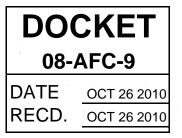


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION IX 75 Hawthorne Street San Francisco, CA 94105



October 26, 2010

Eldon Heaston Executive Director Antelope Valley AQMD 43301 Division St., Ste. 206 Lancaster, CA 93535-4649

Re: EPA Comments on the Final Determination of Compliance (FDOC) for the Palmdale Hybrid Power Plant (PHPP)

Dear Mr. Heaston:

Thank you for the opportunity to review the emissions reduction credit (ERC) package for PHPP. We received the package via email on September 23, 2010. It is our understanding that the submittal for our review is in response to EPA comments on the PHPP Preliminary Document of Compliance (PDOC), dated June 22, 2009, and subsequent comments submitted by the California Energy Commission.

After reviewing the package, we note that the District has attempted to respond to EPA concerns regarding the ERCs being real, permanent, quantifiable, surplus and enforceable as a practical matter. However, we are concerned that the material provided does not make clear whether the proposed inter-district, inter-basin ERCs from San Joaquin Valley Air Pollution Control District (SJVAPCD) will be adjusted at the time of use. The discounting of ERCs at time of use is a federal requirement, per CAA §173(c) and related EPA guidance. As you may know, the SJVAPCD uses a tracking system to annually demonstrate that ERCs provided for their actions in the aggregate would be equivalent to federal non-attainment NSR program requirements. Thus, their ERC system is not set up to adjust ERCs during individual transactions. EPA requests that this information be provided to facilitate our complete review of the FDOC.

If you have any questions regarding this matter, please contact Manny Aquitania of our Permits Office at (415) 972-3977.

Sincerely,

Gerardo C. Rios Chief, Permits Office

PROOF OF SERVICE (REVISED 10/06/10 ORIGINAL MAILED FROM SACRAMENTO ON 1

) FILED WITH 10/26/10 cc: Alan De Salvio, AVAQMD Karen Nowak, AVAQMD Chris Anderson, AVAQMD Mike Tollstrup, CARB Matthew Layton, CEC Felicia Miller, CEC



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 PALMDALE HYBRID POWER PROJECT

Docket No. 08-AFC-9

PROOF OF SERVICE

(Revised 10/6/2010)

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DECLARATION OF SERVICE

I, <u>Sabrina Savala</u>, declare that on, <u>October 26, 2010</u>, I served and filed copies of the attached <u>(08-AFC-9) Palmdale –</u> <u>US EPA FDOC Comment Letter</u>. 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/palmdale/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:

- X sent electronically to all email addresses on the Proof of Service list;
- _____ by personal delivery;
- X by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

<u>X</u> 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. 08-AFC-9 1516 Ninth Street, MS-4 Sacramento, CA 95814-5512 docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original Signature in dockets Sabrina Savala