

DOCKETED
08-AFC-8A

TN # 70285

APR 15 2013

From: Worl, Robert@Energy**Sent:** Friday, April 12, 2013 2:20 PM**To:** 'Andrea Issod' (Sierra Club); 'Chris Romanini' (HECA Neighbors)**Cc:** Heiser, John@Energy; William Walters; Bemis, Gerry@Energy; Fletcher, Nancy@Energy; 'Dr. Alvin Greenberg'**Subject:** RE: HECA - PDOC public comments

Andrea,

This is a question that was also posed to me in a phone call from Chris Romanini, representing HECA Neighbors, another intervener in this case, so I have included her in this response. I will also docket and post this

The Preliminary Determination of Compliance (PDOC) is an air district document, and is used as a key element in the development of staff's PRELIMINARY assessment. Energy Commission Staff have also commented on the PDOC, and along with the public comments on the district's document will have an influence on, and be reflected in, the Final Determination of Compliance (FDOC). Staff relies on the PDOC, and does take into consideration comments and questions on that document that are readily available, but does not need to have all the public's comments that are made incrementally at subsequent workshops. Staff is incorporating much of the PDOC in the preliminary staff assessment (PSA), and will make additional changes as appropriate once the district's FDOC is available. Energy Commission staff expects that these subsequent comments will be reflected in the Air District's FDOC and that the completed FDOC is considered in staff's FSA.

As I noted above, Energy Commission staff will rely in part on the FDOC for preparation of the Final Staff Assessment. The Energy Commission FSA will reflect not only the FDOC, but also comments that are made by the public and intervenors on the Energy Commission's Preliminary Staff Assessment, which includes the Air Quality, Sequestration and Greenhouse Gas, Public Health, and other technical sections which make use of the District's PDOC/FDOC.

The Energy Commission schedule for proceeding with its analysis is therefore not dependent on the Air District completing all of the public workshops on its preliminary document, as it is an iterative process and staff's Final Staff Assessment will encapsulate the FDOC and all responses to comments received throughout the process.

I hope this is of some help in understanding how we will make use of the Air District's process.

Bob Worl

Robert.Worl@energy.ca.gov

Office: (916) 651-8853

Cell: (916) 798-6096

From: Andrea Issod [<mailto:andrea.issod@sierraclub.org>]

Sent: Friday, April 12, 2013 10:48 AM**To:** Worl, Robert@Energy**Subject:** HECA - PDOC public comments

Hi Bob,

Now that the public comment period for the PDOC has been extended to May 30, and the staff's Status Report #6 and the current schedule anticipate a PSA release of April 30, I am concerned that the staff will not be taking any of the public's comments regarding air quality into its preliminary decision.

We believe we have identified several critical errors in the Air District's analysis that the Staff may not have identified, including how the Applicant modeled particulate matter impacts.

How and when staff will consider public comments on the district's air quality analysis ?

Best,

Andrea Issod
Staff Attorney
Sierra Club
85 Second Street, Second Floor
San Francisco, CA 94105-3441
[415.977.5544](tel:415.977.5544) phone
415.977.5793 fax
andrea.issod@sierraclub.org

PRIVILEGE AND CONFIDENTIALITY NOTICE

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law as attorney-client and work-product confidential or otherwise confidential communications. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or other use of a transmission received in error is strictly prohibited. If you have received this transmission in error, immediately notify me at the telephone number above.