



Air Pollution Control Board

Greg Cox District 1
Dianne Jacob District 2
Pam Slater-Price District 3
Ron Roberts District 4
Bill Horn District 5

99-AFC-5C

March 24, 2009

DONNA STONE
PROJECT MGR
CALIFORNIA ENERGY COMMISSION
1516 NINTH ST
SACRAMENTO CA 95814-5512

DOCKET <i>99-AFC-5C</i>	
DATE	MAR 24 2009
RECD.	APR 06 2009

**Deletion of Condition 60 from the Final Determination of Compliance
Otay Mesa Power Plant Project**

Regarding Condition 60 of the District's Revised Final Determination of Compliance (FDOC) for the Otay Mesa Generating Project (No. 99-AFC-5), please be advised that the District agrees with the California Energy Commission's (CEC) determination that this condition should be deleted. This condition involves the refund of any unneeded ERCs or MERCs. Federal EPA indicates such refunds are not valid. Additionally, Otay Mesa has not installed the control technology necessary for a refund of credits. Therefore, the condition will be deleted.

The deletion of this condition will become effective on the date of this letter. If you have any questions concerning the above, please contact the me at (858) 586-2741 or John Annicchiarico at (858) 586-2733. You may also send written comments to my attention at 10124 Old Grove Road, San Diego, CA 92131-1649. Please include the name of your facility and applicable application number on all correspondence regarding this matter. Pursuant to District Rule 25, this action may also be appealed within 30 days of the date of this letter.

Sincerely,

Arthur Carbonell
Associate Air Pollution Control Engineer

cc: Mr. Ed Merrihew; Otay Mesa Generating Co.