

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

September 28, 2010

DOCKET**09-AFC-3**DATE SEP 28 2010RECD SEP 29 2010

Ms. Brenda Cabral
Supervising Air Quality Engineer
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109

Dear Ms. Cabral:

Mariposa Energy Project (09-AFC-3) PRELIMINARY DETERMINATION OF COMPLIANCE, Application 20737

Energy Commission staff appreciates the opportunity to provide written public comments on the Preliminary Determination of Compliance (PDOC) issued by the District on August 18, 2010 for the Mariposa Energy Project (MEP) in eastern Alameda County.

Energy Commission staff, pursuant to both the Warren-Alquist Act and the California Environmental Quality Act (CEQA), must determine whether the facility is likely to conform with applicable laws, ordinances, regulations, and standards, and whether mitigation measures can be developed to lessen potential impacts to a level of insignificance. These determinations may be difficult without additional information from the Bay Area Air Quality Management District (BAAQMD or District) in support of the Final Determination of Compliance.

Potential Operation in Combustor Tuning Mode

We have concerns about the PDOC allowing "Gas Turbine Combustor Tuning Mode." The 2009 Application for Certification (AFC) for MEP does not propose any tuning mode operation except during initial commissioning. The PDOC identifies tuning as a mode that may recur after the initial commissioning period, and provides exclusions for hours spent in tuning mode. For a tuning mode after one-time initial commissioning, neither MEP nor the BAAQMD PDOC has indicated the potential emission rates or how often tuning could occur.

It is not clear what level of emissions should be expected or if any emission limits would apply during a tuning mode. Tuning mode air quality impacts were not disclosed in MEP's March 16, 2010 letter to the BAAQMD regarding dispersion modeling for the new short-term federal standard for nitrogen dioxide (NO₂). Without more information on tuning, Energy Commission staff will be unable to fully analyze project impacts.

At a minimum, we recommend the analysis be modified to show the expected maximum emission rates during tuning and to clarify that the emissions limits in Conditions 19 and

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20 would apply to all modes of operation, including tuning. However, BAAQMD may simply want to consider removing the definition given for tuning (PDOC p. 84) and the exclusion in Condition 15a.

Potential Typographical Errors

We recommend the BAAQMD investigate the following discrepancies in reported emission rates:

Condition 18: The maximum hourly emissions of 18.5 pounds per hour (lb/hr) nitrogen oxides (NOx) are not consistent with those (21.276 lb/hr) shown on PDOC p. 60.

Condition 20: The limit of 45.6 tons per year (tpy) for NOx does not match the total facility emission (of 45.958 tpy and 45.67 tpy) shown in the discussion of offsets on PDOC p. 67 and Table 35.

Condition 20: The limit of 5.9 tpy for precursor organic compounds (POC) does not match the maximum facility emissions (of 5.7 tpy) shown in PDOC Table 14.

We appreciate the District working with Energy Commission staff on this licensing case. If you have any questions regarding our comments, please contact Gerald Bemis at (916) 654-4960. We look forward to discussing our comments in further detail with you.

Sincerely,



MATTHEW S LAYTON
Supervising Mechanical Engineer

cc: Docket (09-AFC-3)
Proof of Service List
Dave Mehl, California Air Resources Board
Gerardo Rios, U.S. Environmental Protection Agency, Region IX



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 **MARIPOSA ENERGY PROJECT**
(MEP)

Docket No. 09-AFC-3

PROOF OF SERVICE
(Revised 2/8/2010)

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DECLARATION OF SERVICE

I, Hilarie Anderson, declare that on September 29, 2010 I served and filed copies of the attached Comment Letter Regarding the Preliminary Determination of Compliance. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[\[http://www.energy.ca.gov/sitingcases/mariposa/index.html\]](http://www.energy.ca.gov/sitingcases/mariposa/index.html).

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

(Check all that Apply)

For service to all other parties:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-3
1516 Ninth Street, MS-4
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I declare under penalty of perjury that the foregoing is true and correct.

Original Signature in Dockets
Hilarie Anderson