

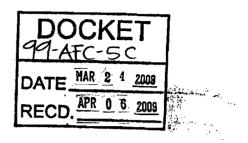
99-AFC-5C

Air Pollution Control Board

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March 24, 2009

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



المقفور المتحوط والأصحار الأسحار الأستحار

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: meet Ed Merrihew, Otay Mesa Generating Co.

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