING ADDRESS:**

MODESTO ENERGY LIMITED PARTNER  
PO BOX 302  
WESTLEY, CA 95387

**FACILITY LOCATION:**

4549 INGRAM CREEK ROAD  
WESTLEY, CA 95387

**FACILITY DESCRIPTION:**

TIRE INCINERATION FACILITY

The Facility's Permit to Operate may include Facility-wide Requirements as well as requirements that apply to specific permit units.

This Permit to Operate remains valid through the permit expiration date listed above, subject to payment of annual permit fees and compliance with permit conditions and all applicable local, state, and federal regulations. This permit is valid only at the location specified above, and becomes void upon any transfer of ownership or location. Any modification of the equipment or operation, as defined in District Rule 2201, will require prior District approval. This permit shall be posted as prescribed in District Rule 2010.

David L. Crow  
Executive Director / APCO

Seyed Sadredin  
Director of Permit Services

# San Joaquin Valley Air Pollution Control District

FACILITY: N-2045-0-1

EXPIRATION DATE: 10/31/2004

## FACILITY-WIDE REQUIREMENTS

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1. The owner or operator shall notify the District of any breakdown condition as soon as reasonably possible, but no later than one hour after its detection, unless the owner or operator demonstrates to the District's satisfaction that the longer reporting period was necessary. [District Rule 1100, 6.1; County rules 110 (Fresno, Stanislaus, San Joaquin); 109 (Merced); 113 (Madera); and 111 (Kern, Tulare, Kings)] Federally Enforceable Through Title V Permit
2. The District shall be notified in writing within ten days following the correction of any breakdown condition. The breakdown notification shall include a description of the equipment malfunction or failure, the date and cause of the initial failure, the estimated emissions in excess of those allowed, and the methods utilized to restore normal operations. [District Rule 1100, 7.0; County rules 110 (Fresno, Stanislaus, San Joaquin); 109 (Merced); 113 (Madera); and 111 (Kern, Tulare, Kings)] Federally Enforceable Through Title V Permit
3. The owner or operator of any stationary source operation that emits more than 25 tons per year of nitrogen oxides or reactive organic compounds, shall provide the District annually with a written statement in such form and at such time as the District prescribes, showing actual emissions of nitrogen oxides and reactive organic compounds from that source. [District Rule 1160, 5.0] Federally Enforceable Through Title V Permit
4. Any person building, altering or replacing any operation, article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce, or control the issuance of air contaminants, shall first obtain an Authority to Construct (ATC) from the District unless exempted by District Rule 2020. [District Rule 2010, 3.0 and 4.0; 2020; and County Rule 201 (in all eight counties in the San Joaquin Valley)] Federally Enforceable Through Title V Permit
5. The permittee must comply with all conditions of the permit including permit revisions originated by the District. All terms and conditions of a permit that are required pursuant to the Clean Air Act (CAA), including provisions to limit potential to emit, are enforceable by the EPA and Citizens under the CAA. Any permit noncompliance constitutes a violation of the CAA and the District Rules and Regulations, and is grounds for enforcement action, for permit termination, revocation, reopening and reissuance, or modification; or for denial of a permit renewal application. [District Rules 2070, 7.0; 2080; and 2520, 9.9.1 and 9.13.1] Federally Enforceable Through Title V Permit
6. A Permit to Operate or an Authority to Construct shall not be transferred unless a new application is filed with and approved by the District. [District Rule 2031] Federally Enforceable Through Title V Permit
7. Every application for a permit required under Rule 2010 (Permits Required) shall be filed in a manner and form prescribed by the District. [District Rule 2040] Federally Enforceable Through Title V Permit
8. The operator shall maintain records of required monitoring that include: 1) the date, place, and time of sampling or measurement; 2) the date(s) analyses were performed; 3) the company or entity that performed the analysis; 4) the analytical techniques or methods used; 5) the results of such analysis; and 6) the operating conditions at the time of sampling or measurement. [District Rule 2520, 9.5.1] Federally Enforceable Through Title V Permit

FACILITY-WIDE REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate. Any amendments to these Facility-wide Requirements that affect specific Permit Units may constitute modification of those Permit Units.

Facility Name: MODESTO ENERGY LIMITED PARTNER  
Location: 4549 INGRAM CREEK ROAD, WESTLEY, CA 95387  
Jan 10 2000 9:29AM - THACC

9. The operator shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, or report. Support information includes copies of all reports required by the permit and, for continuous monitoring instrumentation, all calibration and maintenance records and all original strip-chart recordings. [District Rule 2520, 9.5.2] Federally Enforceable Through Title V Permit
10. The operator shall submit reports of any required monitoring at least every six months unless a different frequency is required by an applicable requirement. All instances of deviations from permit requirements must be clearly identified in such reports. [District Rule 2520, 9.6.1] Federally Enforceable Through Title V Permit
11. Deviations from permit conditions must be promptly reported, including deviations attributable to upset conditions, as defined in the permit. For the purpose of this condition, promptly means as soon as reasonably possible, but no later than 10 days after detection. The report shall include the probable cause of such deviations, and any corrective actions or preventive measures taken. All required reports must be certified by a responsible official consistent with section 10.0 of District Rule 2520. [District Rules 2520, 9.6.2 and 1100, 7.0] Federally Enforceable Through Title V Permit
12. If for any reason a permit requirement or condition is being challenged for its constitutionality or validity by a court of competent jurisdiction, the outcome of such challenge shall not affect or invalidate the remainder of the conditions or requirements in that permit. [District Rule 2520, 9.8] Federally Enforceable Through Title V Permit
13. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. [District Rule 2520, 9.9.2] Federally Enforceable Through Title V Permit
14. The permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [District Rule 2520, 9.9.3] Federally Enforceable Through Title V Permit
15. The permit does not convey any property rights of any sort, or any exclusive privilege. [District Rule 2520, 9.9.4] Federally Enforceable Through Title V Permit
16. The Permittee shall furnish to the District, within a reasonable time, any information that the District may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the District copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to EPA along with a claim of confidentiality. [District Rule 2520, 9.9.5] Federally Enforceable Through Title V Permit
17. The permittee shall pay annual permit fees and other applicable fees as prescribed in Regulation III of the District Rules and Regulations. [District Rule 2520, 9.10] Federally Enforceable Through Title V Permit
18. Upon presentation of appropriate credentials, a permittee shall allow an authorized representative of the District to enter the permittee's premises where a permitted source is located or emissions related activity is conducted, or where records must be kept under condition of the permit. [District Rule 2520, 9.14.2.1] Federally Enforceable Through Title V Permit
19. Upon presentation of appropriate credentials, a permittee shall allow an authorized representative of the District to have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit. [District Rule 2520, 9.14.2.2] Federally Enforceable Through Title V Permit
20. Upon presentation of appropriate credentials, a permittee shall allow an authorized representative of the District to inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. [District Rule 2520, 9.14.2.3] Federally Enforceable Through Title V Permit

FACILITY-WIDE REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate.

21. Upon presentation of appropriate credentials, a permittee shall allow an authorized representative of the District to sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements. [District Rule 2520, 9.14.2.4] Federally Enforceable Through Title V Permit
22. No air contaminants shall be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any one hour which is as dark or darker than Ringelmann #1 or equivalent to 20% opacity and greater, unless specifically exempted by District Rule 4101, by using EPA method 9. If the equipment or operation is subject to a more stringent visible emission standard as prescribed in a permit condition, the more stringent visible emission limit shall supersede this condition. [District Rule 4101, and County Rules 401 (in all eight counties in the San Joaquin Valley)] Federally Enforceable Through Title V Permit
23. No person shall supply, sell, solicit or apply any architectural coating, except specialty coatings, that contains more than 250 grams of VOC per liter of coating (less water and exempt compounds, and excluding any colorant added to tint bases), or manufacture, blend, or repackage such coating with more than 250 grams of VOC per liter (less water and exempt compounds, and excluding any colorant added to tint bases) for use within the District. [District Rule 4601, 5.1] Federally Enforceable Through Title V Permit
24. No person shall apply, sell, solicit, or offer for sale any specialty architectural coating listed in the Table of Standards (District Rule 4601, Table 1), nor manufacture, blend, or repackage such coating for use within the District, which contains VOCs (less water and exempt compounds, excluding any colorant added to tint bases) in excess of the specified limits listed in Table 1 of Rule 4601. [District Rule 4601, 5.2] Federally Enforceable Through Title V Permit
25. All VOC-containing materials shall be stored in closed containers when not in use. In use includes, but is not limited to: being accessed, filled, emptied, maintained or repaired. [District Rule 4601, 5.4] Federally Enforceable Through Title V Permit
26. A person shall not use VOCs for the cleanup of spray equipment unless equipment for collection of the cleaning compounds and minimizing its evaporation to the atmosphere is used. [District Rule 4601, 5.5] Federally Enforceable Through Title V Permit
27. The permittee shall comply with all the Labeling and Test Methods requirements outlined in Rule 4601 sections 6.1 and 6.2. [District Rule 4601, 6.1 and 6.2] Federally Enforceable Through Title V Permit
28. With each report or document submitted under a permit requirement or a request for information by the District or EPA, the permittee shall include a certification of truth, accuracy, and completeness by a responsible official [District Rule 2520, 9.14.1 and 10.0] Federally Enforceable Through Title V Permit
29. If the permittee performs maintenance on, or services, repairs, or disposes of appliances, the permittee shall comply with the standards for Recycling and Emissions Reduction pursuant to 40 CFR Part 82, Subpart F. [40 CFR 82 Subpart F] Federally Enforceable Through Title V Permit
30. If the permittee performs service on motor vehicles when this service involves the ozone-depleting refrigerant in the motor vehicle air conditioner (MVAC), the permittee shall comply with the standards for Servicing of Motor Vehicle Air Conditioners pursuant to all the applicable requirements as specified in 40 CFR Part 82, Subpart B. [40 CFR Part 82, Subpart B] Federally Enforceable Through Title V Permit
31. Disturbances of soil related to any construction, demolition, excavation, extraction, or water mining activities shall comply with the requirements for fugitive dust control in SJVUAPCD District Rule 8020 unless specifically exempted under section 4 of Rule 8020. [District Rule 8020] Federally Enforceable Through Title V Permit
32. Outdoor handling and storage of any bulk material which emits dust shall comply with the requirements of SJVUAPCD Rule 8030, unless specifically exempted under section 4 of Rule 8030. [District Rule 8030] Federally Enforceable Through Title V Permit

FACILITY-WIDE REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate.

33. Any paved road over 3 miles in length, and any unpaved roads over half a mile in length, constructed after December 10, 1993 shall use the design criteria and dust control measures of, and comply with the administrative requirements of, SJVUAPCD Rule 8060 unless specifically exempted under section 4 of Rule 8060. [District Rule 8060] Federally Enforceable Through Title V Permit
34. Any owner or operator of a demolition or renovation activity, as defined in 40 CFR 61.141, shall comply with the applicable inspection, notification, removal, and disposal procedures for asbestos containing materials as specified in 40 CFR 61.145 (Standard for Demolition and Renovation). [40 CFR 61 Subpart M] Federally Enforceable Through Title V Permit
35. The permittee shall submit certifications of compliance with the terms and standards contained in Title V permits, including emission limits, standards and work practices, to the District and the EPA annually (or more frequently as specified in an applicable requirement or as specified by the District). The certification shall include the identification of each permit term or condition, the compliance status, whether compliance was continuous or intermittent, the methods used for determining the compliance status, and any other facts required by the District to determine the compliance status of the source. [District Rule 2520, 9.17] Federally Enforceable Through Title V Permit
36. The permittee shall submit an application for Title V permit renewal to the District at least six months, but not greater than 18 months, prior to the permit expiration date. [District Rule 2520, 5.2] Federally Enforceable Through Title V Permit
37. When a term is not defined in a Title V permit condition, the definition in the rule cited as the origin and authority for the condition in a Title V permit shall apply. [District Rule 2520, 9.1.1] Federally Enforceable Through Title V Permit
38. Compliance with permit conditions in the Title V permit shall be deemed in compliance with the following outdated SIP requirements: Rule 401 (Madera, Fresno, Kern, Kings, San Joaquin, Stanislaus, Tulare and Merced), Rule 110 (Fresno, Stanislaus, San Joaquin), Rule 109 (Merced), Rule 113 (Madera), Rule 111 (Kern, Tulare, Kings), Rules 201, 202, 203, 204, 208, and 209 (Fresno, Kern, Tulare, Kings, Madera, Stanislaus, Merced, San Joaquin), Rule 410.1 (Kern), and Rule 423 (Kern, Fresno, Stanislaus, San Joaquin). A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
39. Compliance with permit conditions in the Title V permit shall be deemed in compliance with the following applicable requirements: SJVUAPCD Rules 1100, sections 6.1 and 7.0 (12/17/92); 2010, sections 3.0 and 4.0 (12/17/92); 2031 (12/17/92); 2040 (12/17/92); 2070, section 7.0 (12/17/92); 2080 (12/17/92); 4101 (12/17/92); 4601, sections 5.1, 5.2, 5.4, 5.5, 6.1, and 6.2 (12/17/92); 8020 (4/25/96); 8030 (4/25/96); 8060 (4/25/96); A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit

These terms and conditions are part of the Facility-wide Permit to Operate.



# San Joaquin Valley Air Pollution Control District

PERMIT UNIT: N-2045-2-3

EXPIRATION DATE: 10/31/2004

## EQUIPMENT DESCRIPTION:

TIRE INCINERATORS (2), 6,423 LB/HR; BOILERS (2), HIGH-PRESSURE, 129,700 LBS/HR COMBINED STEAM CAPACITY; GENERATOR, STEAM TURBINE, 18.5 MW GROSS POWER; CONTROL EQUIPMT - BAGHOUSE, SO2 SCRUBBER, AMMONIA INJECTION SYSTEM AND ASSOCIATED EQUIPMENT.

## PERMIT UNIT REQUIREMENTS

1. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. Ammonia breakthrough of the exhaust shall not exceed 50 ppmv. The facility shall be exempt from this condition for the first two hours of equipment start-up and for the last one hour of equipment shut down. [District Rule 4102]
3. Trace metals, dioxins and furan emissions shall not exceed the estimated emission levels as listed in the Modesto Energy Company's District approved risk assessment. [District Rule 4102]
4. The exhaust stack shall be equipped with continuous monitors/recorders for opacity, SO<sub>2</sub>, NO<sub>x</sub>, CO, O<sub>2</sub> & stack gas flow rate. The continuous emissions monitors shall meet the performance specifications in 40 CFR Part 51, Appendix P, 40 CFR Part 60, Appendix B, Relative Accuracy Audit of Appendix F or equivalent specification established by mutual agreement of the District, the ARB and the EPA. [District Rule 1080] Federally Enforceable Through Title V Permit
5. Results of continuous emissions monitoring must be reduced according to the procedure established in 40 CFR, Part 51, Appendix P, paragraphs 5.0 through 5.3.3, or by other methods deemed equivalent by mutual agreement with the District, the ARB, and the EPA. [Rule 108 (Kings, Fresno, Merced, San Joaquin, Tulare, Kern, and Stanislaus) and Rule 109 (Madera); District Rule 1080, 7.2] Federally Enforceable Through Title V Permit
6. Records shall be maintained and shall contain: the occurrence and duration of any start-up, shutdown or malfunction, performance testing, evaluations, calibrations, checks, adjustments, any periods during which a continuous monitoring system or monitoring device is inoperative, maintenance of any CEM's that have been installed pursuant to District Rule 1080, and emission measurements. [Rule 108 (Kings, Fresno, Merced San Joaquin, Tulare, Kern, and Stanislaus) and Rule 109 (Madera); District Rule 1080, 7.3; 40 CFR 60.7 (b)] Federally Enforceable Through Title V Permit
7. Operators of CEM's installed at the direction of the APCO shall submit a written report for each calendar quarter to the APCO. The report is due on the 30th day following the end of the calendar quarter and shall include: A. time intervals, data and magnitude of excess emissions, nature and cause of excess (if known), corrective actions taken and preventive measures adopted; B. averaging period used for data reporting corresponding to the averaging period specified in the emission test period used to determine compliance with an emission standard; C. applicable time and date of each period during which the CEM was inoperative (except for zero and span checks) and the nature of system repairs and adjustments; D. a negative declaration when no excess emissions occurred. [Rule 108 (Kings, Fresno, Merced San Joaquin, Tulare, Kern, and Stanislaus) and Rule 109 (Madera) and District Rule 1080, 8.0] Federally Enforceable Through Title V Permit
8. A violation of NO<sub>x</sub> emission standards indicated by the NO<sub>x</sub> CEM shall be reported by the operator to the APCO within 96 hours. [Rule 108 (Kings, Fresno, Merced San Joaquin, Tulare, Kern, and Stanislaus) and Rule 109 (Madera) and District Rule 1080, 9.0] Federally Enforceable Through Title V Permit

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate.

9. Operator shall notify the APCO no later than eight hours after the detection of a breakdown of the CEM. Operator shall inform the APCO of the intent to shut down the CEM at least 24 hours prior to the event. [Rule 108 (Kings, Fresno, Merced San Joaquin, Tulare, Kern, and Stanislaus) and Rule 109 (Madera) and District Rule 1080, 10.0] Federally Enforceable Through Title V Permit
10. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified 30 days prior to any compliance source test, and a source test plan must be submitted for approval 15 days prior to testing. [District Rule 1081] Federally Enforceable Through Title V Permit
11. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081] Federally Enforceable Through Title V Permit
12. Sampling facilities for source testing shall be provided in accordance with the provisions of District Rule 1081 (Source Sampling) [District Rule 1081] Federally Enforceable Through Title V Permit
13. The following pollutant emission levels shall not be exceeded: CO = 549.0 lbs/day; NO<sub>x</sub> = 500.0 lbs/day; PM = 113.0 lbs/day; SO<sub>x</sub> = 250.0 lbs/day and VOC = 148.4 lbs/day. [District NSR Rule] Federally Enforceable Through Title V Permit
14. Emissions of SO<sub>x</sub>, NO<sub>x</sub> and CO shall be reported on a lbs/day basis from midnight to midnight. A summary shall be provided quarterly to the APCO, on a format approved by the District. [District Rule 4352, 5.2] Federally Enforceable Through Title V Permit
15. Source testing and the Relative Accuracy testing shall be performed annually. The cylinder gas audit shall be performed quarterly. [District Rule 4352, 6.3] Federally Enforceable Through Title V Permit
16. The operator shall maintain a complete central file containing all measurements, records and other data that are required to be collected pursuant to the various provisions of this Permit to Operate. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit
17. The above mentioned file shall include: 1) data collected from in stack monitoring instruments & ground level monitors, 2) fuel input rate, 3) gross electrical output, 4) amount of supplemental fuel burned, and 5) results of source tests, calibration checks. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit
18. The file shall also include: measurements, records and other data required to be maintained by the operator shall be retained for at least five years from the date measurements or records are made and be made available to the District inspector upon request. [District Rule 2520, 9.4.2, 9.5.2] Federally Enforceable Through Title V Permit
19. In the event of control equipment failure, the operator shall immediately curtail any additional input of tires and shall maintain a minimum of 1800 deg F in the combustion zone until all tires in the incinerator are incinerated. [District NSR Rule] Federally Enforceable Through Title V Permit
20. In the event that the combustion temperature falls below 1800 deg F for greater than 10 minutes, auxiliary burners shall be used to maintain the minimum temperature of 1800 deg F. [District NSR Rule] Federally Enforceable Through Title V Permit
21. During any such breakdown conditions, the operator shall reduce plant emissions by whatever means necessary to assure that the emission limitations are not exceeded. [District NSR Rule] Federally Enforceable Through Title V Permit
22. All ash handling shall be conducted in accordance with the provisions of local, state and federal hazardous waste management guidelines and shall be conducted in such a manner as to prevent fugitive emissions. [District Rule 4102]
23. Chromium compounds shall not be used as an additive in the cooling tower water. [District Rule 7012]
24. The baghouse shall be equipped with a pressure differential gauge to indicate the pressure drop across the bags. The gauge shall be maintained in good working condition at all times and shall be located in an easily accessible location. [District NSR Rule] Federally Enforceable Through Title V Permit

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate.

25. Replacement bags numbering at least 10% of the total number of bags in the largest baghouse using each type of bag shall be maintained on the premises. [District NSR Rule] Federally Enforceable Through Title V Permit
26. Material removed from dust collector(s) shall be disposed of in a manner preventing entrainment into the atmosphere. [District NSR Rule] Federally Enforceable Through Title V Permit
27. Sulfur compound emission shall not exceed 0.2% by volume, 2000 ppmv, on a dry basis over 15 consecutive minutes. [District Rule 4801] Federally Enforceable Through Title V Permit
28. Particulate Matter emission shall not exceed 0.1 grains/dscf in concentration [District Rule 4201] Federally Enforceable Through Title V Permit
29. NOx emissions shall not exceed 0.20 lb/MMBtu of heat input. This limit shall be calculated and recorded daily using actual fuel hhv obtained from annual source tests, daily fuel consumption, and daily NOx emissions (lb/day) from the CEM system. [District Rule 4352, 5.1; District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit
30. CO emissions at dry stack gas conditions shall not exceed 400 ppmv @ 3% O<sub>2</sub>, 310 ppmv @ 7% or 12% O<sub>2</sub> in accordance with EPA Method 19. [District Rule 4352, 5.3 and 5.4] Federally Enforceable Through Title V Permit
31. The owner/operator shall maintain an operating log that includes the type and quantity of fuel used, and the hhv of each fuel by section 6.4, or as certified by a third party fuel supplier. [District Rule 4352, 6.2] Federally Enforceable Through Title V Permit
32. Source testing to measure concentration of oxides of nitrogen (as NO<sub>2</sub>) shall be conducted annually using EPA method 7E or CARB method 100. [District Rule 4352, 6.4.1] Federally Enforceable Through Title V Permit
33. Source testing to measure concentrations of carbon monoxide (CO) shall be conducted annually using EPA method 10 or CARB method 100. [District Rule 4352, 6.4.1] Federally Enforceable Through Title V Permit
34. Source testing to measure the stack gas oxygen shall be conducted annually using EPA methods 3 or 3A, or CARB method 100. [District Rule 4352, 6.4.1] Federally Enforceable Through Title V Permit
35. Source testing to measure stack gas velocity shall be conducted annually using EPA method 2. [District Rule 4352, 6.4.1] Federally Enforceable Through Title V Permit
36. Source testing to measure stack gas moisture content shall be conducted annually using EPA method 4. [District Rule 4352, 6.4.1] Federally Enforceable Through Title V Permit
37. Solid fuel higher heating value (hhv) shall be determined annually by ASTM Method D 2015-85, or ASTM Method E 711. [District Rule 4352, 6.4.1] Federally Enforceable Through Title V Permit
38. Source testing to measure particulate matter shall be conducted annually using CARB Method 5. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit
39. Source testing to measure sulfur dioxide emissions shall be conducted annually using EPA Method 8. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit
40. All emission measurements shall be made with the unit operating at conditions representative of normal operations. No compliance shall be established within two hours after a continuous period in which fuel flow to the unit is zero, or is shut off for 30 minutes or longer. [District Rule 4352, 6.4.2 and 6.4.3] Federally Enforceable Through Title V Permit
41. Source testing to measure VOC emissions shall be conducted annually using either EPA Method 25A, EPA Method 18, or CARB Method 100. [District Rule 1081] Federally Enforceable Through Title V Permit
42. Source testing to measure NH<sub>3</sub> emissions shall be conducted annually using BAAQMD Method ST-1B. [District Rule 1081] Federally Enforceable Through Title V Permit
43. The following pollutant emission levels shall not be exceeded: 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO<sub>2</sub>); 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO<sub>2</sub>); and ten (10) pounds per hour of PM. [District Rule 4301, 5.2] Federally Enforceable Through Title V Permit

These terms and conditions are part of the Facility-wide Permit to Operate.

# San Joaquin Valley Air Pollution Control District

PERMIT UNIT: N-2045-4-1

EXPIRATION DATE: 10/31/2004

## EQUIPMENT DESCRIPTION:

ONE 2020 HP DETROIT DIESEL MODEL 149 9163-7316 TURBOCHARGED AND AFTERCOOLED IC ENGINE  
SERVING AN EMERGENCY STANDBY 1,500 KW GENERATOR

## PERMIT UNIT REQUIREMENTS

---

1. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. Particulate matter emissions shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201] Federally Enforceable Through Title V Permit
3. Sulfur Compound emissions shall not exceed 0.2 % by volume, 2000 ppmv, on a dry basis averaged over 15 consecutive minutes. [District Rule 4801] Federally Enforceable Through Title V Permit
4. If the IC engine is fired on Air Resources Board regulated diesel fuel, with a supplier certified sulfur content less than 0.05% by weight, the operator shall maintain copies of all fuel invoices and supplier certifications. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit
5. If the IC engine is not fired on ARB regulated diesel fuel, with a supplier certified sulfur content less than 0.05% by weight, then the owner or operator shall determine the sulfur content of each delivery of diesel fuel being fired in the IC engine using ASTM method D 2880-71. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit
6. The operator shall submit an annual report of operating hours to the District. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit
7. The engine shall be operated only for maintenance, testing, and required regulatory purposes, and during emergency situations. Operation of the engine for maintenance and testing purposes shall not exceed 200 hours per year. [District NSR Rule, District Rule 4701, 3.19] Federally Enforceable Through Title V Permit
8. The permittee shall maintain records of hours of non-emergency operation and of the sulfur content of the diesel fuel used. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit
9. Compliance with the conditions in the permit requirements for this unit shall be deemed in compliance with District Rule 4201, San Joaquin County Rule 404, District Rule 4801 and San Joaquin County Rule 407. A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit

These terms and conditions are part of the Facility-wide Permit to Operate.

# San Joaquin Valley Air Pollution Control District

PERMIT UNIT: N-2045-5-1

EXPIRATION DATE: 10/31/2004

## EQUIPMENT DESCRIPTION:

ONE 20 TON FLY ASH STORAGE SILO SERVED BY A FLEX-KLEEN MODEL 1000 BAGHOUSE

## PERMIT UNIT REQUIREMENTS

---

1. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. The baghouse shall be equipped with a pressure differential gauge to indicate the pressure drop across the bags. The gauge shall be maintained in good working condition at all times and shall be located in an easily accessible location. [District NSR Rule] Federally Enforceable Through Title V Permit
3. Replacement bags numbering at least 10% of the total number of bags in the largest baghouse using each type of bag shall be maintained on the premises [District NSR Rule] Federally Enforceable Through Title V Permit
4. Material removed from dust collector(s) shall be disposed of in a manner preventing entrainment into the atmosphere [District NSR Rule] Federally Enforceable Through Title V Permit
5. The baghouse cleaning frequency and duration shall be adjusted to optimize the control efficiency. [District NSR Rule] Federally Enforceable Through Title V Permit
6. There shall be no visible emissions from the dust control system. [District NSR Rule] Federally Enforceable Through Title V Permit
7. No more than 20 tons of material shall be received into the silo in any one day. [District NSR Rule] Federally Enforceable Through Title V Permit
8. The PM-10 emissions shall not exceed 0.005 pounds per ton of ash received shall be maintained on the premises at all times. [District NSR Rule] Federally Enforceable Through Title V Permit
9. A daily record of the amount of fly ash received shall be maintained on the premises at all times. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit
10. Particulate Matter emissions shall not exceed 0.1 grains/dscf in concentration [District Rule 4201] Federally Enforceable Through Title V Permit
11. All equipment shall be maintained in good operating condition and shall be operated in a manner to minimize emission of air contaminants into the atmosphere. [District NSR Rule] Federally Enforceable Through Title V Permit
12. Compliance with the conditions in the Title V permit shall be deemed in compliance with the following conditions: District Rule 4201, and Stanislaus County Rule 404. A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
13. Dust collector filters shall be inspected annually while in operation for evidence of particulate matter breakthrough and replaced as needed. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit
14. Dust Collector filters shall be inspected annually while not in operation for tears, scuffs, abrasions or hole which might interfere with the PM collection efficiency and shall be replaced as needed. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate.

15. Records of dust collector maintenance, inspections and repairs shall be maintained. The records shall include identification of the equipment, date of inspection, corrective action taken, and identification of the individual performing the inspection. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit

16. Visible emissions from the exhaust stack shall be checked quarterly. If visible emissions are observed, corrective action shall be taken to eliminate visible emissions. If visible emissions cannot be corrected within 24 hours, a visible emissions test using EPA Method 9 shall be conducted. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit

These terms and conditions are part of the Facility-wide Permit to Operate.

Attachment C

Emission Statement - Calendar Year 1989 Emissions

Date / Time Printed 3/17/00  
2:12:36 PM

Please Sign and Return to:  
San Joaquin Valley Unified APCD  
1990 East Galtysburg Avenue  
Fresno, CA 93726

Facility ID # N - 2045  
TAB # 50 - 2045  
SIC 4911  
Facility Name MODESTO ENERGY LIMITED PARTNE  
TOXID # 10662

CHECK BOX IF PROCESS RATES ARE CONFIDENTIAL:

Device ID #	Process Number	Equipment Type	Rating	Yearly Process Rate	Units	Wk / Yr	Heat Content	Control Device	NOX # / Unit	TOG # / Unit	FROG # / Unit	SOX # / Unit	CO # / Unit	PM # / Unit
					Source Classification Code									
2	1	BOILER NG	94.1B	34.94	MILLION CUBIC FEET BURNED	39			140.0	5.8	0.3985	.6	35.0	3.0
					103DD602				2.45	.1	.04	.01	.61	.05
2	2	BOILER SOLID WASTE	94.1B	46803	TONS BURNED	39			2.4	.0	0.6988	1.24	2.1	.31
					10301201				55.8	.02	.02	28.78	48.85	7.22
Totals For the Facility (TONS / YEAR)									58.34	.12	.08	28.78	49.46	7.28

<u>Contact</u>	T R MITCHELL	Name and Title of Responsible Official  _____ _____ _____ _____ _____	I certify that the information contained in the Emission Statement is accurate to the best of my knowledge.   _____ Signature of Responsible Official and Date
<u>Company</u>	MODESTO ENERGY LIMITED PARTN		
<u>Address</u>	PO BOX 302		
<u>City, State, Zip</u>	WESTLEY CA 95387		
<u>Telephone</u>	(209) 894 - 3181		
<u>Location of facility if different from above</u>	MODESTO ENERGY LIMITED PARTN 4549 INGRAM CREEK ROAD		

1999  
TONS/YR

NOX 58.34  
TOG 0.12  
FROG 0.08  
SOX 28.79  
CO 49.46  
PM 7.28

This data was taken from last year's emissions inventory data. Please make any correction to this document in red ink.

NOV-28-2008 09:28

EMISSIONS

EMISSIONS

MODESTO ENERGY OPERATION CORP

P.03/13



# 1999 Stack Detail Information Survey

Facility ID: 2045

Stack	AIRS Stack Number	Universal Transverse Mercator (UTM)		Stack Height (feet)	Stack Diameter (feet)	Gas Velocity (fpm)	Gas Temperature (F)	Gas Flow Rate	Rain Cap		
		UTM East (km)	UTM North (km)						Yes (Y) No (N)	Flapper (F); Cone (C); or Other (O)	
1	2-BOILERS/SOLID	1	652.8	4155.9	115	4.5	6780	188	100178	n	

This data was taken from last year's emissions inventory data. Please make any correction to this document in red ink.  
 Fraction Reactive Organic Gases (ROG) will be corrected to 1998 values or changed if specified.

Emission Statement 1999

Months	hours on line	NO <sub>x</sub> #/MONTH	CO #/MONTH	SO <sub>2</sub> #/MONTH	GAS MMBTU	TIRES TONS
JAN	743.49	14190.30	11401.60	6170.50	398.00	5854.15
FEB	618.67	11754.00	7678.31	5317.00	307.00	4710.36
MAR	631.05	10988.85	8621.69	4735.58	2789.00	3782.57
APR	369.84	6491.40	5009.10	2889.90	1183.00	2420.98
MAY	607.61	9826.30	8554.00	5255.10	4469.00	4384.16
JUNE	719.00	12811.80	12570.40	6757.30	2847.00	5033.12
JULY	678.50	12040.60	11902.40	6352.70	7161.00	4624.43
AUG	697.73	12820.60	11888.20	6511.60	6716.00	5183.96
SEPT	485.85	9089.80	8837.00	4453.40	2354.00	3512.83
OCT	0.00	0.00	0.00	0.00	206.00	0.00
NOV	355.47	4939.50	3071.50	2683.70	5316.00	2271.11
DEC	694.92	11718.60	9386.90	6455.80	1193.00	4825.68
TOTAL	6602.13	116671.75	98921.10	57582.58	34939.00	46603.34
TOTAL TONS		58.34	49.46	28.79		
WEEK EQUIVELANT	39.30				FT <sup>3</sup> GAS	34.94

**Emission Statement - Calendar Year 1998 Emissions**

Date / Time Printed 3/11/89  
11:11:46 AM

Please Sign and Return to:  
San Joaquin Valley Unified APCD  
1990 East Gettysburg Avenue  
Fresno, CA 93726

Facility ID # N - 2045  
TAD # 50 - 2045  
SIC 4911  
Facility Name MODESTO ENERGY LIMITED PARTNER

Device ID #	Process Number	Equipment Type	Rating MMBTU / Hr	Yearly Process Rate	Units	Wk / Yr	Heat Content	Control Device	NOX # / Unit	TOG # / Unit	FROG # / Unit	SOX # / Unit	CO # / Unit	PM # / Unit
					Source Classification Code									
2	1	BOILER NG	94.19	19.612	MILLION CUBIC FEET BURNED	48			140.0	5.6	0.3965	.6	35.0	3.0
					10300602				1.37	.08	.07	.01	.34	.03
2	2	BOILER SOLID WASTE	94.18	60087.7	TONS BURNED	40			2.25	.0	0.6986	1.16	1.81	.31
					10301201				67.81	.05	.02	34.5	54.47	9.31
Totals For the Facility (TONS / YEAR)									68.98	.09	.04	34.51	54.81	9.34

EMISSIONS  
EMISSIONS

<u>Contact</u>	T R MITCHELL	Name and Title of Responsible Official	I certify that the information contained in the Emission Statement is accurate to the best of my knowledge.
<u>Company</u>	MODESTO ENERGY LIMITED PARTN		
<u>Address</u>	PO BOX 302		
<u>City, State, Zip</u>	WESTLEY CA 95367		
<u>Telephone</u>	(209) 894-3161		
<u>Location of facility if different from above</u>	MODESTO ENERGY LIMITED PARTN 4549 INGRAM CREEK ROAD	_____ Signature of Responsible Official and Date	

1998  
TONS/YR

NOx 68.98  
TOG 0.09  
FROG 0.04  
SOx 34.51  
CO 54.81  
PM 9.34

This data was taken from last year's emissions inventory data. Please make any correction to this document in red ink. Fraction Reactive Organic Gases (FROG) will be corrected to 1997 values or changed if specified.

NOV-09-2002 09:29 UAE ENERGY OPERATION CORP

## FACILITY WIDE RELATIVE MONTHLY ACTIVITY

To insure that the California Emission Inventory Database and Retrieval System (CEIDARs) is updated with the correct information for your facility, relative monthly activity will be collected on a facility wide basis. Therefore, if the facility has the same operating schedule year round, then please check the box next to the Default Monthly Activity. Otherwise provide the relative monthly activity expressed in percentage that the facility operates each month.

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<input checked="" type="checkbox"/> DEFAULT RELATIVE ACTIVITY	8.3	8.3	8.3	8.3	8.3	8.3	8.3	8.3	8.3	8.3	8.3	8.3
<input type="checkbox"/> MONTHLY RELATIVE ACTIVITY												

SIGNATURE: 

DATE: 2/22/99



MODESTO ENERGY LIMITED PARTNERSHIP

3/5/98

Brenton Smith  
San Joaquin Valley Unified Air Pollution Control District  
Permit Services  
1999 Tuolumne Rd.  
Suite 200  
Fresno CA. 93721

*file*

Brenton:

Attached is the marked up Emission Statement with revisions for the year 1997.  
The changes to the form are:

- total fuel fired (both natural and tons of tires)
- weeks/year of operation
- total Nox
- total Sox
- total CO
- and new contact (myself)

Per your instructions, organic gases (both fractional and total), emissions from natural gas, and PM will be calculated by your office.

Also attached is a spreadsheet showing the emissions levels on a monthly basis as well as a total. On the spreadsheet the natural gas is expressed in mmbTUs. The volume was calculated on a 1,050BTU/cuft basis.

If additional information is needed please call.

Regards,

P. K Wylie  
Plant Manager

Emission Statement - Calendar Year 1997 Emissions

Date / Time Printed 4/14/98  
11:20:53 AM

Please Sign and Return to:  
San Joaquin Valley Unified APCD  
1999 Teotomae St, Suite 200  
Fresno, CA 93721

Facility ID# N - 2045  
TAD# 50 - 2048  
SIC 4911  
Facility Name MODESTO ENERGY LIMITED PARTNER

Device ID #	Process Number	Equipment Type	Rating APMS TU / Hr	Yearly Process Rate	Units	Wk /Yr	Heat Content	Control Device	NOX # / Unit	TOG # / Unit	FROG # / Unit	SOX # / Unit	CO # / Unit	PM # / Unit
					Source Classification Code									
2	1	BOILER NG	94.18	40.50	MILLION CUBIC FEET BURNED	45			140.0	5.8	0.3985	.8	35.0	3.6
					10900802				2.84	.12	.05	.51	.71	.08
2	2	BOILER SOLID WASTE	94.18	57520	TONS BURNED	45			2.08	.0	0.8985	1.12	1.83	.31
					10301201				59.94	.83	.02	32.33	48.9	8.92
Totals For the Facility (TONS / YEAR)									62.77	.15	.07	32.34	47.61	5.98

<b>Contact</b>	P. K. WYLIE	<b>Name and Title of Responsible Official</b>	I certify that the information contained in the Emission Statement is accurate to the best of my knowledge.
<b>Company</b>	MODESTO ENERGY LIMITED PARTNE		
<b>Address</b>	PO BOX 802	_____	_____
<b>City, State, Zip</b>	WESTLEY CA 95387		
<b>Telephone</b>	(209) 96843161	_____	_____
<b>Location of Facility &amp; Control from Above</b>	MODESTO ENERGY LIMITED PARTNE 4548 INGRAM CREEK ROAD		
		_____ Signature of Responsible Official and Date	

1997  
TONS/YR

NOX 62.77  
TOG 0.15  
FROG 0.07  
SOX 32.34  
CO 47.61  
PM 5.98

This data was taken from last year's emissions inventory data. Please make any correction to this document in red ink.  
Fraction Reactive Organic Gases (FROG) will be corrected to 1994 values or changed if specified.

Calendar Month	Hours on Line	Natural Gas Usage mm/BTU's	Tons of Tires Burned	NOx #/mo	CO #/mo	SO2 #/mo
JANUARY	672	2,019	5,173	11,874	8,616	5,499
FEBRUARY	660	8,097	4,642	1,345	1,301	793
MARCH	722	178	5,508	12,442	9,322	6,624
APRIL	588	15,143	3,631	8,781	7,976	4,261
MAY	740	291	5,422	12,388	10,764	6,093
JUNE	720	254	4,807	11,720	7,807	5,601
JULY	696	2,595	4,659	11,297	8,535	6,159
AUGUST	743	1,083	5,511	12,900	10,306	6,658
SEPTEMBER	720	8,836	5,316	11,676	8,953	6,105
OCTOBER	702	494	5,158	12,069	6,941	6,302
NOVEMBER	709	1,951	4,904	11,869	8,704	5,633
DECEMBER	573	1,682	2,796	7,176	5,994	4,950
<b>TOTAL</b>	<b>7,574</b>	<b>42,623</b>	<b>57,526</b>	<b>125,538</b>	<b>95,218</b>	<b>64,677</b>
<b>#NOx /TON TIRES</b>	=	<b>125538</b>	/	<b>57526</b>	=	<b>2.18</b>
<b># CO /TON TIRES</b>	=	<b>95218</b>	/	<b>57526</b>	=	<b>1.66</b>
<b>#SOx /TON TIRES</b>	=	<b>64677</b>	/	<b>57526</b>	=	<b>1.12</b>
<b>TONS OF NOx =</b>	<b>62.77</b>					
<b>TONS OF CO =</b>	<b>47.61</b>					
<b>TONS OF SOx =</b>	<b>32.34</b>					
<b>EQUIVELANT WKS =</b>	<b>7,574 / 168</b>		<b>45</b>			

## FACILITY WIDE RELATIVE MONTHLY ACTIVITY

To insure that the California Emission Inventory Database and Retrieval System (CEIDARs) is updated with the correct information for your facility, relative monthly activity will be collected on a facility wide basis. Therefore, if the facility has the same operating schedule year round, then please check the box next to the Default Monthly Activity. Otherwise provide the relative monthly activity expressed in percentage that the facility operates each month.

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<input checked="" type="checkbox"/> DEFAULT RELATIVE ACTIVITY	8.3	8.3	8.3	8.3	8.3	8.3	8.3	8.3	8.3	8.3	8.3	8.3
MONTHLY RELATIVE ACTIVITY												

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_



**Emission Statement - Calendar Year 1998 Emissions**

Date/Time Printed 3/5/97  
6:30:55 AM

Please Sign and Return to:  
San Joaquin Valley Unified APCD  
1999 Tupenne St, Suite 200  
Fresno, CA 93721

Facility ID # N - 2046  
TAD # 50 - 2045  
SIC 4911  
Facility Name MODESTO ENERGY LIMITED PARTNER

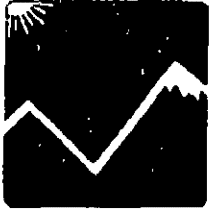
Device ID #	Process Number	Equipment Type	Rating MMBTU / Hr	Yearly Process Rate	Units	Wt / Yr	Heat Content	Control Device	NOX # / Unit	TOG # / Unit	FROG	SOX # / Unit	CO # / Unit	PM # / Unit
					Source Classification Code									
2	1	BOILER NG	84.18	12.17	MILLION CUBIC FEET BURNED	35			140	5.8		0.6	35	3
					10300802				0.85	0.33		0	0.21	0.02
2	2	BOILER SOLIDWASTE	94.18	42496	TONS BURNED	35			1.88	0.001		0.858	1.365	0.31
					10301201				40.16	0.02		20.36	29	6.69
Totals For the Facility									41.01	0.05		20.36	29.21	6.61

<b>Contact</b>	JOE GRECO	<b>Name and Title of Responsible Official</b> _____ _____	I certify that the information contained in the Emission Statement is accurate to the best of my knowledge.
<b>Company</b>	MODESTO ENERGY LIMITED PARTN		
<b>Address</b>	4549 INGRAM CREEK RD		
<b>City, State, Zip</b>	WESTLY CA 95307		
<b>Telephone</b>	(709) 884 - 3181		
<b>Location of facility if different from above</b>	MODESTO ENERGY LIMITED PARTN 4549 INGRAM CREEK RD		_____ Signature of Responsible Official and Date

1996  
TONS/YR

NOx	41.01
TOG	0.05
SOx	20.36
CO	29.21
PM	6.61

This data was taken from last year's emissions inventory data. Please make any correction to this document in red ink. Fraction Reactive Organic Gases (FROG) will be corrected to 1998 values or changed if specified.



# San Joaquin Valley Unified Air Pollution Control District

February 10, 1997

Joseph Greco  
Modesto Energy, L.P.  
P.O. Box 302  
Westley, CA 95387-0302

Re: Emission Reduction Credit Certificate

Dear Mr. Greco:

Enclosed is the current Emission Reduction Credit Certificate N-89-2 for NOx reductions that occurred at 500 E. Louise Ave., Lathrop, CA. The certificate is a reissue of the existing San Joaquin County Air Pollution Control District (SJCAPCD) Certificate 92-3 issued March 19, 1992. With this reissue, the SJCAPCD Certificate will no longer be valid.

Thank you for your cooperation in this matter. Should you have any questions please contact Steve Howie of the Permit Services Section at the Modesto office at (209) 545-7000.

Sincerely,

Seyed Sadredin  
Director of Permit Services

SHbjja

Enclosure

Certified Receipt # Z 051 671 769

c: Anthony Mendes, Permit Services Manager - Northern Region

David L. Crow

*Executive Director/Air Pollution Control Officer*

1929 Tokumitsu Street, Suite 200 • Fresno, CA 93721 • (209) 497-1000 • Fax: (209) 333-2227

#### Northern Region

4271 Walker Avenue, Suite 100 • Modesto, CA 95304  
(209) 545-7000 • Fax: (209) 545-0552

#### Central Region

1929 Tokumitsu Street, Suite 200 • Fresno, CA 93721  
(209) 497-1000 • Fax: (209) 333-2227

#### Southern Region

2700 M Street, Suite 275 • Bakersfield, CA 93307  
(805) 461-1842 • Fax: (805) 261-2006



San Joaquin Valley  
Unified Air Pollution Control District

Northern Regional Office \* 4230 Kiernan Ave., Suite 130 \* Modesto, CA 95356

**Emission Reduction Credit Certificate**  
**N-89-2**

ISSUED TO: Modesto Energy L.P.

ISSUE DATE: February 12, 1997

LOCATION OF REDUCTION: 500 E. Louise Ave.  
Lathrop, CA.

For NOx Reduction In The Amount Of:

Quarter 1	Quarter 2	Quarter 3	Quarter 4
9,480 lbs	9,480 lbs	9,480 lbs	9,480 lbs

Conditions Attached

Method Of Reduction

Shutdown of Entire Stationary Source

Shutdown of Emissions Unit

Other: Modification of a flat glass melting furnace

David L. Crow, APCO

Seyed Sadredin  
Director of Permit Services

## ERC Application Evaluation

**Company Name:** Modesto Energy Limited Partnership      **Date:** November 21, 2001  
**Mailing Address:** 2420 Camino Ramon, Suite 101  
San Ramon, CA 94583

**Contact Name:** Stephen C. Artus – General Manager  
**Phone:** (925) 244-1100

**Engineer:** Nick Peirce  
**Project #:** 1001257  
**Application #'s:** N-224-1, N-224-2, N-224-3, N-224-4, and N-224-5

**Date Application Received:** December 5, 2000  
**Date Application Deemed Complete:** February 5, 2001

### I. Summary:

Modesto Energy Limited Partnership (herein referred to as MELP) is proposing to receive the following quantities of Emissions Reduction Credit (ERCs) for the shut down of a tire-derived fuel resource recovery facility:

	Quarter 1 (lb)	Quarter 2 (lb)	Quarter 3 (lb)	Quarter 4 (lb)
<b>NO<sub>x</sub></b>	27,589	19,467	34,202	30,553
<b>VOC</b>	255	174	267	249
<b>CO</b>	20,140	15,811	24,591	20,800
<b>PM<sub>10</sub></b>	5,132	3,464	5,403	5,030
<b>SO<sub>x</sub></b>	14,291	9,417	17,141	15,372

### II. Applicable Rules:

Rule 2301: Emission Reduction Credit Banking (Adopted September 19, 1991; Amended March 11, 1992; Amended December 17, 1992)

### III. Location of Reductions:

The facility was located at 4549 Ingram Creek Road in Westley, CA.

### IV. Method of Generating Reductions:

The ERC's were generated by the shutdown of the stationary source, which consisted of two tire derived fuel-fired boilers powering an 18.5 MW electrical generator (N-2045-2-3), a 2020 bhp diesel-fired emergency internal combustion engine powering a standby electrical generator (N-2045-4-1), and a fly ash handling and storage operation (N-2045-5-1), on October 16, 2000.

NOTE: At the time the Banking application was deemed complete, the facility was a major source for  $\text{NO}_x$  and CO emissions.

8/12/2002

NRP

**V. ERC Calculations:**

**A. Assumptions and Emission Factors:**

The results of all Historical Actual Emission (HAE) and Actual Emission Reduction (AER) calculations are rounded to the nearest whole number.

**Tire Derived Fuel-Fired Boilers**

**NO<sub>x</sub>, CO, and SO<sub>x</sub>:**

MELP has provided the following Continuous Emissions Monitoring (CEM) data for the baseline period (See Appendix II).

1996 CEM Data				
	Quarter 1 (lb)	Quarter 2 (lb)	Quarter 3 (lb)	Quarter 4 (lb)
NO <sub>x</sub>		9,193	38,874	35,498
CO		7,859	26,072	23,803
SO <sub>x</sub>		4,872	19,066	17,170
Hours on-line		737	2,206	2,078
1997 CEM Data				
	Quarter 1 (lb)	Quarter 2 (lb)	Quarter 3 (lb)	Quarter 4 (lb)
NO <sub>x</sub>	25,661	32,889	35,873	31,141
CO	19,239	26,547	27,794	21,639
SO <sub>x</sub>	12,916	15,955	18,922	16,885
Hours on-line	2,054	2,048	2,159	1,984
1998 CEM Data				
	Quarter 1 (lb)	Quarter 2 (lb)	Quarter 3 (lb)	Quarter 4 (lb)
NO <sub>x</sub>	34,314			
CO	24,689			
SO <sub>x</sub>	18,732			
Hours on-line	2,088			
Averaged CEM Data During Baseline Period				
	Quarter 1 (lb)	Quarter 2 (lb)	Quarter 3 (lb)	Quarter 4 (lb)
NO <sub>x</sub>	29,988	21,041	37,374	33,320
CO	21,964	17,203	26,933	22,721
SO <sub>x</sub>	15,824	10,414	18,994	17,028
Hours on-line	2,071	1,393	2,183	2,031

V. ERC Calculations (Continued):

**VOC and PM<sub>10</sub>:**

The units were source tested annual for VOC and PM emissions. Since each unit exhausted through a common baghouse, it is assumed that all of the PM emitted was emitted as PM<sub>10</sub>.

<b>1996 Source Test Results (Brown and Caldwell, June 25, 1996)</b>	
VOC	Not tested <sup>(1)</sup>
PM <sub>10</sub>	2.19 lb/hr
Exhaust Flow rate	45,293 dscfm
<b>1997 Source Test Results (Carnot, May 29, 1997)</b>	
VOC	0.09 lb/hr
PM <sub>10</sub>	2.13 lb/hr
Exhaust Flow rate	49,400 dscfm
<b>1998 Source Test Results (The Avagadro Group, June 4, 1998)</b>	
VOC	0.2 lb/hr
PM <sub>10</sub>	3.84 lb/hr
Exhaust Flow rate	46,180 dscfm
<b>Averaged Emission Rates During the Baseline Period</b>	
VOC	0.13 lb/hr <sup>(1)</sup>
PM <sub>10</sub>	2.72 lb/hr
Exhaust Flow rate	46,958 dscfm

**Emergency Diesel-Fired Internal Combustion Engine**

The emission factors (EF) for NO<sub>x</sub>, CO, and VOC emissions from this unit are as identified by the manufacturer. The engine manufacturer does not have PM emission factor data. Therefore, a PM emissions factor will be estimated using the actual exhaust flow conditions as identified by the engine manufacturer and assuming an exhaust moisture content of 10% by weight and compliance with District Rule 4201 limit of 0.1 gr-PM/dscf. The SO<sub>x</sub> emission rate from this engine is estimated by performing a mass balance assuming the following: 100% conversion of S to SO<sub>2</sub>, a fuel sulfur content of 0.05% as required by permit condition, and a manufacturer's fuel consumption rate of 102.8 gal/hr.

$$\begin{aligned}
 EF_{NO_x} &= 8.81 \text{ g/bhp-hr} \\
 EF_{VOC} &= 0.18 \text{ g/bhp-hr} \\
 EF_{CO} &= 5.47 \text{ g/bhp-hr}
 \end{aligned}$$

<sup>1</sup> Source testing for VOC emissions was not required for these units until 1997. Therefore, 1997 source test data for VOC emissions will be used for 1996, and the averaged VOC emissions rate during the baseline period is determined as follows:  $(0.09 + 0.09 + 0.2) \div 3 = 0.13 \text{ lb/hr}$ .

V. ERC Calculations (Continued):

$$EF_{PM_{10}} = \frac{\left(0.1 \frac{\text{gr-PM}}{\text{dscf}}\right) \left(12,340 \frac{\text{acf}}{\text{min}}\right) \left(\frac{460+60}{460+820}\right) (1-0.1)}{(2020 \text{ bhp}) \left(\frac{15.432 \text{ gr-PM}}{\text{g-PM}}\right) \left(\frac{\text{hr}}{60 \text{ min}}\right)} = 0.868 \frac{\text{g}}{\text{bhp-hr}}$$

$$EF_{SO_x} = \left(\frac{0.05 \text{ lb-S}}{100 \text{ lb-fuel}}\right) \left(7.1 \frac{\text{lb-fuel}}{\text{gal}}\right) \left(\frac{64 \frac{\text{lb-SO}_x}{\text{lb-mol}}}{32 \frac{\text{lb-S}}{\text{lb-mol}}}\right) \left(102.8 \frac{\text{gal-fuel}}{\text{hr}}\right) = 0.73 \frac{\text{lb-SO}_x}{\text{hr}}$$

MELP has provided the following operational data. It is assumed that the annual operation is evenly divided between throughout the year.

1996				
	Quarter 1 (hr)	Quarter 2 (hr)	Quarter 3 (hr)	Quarter 4 (hr)
Operation		14	14	14
1997				
	Quarter 1 (hr)	Quarter 2 (hr)	Quarter 3 (hr)	Quarter 4 (hr)
Operation	17	16	17	17
1998				
	Quarter 1 (hr)	Quarter 2 (hr)	Quarter 3 (hr)	Quarter 4 (hr)
Operation	17			
Averaged Hours of Operation During the Baseline Period				
	Quarter 1 (hr)	Quarter 2 (hr)	Quarter 3 (hr)	Quarter 4 (hr)
Operation	17	15	16	16

Fly Ash Handling and Storage Operation

MELP has provided the following actual fly ash processing rates during the baseline period.

Fly Ash Processing Rates (tons)				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
1996		211	549	580
1997	613	554	619	514
1998	592			
Averaged Fly Ash Processing Rates (tons) During the Baseline Period				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
	603	383	584	547



**V. ERC Calculations (Continued):**

It is assumed that this operation only generates PM<sub>10</sub> emissions. The PM<sub>10</sub> emissions from this operation have never been source tested. Therefore, the permitted PM<sub>10</sub> emission factor will be used to quantify emissions from this operation:

EF<sub>PM10</sub>: 0.005 lb-PM<sub>10</sub>/ton fly ash

**B. Baseline Period Determination and Data:**

**Baseline Period Determination:**

District Rule 2301, section 3.5, defines the baseline period as "two (2) consecutive years immediately prior to the submission of a complete application" or "another time period of at least two (2) years within five (5) years immediately prior to the submission of the complete application determined by the APCO as more representative of normal source operation".

The District has determined that the consecutive two-year period immediately preceding the banking application was not representative of normal source operation (See Appendix I).

In order to determine the period that is most representative of normal source operation, the facility's quarterly tire usage data for the five (5) year period immediately preceding the ERC application was considered. However, during the fourth quarter 1999, an adjacent tire storage facility caught fire and burned essentially out of control for several months (the "Westley Tire Fire"). This incident caused the facility to cease operations immediately. Due to public, political, and financial concerns, the operation was eventually shut down. The cessation of operation during Q4 1999 was completely beyond MELP's control. Therefore, the period of time from Q4 1999 to the date the ERC application was filed will be removed from consideration because the District has determined that this period of time is not representative of "normal" source operation.

In order to determine the quarterly tire usage quantity that is most representative of normal source operation, the facility's tire usage data for the remaining fifteen (15) calendar quarters immediately preceding Q4 1999 was averaged. That average tire usage value was determined to be 13,219 tons per quarter. The eight (8) consecutive calendar quarter period with average tire usage closest to 13,219 tons per quarter is considered to be most representative of normal source operation (See Appendix I).

**V. ERC Calculations (Continued):**

Based on the data supplied by MELP, the eight (8) consecutive calendar quarter period with an average tire usage closest to 13,219 tons per quarter was Q2 1996 through Q1 1998 (See Appendix I). Therefore, Q2 1996 through Q1 1998 is most representative of normal source operation, and will be used as the baseline period.

**C. Historical Actual Emissions (HAE's):**

**1. Tire Derived Fuel-Fired Boilers**

NO<sub>x</sub>, CO, and SO<sub>x</sub> HAE's are based on Continuous Emissions Monitoring (CEM) data for the baseline period. VOC and PM<sub>10</sub> HAE's are calculated using the averaged source tested emission rates and the averaged operation time (from section V.A of this document) as follows: HAE (lb/qtr) = Operation (hr/qtr) × Emission rate (lb/hr).

<b>HAE (lb)</b>				
	<b>Quarter 1</b>	<b>Quarter 2</b>	<b>Quarter 3</b>	<b>Quarter 4</b>
NO <sub>x</sub>	29,988	21,041	37,374	33,320
VOC	269	181	284	264
CO	21,964	17,203	26,933	22,721
PM <sub>10</sub>	5,633	3,789	5,938	5,524
SO <sub>x</sub>	15,824	10,414	18,994	17,028

**2. Emergency Diesel-Fired Internal Combustion Engine**

NO<sub>x</sub>, VOC, CO, PM<sub>10</sub>, and SO<sub>x</sub> HAE's are calculated using the emission factor data and the averaged operation time (from section V.A of this document) as follows:

$$\text{HAE (lb/qtr)} = \text{Operation (hr/qtr)} \times \text{EF (g/hp-hr)} \times 2,020 \text{ hp} \times (\text{lb}/453.6 \text{ g}).$$

<b>HAE (lb)</b>				
	<b>Quarter 1</b>	<b>Quarter 2</b>	<b>Quarter 3</b>	<b>Quarter 4</b>
NO <sub>x</sub>	667	589	628	628
VOC	14	12	13	13
CO	414	365	390	390
PM <sub>10</sub>	66	58	62	62
SO <sub>x</sub>	55	49	52	52

V. **ERC Calculations (Continued):**

3. **Fly Ash Handling and Storage Operation**

PM<sub>10</sub> HAE's are calculated using the permitted emission factor and the averaged processing rates (from section V.A of this document) as follows: HAE (lb/qtr) = Process rate (tons/qtr) × Emission rate (lb/ton).

HAE (lb)				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
PM <sub>10</sub>	3	2	3	3

D. **Actual Emission Reductions:**

In the case of shutdowns AER = HAE, unless the HAE's must be reduced to ensure each is surplus. As shown in section VI.E of this document, all HAE's are surplus. Below is a summary of the Actual Emission Reductions:

HAE (lb)				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
NO <sub>x</sub>	30,655	21,630	38,002	33,948
VOC	283	193	297	277
CO	22,378	17,568	27,323	23,111
PM <sub>10</sub>	5,702	3,849	6,003	5,589
SO <sub>x</sub>	15,879	10,463	19,046	17,080

E. **Air Quality Improvement Deduction:**

Per District Rule 2201, section 4.12.1, AER's shall be discounted by 10% for Air Quality Improvement Deduction prior to banking. The Air Quality Improvement Deductions are as follows:

Air Quality Improvement Deductions (lb)				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
NO <sub>x</sub>	3,066	2,163	3,800	3,395
VOC	28	19	30	28
CO	2,238	1,757	2,732	2,311
PM <sub>10</sub>	570	385	600	559
SO <sub>x</sub>	1,588	1,046	1,905	1,708

**V. ERC Calculations (Continued):**

**F. Increase In Permitted Emissions:**

No IPE is associated with this project.

**G. Bankable Emissions Reductions:**

The bankable reductions are the AER's minus the Air Quality Improvement Deduction.

<b>Bankable emission Reductions (lb)</b>				
	<b>Quarter 1</b>	<b>Quarter 2</b>	<b>Quarter 3</b>	<b>Quarter 4</b>
NO <sub>x</sub>	27,589	19,467	34,202	30,553
VOC	255	174	267	249
CO	20,140	15,811	24,591	20,800
PM <sub>10</sub>	5,132	3,464	5,403	5,030
SO <sub>x</sub>	14,291	9,417	17,141	15,372

**VI. Compliance:**

**A. Real Reductions:**

The emission reductions were generated by the permanent shutdown of all emission units at the stationary source. Therefore, the emission reductions are real.

**B. Enforceable Reductions:**

Prior to the issuance of the ERC's, all of the facility's Permits to Operate will be surrendered to the District. Operation of the equipment without permits would result in enforcement action being taken. Therefore, the reductions are enforceable.

**C. Quantifiable Reductions:**

The baseline emissions were calculated utilizing District approved emission factors, actual baseline period CEM data, and actual baseline period hours of operation. Therefore, the reductions are quantifiable.

**VI. Compliance (Continued):**

**D. Permanent Reductions:**

Prior to the issuance of the ERC's, all of the facility's Permits to Operate will be surrendered to the District. Operation of the equipment without permits would result in enforcement action being taken. Therefore, the reductions are permanent.

**E. Surplus Reductions:**

This section will contain an explanation of what actions were taken to ensure that all emission reductions during the baseline period were surplus.

**Tire Derived Fuel-Fired Boilers**

This equipment was subject to District Rule 4201: Particulate Matter Concentration, District Rule 4352: Solid Fuel Fired Boilers, Steam Generators, and process Heaters, and District Rule 4801: Sulfur Compounds.

**District Rule 4201:**

Section 3.1 of this Rule limits the particulate matter emission concentration to 0.1 gr/dscf.

$$\text{PM} \left( \frac{\text{gr}}{\text{dscf}} \right) = \frac{2.72 \frac{\text{lb-PM}}{\text{hr}} \times 7000 \frac{\text{gr-PM}}{\text{lb-PM}} \times \frac{\text{hr}}{60 \text{ min}}}{46,958 \frac{\text{ft}^3}{\text{min}}} = 0.0068 \frac{\text{gr-PM}}{\text{dscf}}$$

Since 0.0068 gr/dscf << 0.1 gr/dscf, this equipment was in compliance with the requirements of this Rule during the baseline period.

**District Rule 4352:**

Sections 5.1 and 5.3 of this Rule limit the NO<sub>x</sub> emissions to 0.20 lb/MMBtu and the CO emissions to 400 ppmv @ 3% O<sub>2</sub>.

Source test data indicates that the F-factor for the tire-derived fuel is 8,341 dscf/MMBtu, and the NO<sub>x</sub> and CO emission concentrations averaged over the baseline period are 54.7 ppmv and 51.3 ppmv, respectively.

**VI. Compliance (Continued):**

The NO<sub>x</sub> emission concentration in ppmv will be converted to lb/MMBtu as follows:

$$\frac{\left(\frac{54.7 \text{ parts-NO}_x}{10^6}\right) \times \left(8,431 \frac{\text{dscf}}{\text{MMBtu}}\right) \times \left(46 \frac{\text{lb-NO}_x}{\text{lb-mol}}\right) \times \left(\frac{20.9}{20.9-3}\right)}{\left(379.5 \frac{\text{dscf}}{\text{lb-mol}}\right)} \cong 0.065 \frac{\text{lb-NO}_x}{\text{MMBtu}}$$

Therefore, this equipment was in compliance with the requirements of this Rule during the baseline period

**Permitted Emission Limits:**

As shown in Appendix II of this document, emissions of NO<sub>x</sub>, CO, and SO<sub>x</sub> from this equipment during the baseline period did not exceed the permitted limits. This equipment had permitted emission limits of 113.0 lb-PM/day and 148.4 lb-VOC/day. Therefore, the maximum permitted quarterly PM and VOC emissions breakdowns are as follows:

$$PE_{PM} = 113 \frac{\text{lb}}{\text{day}} \times 90 \frac{\text{days}}{\text{qtr 1}} = 10,170 \frac{\text{lb}}{\text{qtr 1}}$$

$$= 113 \frac{\text{lb}}{\text{day}} \times 91 \frac{\text{days}}{\text{qtr 2}} = 10,283 \frac{\text{lb}}{\text{qtr 2}}$$

$$= 113 \frac{\text{lb}}{\text{day}} \times 92 \frac{\text{days}}{\text{qtr 3}} = 10,396 \frac{\text{lb}}{\text{qtr 3}}$$

$$= 113 \frac{\text{lb}}{\text{day}} \times 92 \frac{\text{days}}{\text{qtr 4}} = 10,396 \frac{\text{lb}}{\text{qtr 4}}$$

$$PE_{VOC} = 148.4 \frac{\text{lb}}{\text{day}} \times 90 \frac{\text{days}}{\text{qtr 1}} = 13,356 \frac{\text{lb}}{\text{qtr 1}}$$

$$= 148.4 \frac{\text{lb}}{\text{day}} \times 91 \frac{\text{days}}{\text{qtr 2}} = 13,504 \frac{\text{lb}}{\text{qtr 2}}$$

**VI. Compliance (Continued):**

$$\begin{aligned} PE_{VOC} &= 148.4 \frac{\text{lb}}{\text{day}} \times 92 \frac{\text{days}}{\text{qtr 3}} = 13,653 \frac{\text{lb}}{\text{qtr 3}} \\ &= 148.4 \frac{\text{lb}}{\text{day}} \times 92 \frac{\text{days}}{\text{qtr 4}} = 13,653 \frac{\text{lb}}{\text{qtr 4}} \end{aligned}$$

Since the Historical Actual Emissions from this operation listed in section V.C.1 of this document are less than maximum permitted quarterly PM and VOC emission limitations, the proposed emission reductions during the baseline period are surplus.

**Emergency Diesel-Fired Internal Combustion Engine**

This equipment was in compliance with all application Rules and Regulations during the baseline period. The Historical Actual Emissions were calculated using data from the equipment manufacturer and District Rule 4201. Therefore, the emissions reductions during the baseline period are surplus.

**Fly Ash Handling and Storage Operation**

This operation had an emissions limit of 0.1 lb/day. Therefore, the maximum permitted quarterly emissions breakdowns are as follows:

$$\begin{aligned} PE_{PM10} &= 0.1 \frac{\text{lb}}{\text{day}} \times 90 \frac{\text{days}}{\text{qtr 1}} = 9 \frac{\text{lb}}{\text{qtr 1}} \\ &= 0.1 \frac{\text{lb}}{\text{day}} \times 91 \frac{\text{days}}{\text{qtr 2}} = 9 \frac{\text{lb}}{\text{qtr 2}} \\ &= 0.1 \frac{\text{lb}}{\text{day}} \times 92 \frac{\text{days}}{\text{qtr 3}} = 9 \frac{\text{lb}}{\text{qtr 3}} \\ &= 0.1 \frac{\text{lb}}{\text{day}} \times 92 \frac{\text{days}}{\text{qtr 4}} = 9 \frac{\text{lb}}{\text{qtr 4}} \end{aligned}$$

Since the Bankable Emission Reductions from this operation listed in section V.C.3 of this document are less than maximum permitted quarterly emission limitation, the proposed emission reductions during the baseline period are surplus.

## **VI. Compliance (Continued):**

### **Summary:**

All of the emissions units were found to be in compliance with all applicable Rules and Regulations, so none of the emission concentrations or emission factors required adjustment. Moreover, the emission reductions were made voluntarily and were not required by any present or pending regulation. Therefore, the emission reductions are surplus.

### **F. Timeliness:**

District Policy APR 1805 implies that a facility's shutdown date may be different than the date of the cessation of emissions from the facility if it can be demonstrated to the satisfaction of the Air Pollution Control Officer that the facility intended to continue operations subsequent to the actual cessation of emissions. The facility ceased operations during the fourth quarter 1999 because an adjacent tire storage facility caught fire and burned essentially out of control for several weeks (the "Westley Tire Fire"). As a result of this incident, the facility was required to cease operations immediately; however, at that time, the facility fully intended to resume operations once the adjacent fire was contained. MELP maintained a small operational, maintenance, and administrative staff to keep the facility and its equipment in a condition for restart. The facility actually restarted operation briefly after the tire fire was suppressed to assist the Integrated Waste Management Board with site remediation. During this time, MELP actively explored financial options for the plant's future such as additional subsidies and even sale of the facility. In fact, on July 2000, MELP entered into formal negotiations to sell the facility.

Nevertheless, due to public, political, and financial concerns, the potential buyer could not secure adequate funding and the operation was eventually shut down on October 16, 2000. The facility was required to cease operations due to circumstances beyond the facility's control, the facility did not surrender the equipment's operating permits prior to October 16, 2000, the permitted equipment did not fall into a state of disrepair after the date of cessation of emissions, and the facility intended to resume operation after the tire fire was contained. Therefore, the District accepts October 16, 2000 as the facility's official shutdown date. The ERC application was submitted on December 5, 2000. The application was submitted before the 180 day deadline imposed by District Rule 2301, section 4.2.3. Therefore, the ERC application was filed in a timely manner.



**VII. Recommendation:**

Issue Emission Reduction Credit Certificates to MELP for NO<sub>x</sub>, VOC, CO, PM<sub>10</sub>, and SO<sub>x</sub> in the following amounts:

	<b>Quarter 1</b>	<b>Quarter 2</b>	<b>Quarter 3</b>	<b>Quarter 4</b>
NO <sub>x</sub>	27,589	19,467	34,202	30,553
VOC	255	174	267	249
CO	20,140	15,811	24,591	20,800
PM <sub>10</sub>	5,132	3,464	5,403	5,030
SO <sub>x</sub>	14,291	9,417	17,141	15,372

Appendix I - Baseline Period Determination

Appendix II - CEMS Data for the Baseline Period

**Appendix I**  
**Baseline Period Determination**

# Baseline Period Calculations

Calendar Quarter	Quarterly Production Data (tons)	8 Quarter Difference
Q1 1996	5,982	
Q2 1996	5,279	
Q3 1996	16,737	
Q4 1996	14,494	
Q1 1997	15,323	
Q2 1997	13,860	
Q3 1997	15,486	
Q4 1997	12,858	717
Q1 1998	14,812	387
Q2 1998	13,878	1,462
Q3 1998	15,917	1,359
Q4 1998	14,160	1,317
Q1 1999	14,347	1,195
Q2 1999	11,838	943
Q3 1999	13,321	672
Q4 1999		
Q1 2000		
Q2 2000		
Q3 2000		
Q4 2000		

Average: 13,219

Since this value is the smallest, the 8 consecutive calendar quarter period associated with it (Q1 1998 - Q2 1996) is assumed to most closely represent "normal" source operation. Therefore, the baseline period is from Q2 1996 to Q1 1998.

The values in this column represent the absolute value of the difference between the facility's quarterly production throughput averaged over the last 5 years since the date the application was submitted (13,219 tons/qtr - considered to be "normal" source operation) and the quarterly throughput averaged over the previous 8 consecutive calendar quarters starting with Q3 1999\*. The "smallest" difference is assumed to be the 8 consecutive calendar quarter period that most closely represents "normal" source operation. For example:

$387 = \text{ABS}(13,219 - (\text{SUM}(\text{Q1 1998 production data through Q2 1996 production data})/8))$ .

$1,462 = \text{ABS}(13,219 - (\text{SUM}(\text{Q2 1998 oproduction data through Q3 1996 production data})/8))$ .

$1,359 = \text{ABS}(13,219 - (\text{SUM}(\text{Q3 1998 production data through Q4 1996 production data})/8))$ .

\* Note: The facility's operation was interrupted beginning in Q4 1999 due to circumstances beyond the facility's control relating to the fire at an adjacent tire storage facility. Therefore, the period from Q4 1999 to Q4 2000 will not be considered for baseline purposes.

**Appendix II**  
**CEMS Data for the Baseline Period**

	Calendar Month	Hours Online	NOx (lb/mo)	NOx (lb/day)	NOx DEL (lb/day)	CO (lb/mo)	CO (lb/day)	CO DEL (lb/day)
Q2 1996	April	0	0	0.0	500.0	0	0.0	549.0
	May	61	0	0.0	500.0	0	0.0	549.0
	June	676	9,193	306.4	500.0	7,859	262.0	549.0
Q3 1996	July	742	11,497	370.9	500.0	8,111	261.6	549.0
	August	744	12,877	415.4	500.0	8,133	262.4	549.0
	September	720	14,500	483.3	500.0	9,828	327.6	549.0
Q4 1996	October	727	13,355	430.8	500.0	8,942	288.5	549.0
	November	615	8,971	299.0	500.0	5,902	196.7	549.0
	December	736	13,172	424.9	500.0	8,959	289.0	549.0
Q1 1997	January	672	11,874	383.0	500.0	8,616	277.9	549.0
	February	660	1,345	48.0	500.0	1,301	46.5	549.0
	March	722	12,442	401.4	500.0	9,322	300.7	549.0
Q2 1997	April	588	8,781	292.7	500.0	7,976	265.9	549.0
	May	740	12,388	399.6	500.0	10,764	347.2	549.0
	June	720	11,720	390.7	500.0	7,807	260.2	549.0
Q3 1997	July	696	11,297	364.4	500.0	8,535	275.3	549.0
	August	743	12,900	416.1	500.0	10,306	332.5	549.0
	September	720	11,676	389.2	500.0	8,953	298.4	549.0
Q4 1997	October	702	12,096	390.2	500.0	6,941	223.9	549.0
	November	709	11,869	395.6	500.0	8,704	290.1	549.0
	December	573	7,176	231.5	500.0	5,994	193.4	549.0
Q1 1998	January	744	11,729	378.4	500.0	8,481	273.6	549.0
	February	647	10,929	390.3	500.0	7,460	266.4	549.0
	March	697	11,656	376.0	500.0	8,748	282.2	549.0

SOx (lb/mo)	SOx (lb/day)	SOx DEL (lb/day)
0	0.0	250.0
0	0.0	250.0
4,872	162.4	250.0
6,146	198.3	250.0
6,387	206.0	250.0
6,533	217.8	250.0
5,858	189.0	250.0
4,960	165.3	250.0
6,352	204.9	250.0
5,499	177.4	250.0
793	28.3	250.0
6,624	213.7	250.0
4,261	142.0	250.0
6,093	196.5	250.0
5,601	186.7	250.0
6,159	198.7	250.0
6,658	214.8	250.0
6,105	203.5	250.0
6,302	203.3	250.0
5,633	187.8	250.0
4,950	159.7	250.0
6,399	206.4	250.0
5,710	203.9	250.0
6,623	213.6	250.0

## Nick Peirce

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**From:** SQLServerServices-North  
**Sent:** Tuesday, October 01, 2002 9:49 AM  
**To:** Nick Peirce  
**Subject:** Payment - Project ID: N-1001257

A payment has been received for project N-1001257  
Facility ID: N-2045  
Payment Amount: \$ 1070.50  
Date Posted: 10/01/02

This message was automatically generated by the Finance system.  
If you have question about the payment detailed above please contact the Finance Department.

## Nick Peirce

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**From:** steve.artus@uaecorp.com  
**Sent:** Wednesday, June 26, 2002 9:11 AM  
**To:** jim.swaney@valleyair.org  
**Cc:** nick.peirce@valleyair.org  
**Subject:** MELP ERCs

Jim, just to confirm our telephone conversation yesterday, the MELP ERC analysis looks fine - great job. We understand you will proceed to release it for the 30 day public comment period.



## Nick Peirce

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**From:** Jim Swaney  
**Sent:** Tuesday, June 25, 2002 4:26 PM  
**To:** Seyed Sadredin  
**Cc:** Nick Peirce  
**Subject:** Modesto Energy ERC application

**Importance:** High

I just spoke with Steve Artus of MELP. They think we did a "bang-up job" on the project (good job, Nick), and we can go ahead and send out the notice.

Thanks.

## Jim Swaney

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**From:** Phil Jay  
**Sent:** Monday, June 17, 2002 1:40 PM  
**To:** Jim Swaney; Seyed Sadredin  
**Subject:** MELP

I met with representatives from MELP on Friday. We discussed whether the property owner of the site had any valid claim to permits related to the facility. Based on my review of the lease and materials submitted, I see no valid claim that the property owner would have to the permits. The lease states that upon termination, MELP has up to one year to remove any equipment they want but they have to leave the building standing. Obviously, if they removed all of the equipment, there would be nothing to permit and the property owner would have no expectation that the building had permits. Nothing in the lease gives the landowner a claim to the PTO's. My opinion is that MELP has the right to the permits and can process them for ERC's as would any permit holder.

## Nick Peirce

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**From:** Jim Swaney  
**Sent:** Tuesday, January 30, 2001 2:26 PM  
**To:** Rupi Gill; Nick Peirce; Dave Warner; Seyed Sadredin  
**Subject:** FW: MELP Restart Information (Modesto Energy)

-----Original Message-----

**From:** Roland Brooks  
**Sent:** Tuesday, January 30, 2001 2:07 PM  
**To:** Josette Merced Bello  
**Cc:** Mike Escotto; Craig Mitchell; Bob Kard; Jim Swaney  
**Subject:** FW: MELP Restart Information

FYI

It looks like the Westley Tire Plant may restart operation by June 2001 according to the state water resources control board.

Roland

-----Original Message-----

**From:** Wendy Arano [SMTP:AranoW@rb5s.swrcb.ca.gov]  
**Sent:** Tuesday, January 30, 2001 2:01 PM  
**To:** jmorgest@arb.ca.gov; Bhaddix@calepa.ca.gov; DBarnes@calepa.ca.gov; donj@calepa.ca.gov; LBrown@calepa.ca.gov; ajohnson@ciwmb.ca.gov; Bfujii@ciwmb.ca.gov; MLeary@ciwmb.ca.gov; ewallber@dtsc.ca.gov; JTjosvol@dtsc.ca.gov; MCambrid@dtsc.ca.gov; jimsimpson@envres.org; HildreR@hdcdojnet.state.ca.us; PADILLM@hdcdojnet.state.ca.us; Roland.brooks@valleyair.org  
**Cc:** Frances McChesney; Jack Del Conte; Victor Izzo  
**Subject:** MELP Restart Information

Regional Board staff met with representatives of Modesto Energy Limited Partnership today regarding their probable restarting of the "Waste-Tires-to-Energy" facility in Westley. They are planning to re-establish Class II Surface Impoundments for containing the wastewater, which will be a designated waste. Their target date for full operations is 1 June 2001. MELP will re-establish the ponds in accordance with the current Waste Discharge Requirements.

# PROJECT ROUTING FORM

PROJECT NUMBER: 1001257 FACILITY ID: 2045 PERMIT NOS: N-224-1 through N-224-5

APPLICANT NAME: MODESTO ENERGY LIMITED PARTNERSHIP (MELP)

PREMISE ADDRESS: 4549 INGRAM CREEK ROAD, WESTLEY

PRELIMINARY REVIEW	ENGR	DATE	SUPR	DATE
A. Application Deemed Incomplete	NRP	12/11/00		
B. Application Deemed Complete <input type="checkbox"/> Awaiting CB Offsets	NRP	2/5/01	JS	2/7/01
C. Application Pending Denial				
D. Application Denied				

*Request for additional info letter sent on 7/6/2001 NRP 5/11/01 R 5*

ENGINEERING EVALUATION	INIT	DATE
E. Engineering Evaluation Complete	NRP	11/21/01
F. Supervising Engineer Approval		
G. Compliance Division Approval <input type="checkbox"/> Not Required		
H. Permit Services Manager Approval	JS	6/20/01

*Prelim Justice*

*JS Election Final Justice*

Director Review:  Not Required  Required

**CLERICAL STAFF: Perform tasks as indicated below. Initial and date when completed.**

- PRELIMINARY REVIEW**
- \_\_\_\_\_ Mail Incompleteness Letter to the Applicant.
  - \_\_\_\_\_ Mail Completeness Letter to the Applicant.
  - \_\_\_\_\_ Mail Intent to Deny Letter to the Applicant (Certified Mail).
  - \_\_\_\_\_ Mail Denial Letter to the Applicant (Certified Mail).

**PROJECTS NOT REQUIRING PUBLIC NOTIFICATION**

- PRELIMINARY DISPOSITION:  \_\_\_\_\_ Mail Imminent Denial Letter to the Applicant (Certified Mail).
- FINAL DISPOSITION:  \_\_\_\_\_ Mail ATC(s) to Distribution.
- \_\_\_\_\_ Mail Denial Letter to the Applicant (Certified Mail).

**PROJECTS REQUIRING PUBLIC NOTIFICATION**

- PRELIMINARY DECISION:  \_\_\_\_\_ Deliver Ad to the Newspaper NOT LATER THAN
- \_\_\_\_\_ Mail copies of Cover Letter and Engineering Evaluation to Distribution.
- FINAL DECISION:  \_\_\_\_\_ Deliver Ad to the Newspaper NOT LATER THAN
- \_\_\_\_\_ Mail copies of Cover Letter and ATC(s) to Distribution.
- \_\_\_\_\_ Mail copies of Cover Letter to Distribution.

**DISTRIBUTION**

- \_\_\_\_\_ APPLICANT  \_\_\_\_\_ EPA - 75 Hawthorne St., San Francisco, CA 94105 Attn: A-3-4
- \_\_\_\_\_ ENGINEER  \_\_\_\_\_ ARB - Stationary Source Div. Chief, PO Box 2815, Sacramento, CA 95812
- \_\_\_\_\_ COMPLIANCE  \_\_\_\_\_ SJVUAPCD - 1990 E. Gettysburg Ave., Fresno, CA 93726 Attn: Seyed Sadredin
- \_\_\_\_\_ PREMISE FILE

- \_\_\_\_\_ BLDG DEPT \_\_\_\_\_  \_\_\_\_\_ OTHER
- \_\_\_\_\_ FIRE DEPT \_\_\_\_\_  \_\_\_\_\_ SCHOOL