

* * * PUBLIC NOTICE * * *

THE PIO PICO ENERGY CENTERANNOUNCEMENT OF FINAL DECISION TO ISSUE A CLEAN AIR ACT PREVENTION
OF SIGNIFICANT DETERIORATION PERMIT THAT REGULATES THE EMISSION OF
AIR POLLUTANTS
PERMIT APPLICATION NO. SD 11-01

In June and August of 2012, the United States Environmental Protection Agency, Region 9 (EPA) provided notice of, and requested public comment on, EPA's proposal to issue a Prevention of Significant Deterioration (PSD) permit authorizing the construction of the Pio Pico Energy Center (Project). EPA's final decision grants conditional approval, in accordance with the PSD regulations (40 CFR 52.21), to Pio Pico Energy Center, LLC to construct and operate a 300 megawatt (MW, nominal) electric generating facility. The Project consists of three General Electric (GE) LMS100 natural gas-fired combustion turbine-generators (CTGs) with a total net generating capacity of 100 megawatts each.

The mailing address for the Pio Pico Energy Center, LLC is P.O. Box 95592, 2542 Singletree Lane, South Jordan, UT 84095. The proposed location for the Project is an unincorporated area of San Diego County known as Otay Mesa. It is comprised of a 9.99 acre parcel located at 7363 Calzada de la Fuente in the Otay Mesa Business Park. The Project is located within the San Diego County Air Pollution Control District (District).

During the public comment period, EPA received written comments regarding its proposed PSD permitting action for the Project. EPA has carefully reviewed each of the comments submitted and, after consideration of the expressed views of all commenters, the pertinent Federal statutes and regulations, and additional material relevant to the application and contained in our Administrative Record, EPA has made a decision in accordance with 40 CFR 52.21 to issue a final PSD permit to the Pio Pico Energy Center, LLC.

Key portions of the Administrative Record for this decision (including the final permit, all public comments, EPA's responses to the public comments, and additional supporting information) are available through a link at our website, www.epa.gov/region09/air/permit/r9-permits-issued.html#psd, or at www.regulations.gov (Docket ID # EPA-R09-OAR-2011-0978).

Hard copies of the final permit and EPA's responses to the public comments, and the Administrative Record for this action, may also be viewed in person, Monday through Friday from 9:00 AM to 4:00 PM, at the EPA Region 9 address below. Due to building security procedures, please call Roger Kohn at (415) 972-3973 to arrange a visit at least 24 hours in advance. Hard copies of the final permit and EPA's responses to the public comments are available upon request at the following:

E-mail: R9airpermits@epa.gov

U.S. Mail: Roger Kohn (AIR-3)
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901
Phone: (415) 972-3973

The contact information above may also be used to request copies of other portions of the administrative record for this action.

Within 30 days after the service of notice announcing this final permit decision, any person who filed comments on the proposed permit for the Project or participated in any of the public hearings for the Project may petition EPA's Environmental Appeals Board (EAB) to review any condition of the final permit. Persons who did not file comments or participate in the public hearings may petition for administrative review only to the extent of changes from the proposed to the final permit decision. The petition must include a statement of the reason(s) for requesting review by the EAB, including a demonstration that any issues being raised were raised during the public comment period to the extent required by the regulations at 40 CFR Part 124 and when appropriate, a showing that the conditions in question are based on 1) a finding of fact or conclusion of law which is erroneous, or 2) an exercise of discretion or an important policy consideration which the EAB should, in its discretion, review. Please see 40 CFR 124.19 and visit <http://www.epa.gov/eab/> for important information regarding the procedures for appeal of a PSD permit decision to the EAB.

EPA's PSD permit for the Project shall take effect thirty (30) days from the date of service of notice of this permit decision unless a petition for review is properly and timely filed with the EAB. In the event that a petition for review is filed with the EAB, construction of the facility is not authorized under this PSD permit until resolution of the EAB petition(s).

Please bring the foregoing notice to the attention of all persons who would be interested in this matter.

*** END OF ANNOUNCEMENT ***
Issued November 19, 2012



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
FOR THE *PIO PICO ENERGY CENTER PROJECT***

**Docket No. 11-AFC-01
PROOF OF SERVICE
(Revised 8/16/2012)**

APPLICANT

Gary Chandler, President
Pio Pico Energy Center
P.O. Box 95592
South Jordan, UT 84095
grchandler@apexpowergroup.com

David Jenkins, Project Manager
Pio Pico Energy Center, LLC
1293 E. Jessup Way
Mooresville, IN 46158
djenkins@apexpowergroup.com

APPLICANT'S CONSULTANTS

Maggie Fitzgerald
Sierra Research
1801 J Street
Sacramento, CA 95811
MFitzgerald@sierraresearch.com

COUNSEL FOR APPLICANT

John A. McKinsey
Melissa A. Foster
Stoel Rives, LLP
500 Capitol Mall, Suite 1600
Sacramento, CA 95814
jamckinsey@stoel.com
mafoster@stoel.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

INTERVENORS

Rob Simpson
rob@redwoodrob.com

Gretel Smith, Esq.
Attorney for Rob Simpson
P.O. Box 152994
San Diego, CA 92195
gretel.smith79@gmail.com

Corrections Corporation of America
G. Scott Williams, Esq.
c/o Seltzer Caplan McMahon Vitek
750 B Street, Suite 2100
San Diego, CA 92101
swilliams@scmv.com

**ENERGY COMMISSION –
DECISIONMAKERS**

CARLA PETERMAN
Commissioner and Presiding Member
carla.peterman@energy.ca.gov

KAREN DOUGLAS
Commissioner and Associate Member
karen.douglas@energy.ca.gov

Raoul Renaud
Hearing Adviser
raoul.renaud@energy.ca.gov

Jim Bartridge
Presiding Member's Advisor
jim.bartridge@energy.ca.gov

Galen Lemei
Associate Member's Advisor
galen.lemei@energy.ca.gov

*Jennifer Nelson
Associate Member's Advisor
Jennifer.nelson@energy.ca.gov

ENERGY COMMISSION STAFF

Eric Solorio
Siting Project Manager
eric.solorio@energy.ca.gov

Kevin W. Bell
Staff Counsel
kevin.w.bell@energy.ca.gov

Eileen Allen
Commissioners' Technical
Advisor for Facility Siting
eileen.allen@energy.ca.gov

**ENERGY COMMISSION – PUBLIC
ADVISER**

Jennifer Jennings
Public Adviser
publicadviser@energy.ca.gov

DECLARATION OF SERVICE

I, Cenne Jackson, declare that on November 21, 2012, I served and filed a copy of the attached Workshop, dated November 19, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: www.energy.ca.gov/sitingcases/piopico/index.html.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "e-mail service preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- by sending one electronic copy to the e-mail address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 11-AFC-01
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
Sacramento, CA 95814
michael.levy@energy.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Originally Signed By Cenne Jackson