

DOCKETED

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San Joaquin Valley APCD Comment

Additional submitted attachment is included below.

DEC 09 2014

Camille Remy Obad, Compliance Project Manager
California Energy Commission
Docket Unit, MS-4
Docket No. 08-AFC-1C
1516 Ninth Street
Sacramento, CA 95814-5512

**Re: San Joaquin Valley Air Pollution Control District (SJVAPCD) Comments:
Avenal Energy Project (08-AFC-1C) Staff Analyses of Nine (9) Month
Petition to Extend the Start of Construction**

Dear Ms. Obad:

Thank you for the opportunity to provide comments on the Avenal Energy Project (08-AFC-1C) Staff Analyses of Nine (9) Month Petition to Extend the Start of Construction.

In the proposed Condition EXTENSION-1, and in Appendix A, LORS discussion, the CEC staff analysis states that Avenal Energy must apply for and obtain new Authorities to Construct (ATC) from the San Joaquin Valley Air Pollution Control District (District) for their project before the facility can start construction.

Please note that the Final Determination of Compliance (FDOC) for Avenal Power did not expire (there were no Authorities to Construct issued for it). As you know, the CEC is the sole licensing authority over power plants greater than or equal to 50 MW in California and the District cannot issue ATC's for such power plants. As the FDOC requirements are incorporated into the CEC license, the FDOC remains valid for as long as the license is active.

As it is stated in the CEC Staff Analyses, Appendix A, LORS discussion, District Rule 4320, *Advanced Emission Reduction Options for Boilers, Steam Generators, and Process Heaters greater than 5.0 MMBtu/hr*, was adopted after the FDOC was issued for the considered facility. Some requirements of District Rule 4320 (such as low emission limits or payment of fees to the District) are more stringent than those included in the FDOC for the auxiliary boiler. Therefore, prior to commencement of construction of the auxiliary boiler, Avenal must apply for a revised Determination of Compliance to address the requirements of Rule 4320.

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Executive Director/Air Pollution Control Officer

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Ms. Camille Remy Obad
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Should you have any questions, please contact Mr. Jim Swaney of my staff at (559) 230-5900.

Sincerely,

A handwritten signature in blue ink, reading "Arnaud Marjollet". The signature is fluid and cursive, with a horizontal line drawn underneath the name.

Arnaud Marjollet
Director of Permit Services

AM:df