

**STATEMENT OF BASIS
Title V Permit Renewal**

Facility Name: Chula Vista Energy Center, LLC

Title V App. Number: APCD2025-APP-008880

Title V Permit Number: APCD2007-TVP-978119

Facility ID: APCD2000-SITE-03752

Equipment Address: 3497 Main Street, Chula Vista, CA 91911

Facility Contact: Ty Cheesbrough

Contact Phone: (619) 309-7977

Contact E-mail: tcheesbrough@wellhead.com

Permit Engineer: Maria Galvez

Date: September 24, 2026

 Recoverable Signature

X Nicholas Horres

Nicholas Horres
Senior Engineer
Signed by: e933f2c8-9225-4b84-9a71-81071ff0330b

Senior Engineer:

1.0 Type of Action and Summary of Changes

Application APCD2025-APP-008880 requests issuance of a renewal Title V Permit for Chula Vista Energy Center (Title V Permit APCD2007-TVP-978119), a peaker power plant. The facility is subject to Title V permitting because it is subject to the Acid Rain program under Title IV of the federal Clean Air Act.

2.0 History of Title V Applications and Modifications/Applications since previous Renewal

The renewal application was received on October 21, 2025. This renewal application was submitted at least 12 months but not more than 18 months prior to permit expiration of December 01, 2026, in accordance with Rule 1410. Therefore, the renewal application is timely.

The following table summarizes all previous applications at this facility affecting the Title V permit.

Title V Application History				
Application Number	Title V Permit Number	Application Description	Equipment	Outcome
APCD2002-APP-978119	APCD2007-TVP-978119	Initial Title V permit application	Natural gas turbine set	Approved
APCD2015-APP-004073	APCD2007-TVP-978119	Title V Renewal Application	Natural gas turbine set	Approved
APCD2020-APP-006444	APCD2007-TVP-978119	Title V Renewal Application	Natural gas turbine set	Approved
APCD2021-APP-006597	APCD2007-TVP-978119	Minor Modification Application	Natural gas turbine set	Approved
APCD2024-APP-008231	APCD2007-TVP-978119	Administrative Amendment Application	Natural gas turbine set	Approved
APCD2025-APP-008880	APCD2007-TVP-978119	Current Title V Renewal Application	Natural gas turbine set	Current Application

Since the previous renewal, the District has received applications from this facility as shown in the following table. These applications are submitted under the District's local permitting program and typically are associated with a corresponding Title V application to implement the same change to the Title V permit once the modified local permit is issued (see appendix A of the permit).

Application History for facility since most recent renewal				
Application Number	Affected Permit to Operate(s)	Description	Affected Emission Units	Outcome
APCD2021-APP-006573	APCD2008-PTO-976039	District Modification Application – replaced dry low-NOx combustors with water injection system for control of NOx emissions; installed new CO Oxidation Catalyst	Natural gas turbine set	Approved, Related APP to APP-006597

3.0 Facility Description

This facility operates equipment for electric power generation and associated services.

Permit Number	Equipment Description
APCD2008-PTO-976039	Gas turbine (twin pack): Pratt & Whitney, Model FT4/GG4, 44 MW, 688 MMBtu/hour heat input, natural gas fired, simple cycle; with a water injection system, a selective catalytic reduction (SCR) including an

	automatic ammonia injection control system, CAMET CO oxidation catalyst; a continuous emission monitoring system (CEMs); and a data acquisition and handling system.
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4.0 **Title V Applicability & Acid Rain**

The Title V regulation applies to any stationary source that is a major stationary source as defined in Rule 1401(c)(26) or is subject to the acid rain provisions of Title IV of the federal Clean Air Act (CAA).

Chula Vista Energy Center is not a major source, as shown in the Potential to Emit (PTE) tables below. However, this facility is subject to the acid rain provisions under District Rule 1412 and Title IV of the Federal CAA. Because of this, the facility is subject to Title V Permitting.

5.0 **Compliance History**

Below is a summary of compliance actions that have occurred at the site since the most recent Title V application. There are no open/ongoing compliance actions at this facility.

- The facility received APCD2017-NOV-000786 in 2017 for failure to have a semiannual compliance certification signed by the Responsible Official.
- APCD2021-NOV-000801 was issued in 2021 for failing to recertify the NOx diluent CEMS and perform a RATA on CO CEMS within the permit-specified time frame.

All violations have since been resolved and the facility is in active compliance.

6.0 **Potential to Emit and Actual Emissions**

The following table shows the actual and potential emissions for the facility that are used to establish the major source status for Title V.

Title V Major Source Determination Tons per Year:				
Pollutant	Thresholds	Facility Actual Emissions	Facility Potential to Emit	Major Source
Highest Federal HAP	10	0.001	0.08	No
Sum of Federal HAPs	25	0.0015	0.12	No
NOx	25	0.49	22.97	No
VOC	25	0.038	3.18	No
PM10	100	0.26	8.17	No
SOx	100	0.0087	0.73	No
CO	100	0.69	97.92	No

- Actual emissions are from the facility's SDAPCD-approved 2024 emissions inventory report (June 2025). The highest reported federal HAP was formaldehyde.
- PTE calculations are from engineering evaluation for District application APCD2021-APP-006573. Potential HAP emissions based on District default emission factors for natural gas fired turbines with water injection, SCR, and Oxidation Catalyst. Calculations based on turbine rated heat input, natural gas heat content, and permit limit of 3600 hours per year.
- Previously, potential emissions were also limited by permit conditions to the following amounts: 50 tons/year for NOx and 250 tons/year for CO. However, modifications to the facility reduced PTE below these thresholds so these conditions were removed from the permit as being unnecessary.

7.0 **40 CFR Part 64 CAM (Compliance Assurance Monitoring)**

Requirements for Compliance Assurance Monitoring (CAM) under 40 CFR Part 64 apply to a pollutant-specific emissions unit at a major source if: 1) the unit is subject to an emission limitation or standard for the applicable regulated air pollutant; 2) the unit uses a control device to achieve compliance with such emission limitation or standard; and 3) the unit has potential pre-control device emissions of the applicable regulated air pollutant greater than or equal to the amount that constitutes a major source.

This emission unit is not located at a major source, so requirements of part 64 do not apply. Additionally, § 64.2 (b)(vi) specifies that the requirements of Part 64 shall not apply to emission limitations or standards for which a part 70 or 71 permit specifies a continuous compliance determination method, as defined in § 64.1. Both the District and Federal operating permits require the turbine to be equipped with Continuous Emissions Monitoring Systems (CEMS), which meets the definition for a continuous compliance determination method, as it is used to determine compliance with an emission limitation or standard on a continuous basis and provides the data in units of the standard or is correlated directly with the compliance limit. Therefore, the emission unit is exempt from the requirements of 40 CFR 64, pursuant to § 64.2 (b)(vi).

8.0 **Applicable Requirements**

This section summarizes the major types of requirements for this facility. These types of requirements include facility-wide and permit specific applicable requirements. Additionally, for each emission unit, the rule that results in the primary emission limitation is listed.

General Facility-Wide Requirements

Regulation	Rule Citation	Title
SDCAPCD Reg. II	10(a)	Permits Required – (a) Authority to Construct
	10(b)	Permits Required – (b) Permit to Operate
SDCAPCD Reg. II	11	Exemptions

SDCAPCD Reg. II	19	Provision of Sampling & Testing Facilities
SDCAPCD Reg. II	19.3	Emission Information
SDCAPCD Reg. II	20	Standards for Granting Permits
SDCAPCD Reg. II	20.1	New Source Review
SDCAPCD Reg. II	20.2	New Source Review
SDCAPCD Reg. II	20.5	Power Plants
SDCAPCD Reg. II	21	Permit Conditions
SDCAPCD Reg. II	24	Temporary Permit to Operate
SDCAPCD Reg. II	25	Appeals
SDCAPCD Reg. IV	60	Circumvention
SDCAPCD Reg. V	98*	Breakdown Conditions: Emergency Variance
SDCAPCD Reg. VI	101	Burning Control
SDCAPCD Reg. VIII	131	Stationary Source Curtailment Plant
SDCAPCD Reg. VIII	132	Traffic Abatement Plan
SDCAPCD Reg. VIII	134	Source Inspection
40 CFR Part 68		Chemical Accident Prevention Provisions
40 CFR Part 82	Subpart B	Servicing of Motor Vehicle Air Conditioners
40 CFR Part 82	Subpart F	Servicing of Other Air Conditioners
40 CFR Part 89		VOC Standards for Consumer Products

Facility-wide Prohibitory and Other Requirements

Regulation	Rule Citation	Title
SDCAPCD Reg. II	19.2	Continuous Emission Monitoring Requirements
SDCAPCD Reg. IV	50	Visible Emissions
SDCAPCD Reg. IV	51	Nuisance
SDCAPCD Reg. IV	53	Specific Air Contaminants
SDCAPCD Reg. IV	62	Sulfur Content of Fuels
SDCAPCD Reg. IV	69.3; 69.3.1**	Stationary Gas Turbine Engines
SDCAPCD Reg. IV	71	Abrasive Blasting
SDCAPCD Reg. X	****	NSPS
SDCAPCD Reg. XI	****	NESHAP
SDCAPCD Reg. XII	1200**	Toxic Air Contaminants – New Source Review
SDCAPCD Reg. XII	1206***	Asbestos Removal, Renovation, and Demolition
40 CFR Part 60	Subpart A****	NSPS - General Provisions
40 CFR Part 60	Subpart KKKK	NSPS - Stationary Combustion Turbines
40 CFR Part 61	Subpart M***	NESHAP - Asbestos
40 CFR Part 63	Subpart A****	NESHAP - General Provisions
40 CFR Part 72-78		Acid Rain Program

**Breakdowns/variances are not recognized by EPA and cannot grant relief from federal enforcement of requirements.*

***Not federally enforceable*

****The District issued its own Asbestos Rule 1206 intended to be as stringent as Subpart M. The facility is subject to the most stringent requirements of either rule, which at the time of this report is ensured by compliance with Rule 1206.*

*****The District has adopted these rules by reference; however, any changes made to these regulations at the federal level are not immediately adopted. In the event this creates a conflict between the District adopted and federal rules, the more stringent requirements will apply.*

Permit Specific Applicable Requirements:

SDAPCD Permit No.	Permit Description	Applicable Rules
APCD2008-PTO-976039	Gas Turbine Engine Generator	SDAPCD Reg IV Rules 20.3, 50, 51, 52, 53, 62, 69.3*, 69.3.1*, 40 CFR 60 subpart KKKK

**District Rule 69.3 has been repealed by SDAPCD and replaced with 69.3.1 which has been submitted to EPA for SIP inclusion. However, EPA has not approved 69.3.1 This means the SIP version of Rule 69.3 is still enforceable but may be replaced by 69.3.1 upon approved. In the current form of these rules, there is no difference in requirements for this equipment except for minor difference as explained later in this statement of basis.*

Emission Limitations

Combustion Turbines	
Pollutant	Primary Limiting Regulations*
NOx	Rule 20.3 (NSR), Rule 69.3, Rule 69.3.1, 40 CFR 60 Subpart KKKK
VOC	Rule 20.3
PM10	Rule 20.3, Rule 53 (PM)
SOx	Rule 20.3, Rule 62; Rule 53; 40 CFR 60 Subpart KKKK
CO	Rule 20.3 (AQIA only)
Toxic Pollutants	Rule 1200

**There are certain operating scenarios where a different rule may be the most stringent limitation. For example, the limit for NOx established through NSR does not apply at certain times (such as startups); and during these times, the prohibitory rule or NSPS emission limit is the most stringent. All of these limits are included as permit conditions.*

Basis of Permit Conditions

This section is intended to summarize the applicable requirements for each rule that form the basis for permit conditions.

Rule 10a/b. Permits to Operate Required. These rules require that the facility operator obtain an Authority Construct and/or modified Permit to Operate prior to installing, modifying or operating equipment which emits air contaminants.

Rule 19.2. This rule applies to any unit that is required to install and operate a continuous emission monitoring system (CEMS) by request of the District, the Environmental Protection Agency (EPA) or California Air Resources Board (CARB) and requires a quality assurance / quality control program for the CEMS to be in effect at the facility. Each QA/QC program shall include a written protocol that describes in detail, complete, step-by-step procedures and operations.

Rule 20.1-20.4. New Source Review. These are the District's New Source Review (NSR) rules. 20.1 contains general requirements and definitions and is primarily used to define calculation methodologies, 20.2 contains requirements for non-major sources, 20.3 for major sources, and 20.4 for portable sources. The individual operating permits and any required authority to construct for each emission unit will specify any detailed or specific requirements (e.g. BACT standards, AQIA-imposed requirements, offsets, etc.).

Rule 50. Visible Emissions. The only requirement of this rule is setting a maximum emission opacity standard that applies to all equipment. Compliance for all sources is typically ensured by operational limits or control requirements (e.g. filters) which have been evaluated to ensure that emission opacity cannot be exceeded and are specified in permit conditions as necessary.

Rule 51. Public Nuisance. The requirement of this rule is to prohibit the discharge of air contaminants or other materials in amounts that may cause harm or nuisance to people, property, or the public. This applies to all sources of emissions and is intended to protect public health, comfort, safety, and business interests. Compliance is typically ensured through proper operation and maintenance of equipment, emission controls, and process limits that prevent emissions from reaching levels that could result in nuisance or adverse impacts.

Rule 53. Specific Air Contaminants. This rule applies to certain combustion sources and includes limits on emissions of sulfur compounds and particulate matter.

Rule 62. Sulfur Content of Fuels. This rule applies to all combustion sources, except sewage treatment plant digester gases and gases emitted from solid waste disposal landfill sites, and limits emissions of sulfur compounds. The sources subject to this rule and applicable NSPSs, NESHAPs, or ATCMs comply with the requirements under normal operation without any restrictions.

Rule 69.3.1. Stationary Gas Turbine Engines. This rule applies to any Stationary Gas Turbine engine with a power rating of 0.3 megawatt (MW) or greater. It sets the standards for NOx emission concentrations limits, monitoring and record keeping requirements, and test methods for any unit subject to this rule. The applicable requirement(s) are listed in each permit with the rule as the basis.

Rule 1200. Toxic Air Contaminants. Outlines requirements for the District's toxics new source review program, which requires new equipment and modifications to equipment to

be evaluated for increases in air toxics emissions, and if necessary the requirement to conduct a health risk assessment and demonstrate that the projects meets certain limitations on increases in incremental health impacts. This rule is not federally enforceable. Any emission unit requirements issued under this rule will be specified in the individual operating permits in Appendix A.

40 CFR 60 Subpart KKKK. NSPS for Stationary Combustion Turbines. This rule applies to all stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules (10million Btu) per hour, based on the higher heating value of fuel fired, which commenced construction, modification, or reconstruction after February 18, 2005. This rule contains emission standards for NO_x and SO_x limits, as well as requirements for monitoring, reporting, and performance testing. Applicable requirements were evaluated in the attached engineering evaluation.

9.0 Updates to the Title V Permit Incorporated into this Action

1. General permit updates

Stationary source wide limits of 50 tpy NO_x and 250 tpy CO were removed from the permit as the PTE of the equipment has been lowered through modifications to below major source thresholds without needing these conditions, so those requirements were removed.

Revised rule references as needed to specify applicable requirements. Added conditions for updates to Rule 69.3.1, clarifying requirements of Rule 19.2, and applicable requirements of NSPS KKKK that apply at all times. These changes are outlined below.

SDAPCD Rule 69.3.1 was revised in February 2026 to ensure that NO_x and CO emission limits apply continuously, including during startup and shutdown periods, as required by the U.S. EPA and the Clean Air Act. The following conditions were added to ensure compliance with these requirements.

1. During periods of startup and shutdown, the owner or operator shall
 - (a) operate each unit in accordance with the manufacturer's recommended procedures;
 - (b) maintain proper air to fuel ratios; and,
 - (c) begin water injection and ammonia injection as soon as possible during startup.[Rule 69.3.1(d)(5)]
2. The frequency and duration of startup and shutdown periods and their associated emissions shall be minimized to the greatest extent practicable.
[Rule 69.3.1(d)(6)]

These requirements are in addition to what was required as federally enforceable requirements under Rule 69.3, so they will be considered not federally enforceable at this time, but will become federally enforceable in future versions of the Title V permit once 69.3.1 is approved by EPA.

The following conditions were added to help clarify the recordkeeping requirements of SDAPCD Rule 19.2.

1. The owner or operator will maintain the following records:
 1. Occurrence and duration of any startup, shutdown, maintenance, repairs, breakdown or malfunction in the operation of any emission units required to have a CEMS; and,
 2. Performance testing, evaluations, calibrations, checks, adjustments, and maintenance of any CEMS.(Rule 19.2(f)(1))
2. In addition to the information required by 40 CFR Subpart 60, a written report shall be submitted to the District for each calendar quarter containing the information required by Rule 19.2. The report is due by the 30th day following the end of the calendar quarter and shall include:
 1. Time intervals, date and magnitude of excess emissions, nature and cause of the excess (if known), corrective actions taken and preventive measures adopted,
 2. Averaging period used for data reporting corresponding to averaging period specified in the emission test period used to determine compliance with an emission standard for the pollutant/source category in question,
 3. Time intervals and date during which the CEMS was inoperative, except for calibration drift, cylinder gas audit (CGA) and converter checks, and the nature of system repairs and adjustments, and
 4. Time intervals and date during which the emission unit was inoperative and the reason(s) the emission unit was inoperative.
 5. A negative declaration when no excess emissions occurred.(Rule 19.2(f)(2))

The 2021 modification resulted in the gas turbine becoming subject to the requirements of 40 CFR 60 Subpart KKKK. The modified emission unit was evaluated for compliance with requirements of KKKK (see attached engineering evaluation); however, requirements of this rule were never included in permit conditions. The referenced engineering evaluation has been updated and annotated as part of this review to ensure that the equipment complies with all applicable requirements of NSPS KKKK. Compliance with most applicable requirements is demonstrated through existing permit conditions (NSPS references added to conditions as applicable). The following permit conditions have been added to ensure compliance with remaining requirements of NSPS KKKK,

1. The emissions of oxides of nitrogen (NO_x) calculated as nitrogen dioxide from the unit exhaust stack shall not exceed 42 parts per million by volume on a dry basis (ppmvd) corrected to 15% oxygen. This limit shall apply at all times,

including periods of startup and shutdown. Compliance with this limit shall be based on CEMS data for each unit as averaged in accordance with 40 CFR 60 Subpart KKKK Subsection 60.4345. [40 CFR 60.4320(a)]

2. The stationary combustion turbine, air pollution control equipment, and monitoring equipment shall be operated and maintained in a manner consistent with good air pollution control practices for minimizing emissions at all times, including during startup, shutdown, and malfunction. [40 CFR 60.4333(a)]
3. Periods of excess emissions and monitor downtime, as defined in 40 CFR 60 Subpart KKKK Subsection 60.4380, shall be reported for all periods of unit operation, including start-up, shutdown, and malfunction in accordance with 40 CFR 60 Subpart A Subsection 60.7(c). [40 CFR 60.4375]

10.0 Permit Streamlining

Permit conditions do not incorporate streamlining; however to improve readability and reduce confusion between similar requirements, identical or less stringent requirements have been integrated into permit conditions which ensure compliance with each underlying requirement and citing each applicable rule.

For example, permit conditions require the use of Public Utility Commission (PUC) quality natural gas. PUC quality natural gas guarantees compliance with District Rule 62, District Rule 53, and 40 CFR 60 Subpart KKKK for SO_x emissions. The Standards for Gas Service in the State of California, prescribed by the Public Utilities Commission of the State of California in General Order 58A, states that: (a) no gas supplied by any gas utility for domestic, commercial or industrial purposes in this state shall contain more than one-fourth (0.25) grain of hydrogen sulfide per one hundred (100) standard cubic feet, and (b) no gas supplied by any gas utility for domestic, commercial, or industrial purposes shall contain more than five (5) grains of total sulfur per one hundred (100) standard cubic feet. This is equal to or more stringent than any sulfur standard under the permit, and uses the same test methods and monitoring requirements, so these requirements can be combined together in one permit condition without the need for streamlining and permit shields.

Additionally, monitoring and recordkeeping requirements are combined for District Rule 69.3.1 and Rule 20.3, where they utilize the same test methods and CEMS monitoring as required by Part 75 to determine compliance with requirements such as the NO_x BACT limit.

Note that the permit does not streamline the Rule 69.3.1 and NSR emission limits with the NSPS KKKK emission limits for the turbines. This is because the NSPS limit applies at all times, whereas the NSR and 69.3.1 limits contain exceptions for startup and shutdown emissions, and instead alternative NSR-based emission limits specific to startup and shutdown are incorporated in separate conditions.

11.0 Permit Shield

In accordance with District Rule 1410(p) and 40 CFR 70.6(f), a Title V permit may include a permit shield provision that protects the permittee from enforcement for specific requirements determined to be inapplicable or superseded by other applicable requirements, as expressly identified in the permit. Any permit shield granted is limited in scope and effect to the extent allowed under these regulations.

The existing permit has a permit shield granted from enforcement action for applicable requirements of Rule 53, Rule 62, Rule 68, Rule 69.3.1, 40 CFR 60 Subpart GG, and 40 CFR Part 75. However, review of this shield determined that some of the requirements could not be streamlined (NSPS GG) or were simply stated in the permit conditions, and therefore this permit shield has been removed from the permit, and existing permit conditions have been updated with rule references as needed to incorporate the requirements of all applicable rules and regulations.

12.0 Permit Process-Public Notification and Notice to EPA and Affected States

Before issuing the final permit, The District will provide the opportunity for review by EPA and affected states and a public notice period. Notice will be provided to the EPA electronically through the EPS and will be sent electronically to affected states and tribes. The public notice and associated documents will be provided on our website and the public notice will be published in a newspaper. The District will incorporate any suggested changes made by EPA.

13.0 Recommendations

The facility is expected to comply with all applicable requirements including those cited in the current District permit as well as those under District Rule 1401 and 40 CFR Part 70. Therefore, the recommendation of this report is for the subject renewal Title V permit to be issued following public notice, EPA review, and response to any comments.

14.0 Attachments

The following are attached:

- Application Package
- Draft Permit
- APP006573 – Engineering Evaluation and emission calculations
- Public Notice