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RECD. JUN 21 2010

TO: Brian K. Lusher

Thank you for this opportunity to submit comments on the;  
**Marsh Landing Generating Station Preliminary Determination of Compliance**

I am seeking some clarification of if this is a "repower" project The PDOC states; "Marsh Landing facility is intended to be a replacement for the existing facility," 63 and if so what ramifications that this has on the permitting.

I did not find emission data for the existing facility to compare emissions. I did note that the District's press release states; "The project proposes to use cleaner, more efficient technology in place of older equipment, which would benefit air quality." I would like to compare the emissions from the existing and new facility.

I would like to reserve comment opportunity after the closure plan for the existing facility is public. Will the closure create emission credits?

I did not find adequate monitoring information. I believe that 1 year of local monitoring in the impact area would be appropriate.

The District should consider the "Jacobson Effect" of Carbon Dioxide creating a dome around emission sources which concentrates pollutants and associated negative health effects in the local community.

The District should consider the effects of the emissions of water vapor.

The District should consider the exhaust gas temperature effect on local temperature and the potential cumulative effect on air quality.

I reviewed the correspondence identified as footnote 46-47.

Does this constitute some rulemaking that would afford an opportunity for public comment? If so has that opportunity occurred? Appendix S states; "The necessary emission offsets may be proposed either by the owner of the proposed source or by the local community or the state"

Could the community benefit by emission offsets in the community, more than the old, distant banked credits proposed?

A, perhaps unintended, effect of skipping the Federal permit required is also skipping GHG considerations;

"The EPA Administrator has recently stated that by April of 2010, the Administrator will take actions to ensure that no stationary sources will be required to get a Clean Air Act permit to cover GHG emissions in calendar year 2010.<sup>50</sup> In addition, in the first half of 2011, only sources required by non-GHG emissions to obtain a permit under the Clean Air Act will need to address their GHG emission in their permit applications. Therefore, the Marsh Landing Generating Station is not required to address GHG emissions under the Clean Air Act at this time." PDOC 76

The District should also review a full biological opinion for the USFWS prior to issuance of an FDOC. The project identified in the letter Dated Sept 16, 2010 to USFWS from Mr. Lusher does not appear to be the same as the PDOC identifies.

What is the time limit for issuance of PDOC or draft permit or permit after submittal of an AFC. It would seem relevant that it be a short period between application and permit in the ever evolving world of air quality regulations so that facilities are built with "modern, cleaner operating generating equipment" (press release)

It seems that, its not that the determination was made that the project did not need a Clean Air Act permit but that the need would be satisfied as described in footnotes 46-47 It would appear that the District already set its precedent for greenhouse gas consideration in the RCEC permit. This facility should not be held to a lower standard and the District should be seeking GHG limitations.

I applaud the District in posting the record for this action on their website. It makes it much easier for me to understand the basis for the action. It is still a daunting task for me to understand the process. It must be particularly daunting for a member of the public without a history of reviewing air permits. They may not likely delve too far in without, the call to action of, an effective Public Notice. I still contend that the Public Notice issued for this facility and other fails to do that.

The Notice does not contain an address of the facility or adequately identify the location.

The Notice does not identify an opportunity to request a public hearing.

The Notice does not identify if this is also the Notice for a District ATC draft permit.

The Notice does not identify any of the projects effects on air quality in relationship to the NAAQS and attainment status or otherwise.

The Notice does not identify any pollutant. Passing reference to the acronyms NOx and POC with no definition does not serve to inform. The Particulate matter and lack of attainment may be the greater threat or GHG. The District could be leading people to believe that the area is in attainment by the omission of any Notice otherwise and the statement that; "The project is not subject to "Prevention of Significant Deterioration" (PSD) requirements" If the District later decides that the project needs a PSD permit but closes this record, precluding public participation in the State permit, then the people may be misled by the statement, to not participate in this part of the action.

The Notice is conclusionary; "The project would utilize the Best Available Control Technology to minimize emissions" and "The project is not subject to "Prevention of Significant Deterioration" (PSD) requirements" I think that these are really the questions to be posed to the public.

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