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DOCKET
07-AFC-3
DATE MAY 06 2010
RECD. MAY 06 2010

May 6, 2010

File No. 030137-0012

VIA FEDEX

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-3
1516 Ninth Street, MS-4
Sacramento, California 95814-5512

Re: CPV Sentinel Energy Project: Docket No. 07-AFC-3

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, enclosed herewith for filing please find the Supplemental Declaration of John Lague regarding Air Quality.

Please note that the enclosed submittal was filed today via electronic mail to your attention and to all parties on the attached proof of service list.

Very truly yours,

Paul E. Kihm
Senior Paralegal

Enclosure

cc: CEC 07-AFC-3 Proof of Service List (w/encl., via e-mail and U.S. Mail)
Michael J. Carroll, Esq. (w/ encl.)

OC\1063022.1

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Attorneys for Applicant

State of California

Energy Resources

Conservation and Development Commission

IN THE MATTER OF: APPLICATION FOR CERTIFICATION FOR THE CPV SENTINEL ENERGY PROJECT BY CPV SENTINEL, L.L.C.	Docket No. 07-AFC-03 SUPPLEMENTAL DECLARATION OF JOHN LAGUE REGARDING AIR QUALITY

I, John Lague, declare as follows:

1. I am employed by URS as a Senior Air Quality Consultant and am duly authorized to make this declaration for the CPV Sentinel Energy Project (07-AFC-03) (Project). Except where stated on information and belief, the facts set forth herein are true of my own personal knowledge and the opinions set forth herein are true and correct articulations of my opinions. If called as a witness, I could and would testify competently to them.

2. I earned an M.S. in Meteorology from the Massachusetts Institute of Technology in 1973 and a B.S. in Physical Sciences from the University of California, Davis, in 1970. I have worked continuously in the air quality consulting field since 1971 and I have managed the preparation of air quality analyses for numerous facilities.

3. This rebuttal testimony is in response to the Final Staff Assessment Air Quality Addendum dated April 15, 2010, and supplements my previous testimony filed with the Energy Commission on April 21, 2010 (Docket Log No. 56361). In addition to the exhibits sponsored by my prior testimony, in support of this rebuttal testimony, I am also sponsoring the following exhibits which I assisted in preparing or am otherwise familiar with: the Final Coachella Valley PM10 Redesignation Request and Maintenance Plan, filed with the Energy

Commission on April 29, 2010 (Exhibit No. 146), and Applicant's Comments on the Final Staff Assessment Air Quality Addendum, filed with the Energy Commission on May 3, 2010 (Exhibit No. 147).

4. Table 4 of the Final Staff Assessment Air Quality Addendum sets forth the maximum short term ambient concentrations for criteria pollutants measured at monitoring stations in the vicinity of the Project. This data was utilized by Staff to establish conservative background levels of criteria pollutants for purposes of evaluating project impacts. Staff selected the highest value recorded in the most recent three years for which data was available as the recommended background concentrations, which are set forth in Air Quality Table 5. During the period of time that the Project AFC has been under review, more recent monitoring data has been collected and is now available from the California Air Resources Board. Attached is a printout from the California Air Resources Board website that shows the highest recorded PM2.5 and PM10 concentrations for 2008 and 2009 at both the Indio-Jackson Street Monitoring Station and the Palm Springs – Fire Station Monitoring Station.

5. In the case of PM2.5, the data from 2008 and 2009 at both monitoring stations reflect a continuation of the downward trend generally reflected in Table 4. The Indio-Jackson Street Monitoring Station recorded maximum values of 21.5μg/m3 and 17.0 μg/m3 in 2008 and 2009, respectively. The Palm Springs – Fire Station Monitoring Station recorded maximum values of 18.1μg/m3 and 10.3 μg/m3 in 2008 and 2009, respectively. This more recent data clearly indicates that the now outdated 2005 reading from the Indio-Jackson Street Monitoring Station of 44.4 μg/m3, which Staff has used as its recommended background concentration, is an aberration. The highest recorded concentration during the three years of available data (2007-2009) is 21.5μg/m3 recorded at the Indio-Jackson Monitoring Station in 2008. Applicant recommends that Staff substitute this background concentration for the 44.4 μg/m3 concentration currently reflected in Air Quality Table 5 and Air Quality Table 13.

6. In the case of PM10, the data from 2008 and 2009 also reflect a consistent downward trend in ambient concentrations. The Indio-Jackson Street Monitoring Station recorded maximum values of 128.0μg/m3 and 68.0 μg/m3 in 2008 and 2009, respectively. The

Palm Springs – Fire Station Monitoring Station recorded maximum values of 75.0μg/m3 and 24.0 μg/m3 in 2008 and 2009, respectively. This data further supports the position that SCAQMD has taken in its PM10 Redesignation Request for the Coachella Valley (Applicant's Exhibit 146) that the 2007 reading at the Indio- Jackson Street Monitoring Station of 211 μg/m3, which Staff is using as its recommended background concentration, should be excluded in accordance with EPA's Natural Event Policy. The data point is clearly out of line with all of the other available data. Excluding this data point, the highest recorded concentration during the three years of available data (2007-2009) is 128 μg/m3 recorded at the Indio- Jackson Street Monitoring Station in 2008. Applicant recommends that Staff substitute this background concentration for the 211 μg/m3 concentration currently reflected in Air Quality Table 5 and Air Quality Table 13.

7. Subject to the information provided herein, the content of the above-referenced exhibits is true and accurate to the best of my information and belief.

8. I hereby offer the above-referenced exhibits into evidence.

9. Based on the information and analysis contained herein and in my previous testimony, it is my expert opinion that the Project will not have a significant adverse impact on air quality and will comply with all applicable laws, ordinances, regulations and standards.

Executed on May 6, 2010, at San Diego, California.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

John Lague

Welcome to California

Air Resources Board

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FAQs

Select 8 Summary

Monitoring Sites	PM2.5 High National 24-Hour Average 2008	PM2.5 High National 24-Hour Average 2009	PM10 High National 24-Hour Average 2008	PM10 High National 24-Hour Average 2009
Riverside County				
Indio-Jackson Street	**21.5**	**17.0**	**128.0**	**68.0**
Palm Springs-Fire Station	**18.1**	**10.3**	**75.0**	**24.0**

Notes: PM10 statistics may include data that are related to an exceptional event.
* There was insufficient (or no) data available to determine the value.

Go to: Data Statistics Home Page Select 8 Summary Start Page

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:	)	Docket No. 07-AFC-3
	)	
Application for Certification, for the CPV SENTINEL ENERGY PROJECT	)	**PROOF OF SERVICE**
	)	(March 24, 2010]
	)	
	)	

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CPV SENTINEL ENERGY PROJECT
CEC Docket No. 07-AFC-3

DECLARATION OF SERVICE

I, Paul Kihm, declare that on May 6, 2010, I served and filed copies of the attached:

SUPPLEMENTAL DECLARATION OF JOHN LAGUE REGARDING AIR QUALITY

to all parties identified on the Proof of Service List above in the following manner:

California Energy Commission Docket Unit

☒ Transmission by depositing one original paper copy with FedEx overnight mail delivery service at Costa Mesa, California, with delivery fees thereon fully prepaid and addressed to the following:

CALIFORNIA ENERGY COMMISSION
Attn: DOCKET NO. 07-AFC-3
1516 Ninth Street, MS-4
Sacramento, California 95814-5512
docket@energy.state.ca.us

For Service to All Other Parties

☒ Transmission via electronic mail to all email addresses on the Proof of Service list; and

☒ by depositing one paper copy with the United States Postal Service via first-class mail at Costa Mesa, California, with postage fees thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses **NOT** marked "email preferred."

I further declare that transmission via U.S. Mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 6, 2010, at Costa Mesa, California.

Paul Kihm