



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
AIR AND RADIATION

Mr. Paul Elias
General Manager
Turlock Irrigation District
Post Office Box 949
Turlock, CA 95381

Dear Mr. Elias:

This letter is U.S. EPA's official response to your June 23, 1997 letter to the Acid Rain Division requesting an applicability determination under the Acid Rain Program for the Almond Power Plant located in Stanislaus County, California.

According to your letter and conversations between my staff and Gary Fuller, WZI Inc., the Almond Power Plant commenced operation on April 8, 1996 and utilizes a natural gas turbine engine that exhausts into heat recovery steam generators. The gas turbine drives a 49 MW electric generator, and the resulting power is provided to Turlock Irrigation District's retail customers. The plant, which is neither a cogenerator or an independent power producer, will occasionally sell power to other utility companies when it is economically feasible to do so.

Based on the information above, the Almond Power Plant is an affected unit under the Acid Rain Program. Under 40 CFR 72.6, an affected unit under the Acid Rain Program includes any utility unit that is a new unit except where certain exemptions apply. A new unit in 40 CFR 72.2 is defined as a unit that commences commercial operation on or after November 15, 1990, and a utility unit is defined as a unit owned or operated by a utility that serves a generator in any State that produces electricity for sale. Because the Almond Power plant unit commenced operation after November 15, 1990, produces electricity for sale, and does not fall into any of the exemption categories in 72.6(b) (e.g., for certain cogenerators and independent power producers), the unit is subject to all of the requirements under the Acid Rain Program.

The requirements of the Acid Rain Program, including the permitting and monitoring requirements, can be found in 40 CFR part 72 through 78. If you have questions about the permitting requirements, please direct them to Bob Baker at U.S. EPA Region 9 at (415) 744-1258. Monitoring questions can be directed to either Steve Frey in Region 9 at (415) 744-1140 or Theresa Alexander at U.S. EPA Headquarters at (202) 233-9747. Any other questions should be directed to the Acid Rain Hotline number at (202) 233-9620.

This determination is based on the representations made in your letter of June 23, 1997 and conversations with Gary Fuller, WZI Inc., and is made in reliance on the accuracy and completeness of those representations. The determination is appealable under 40 CFR part 78. The applicable regulations require you to send copies of this letter to each owner or operator of the Turlock Irrigation District. 40 CFR 72.6(c). If you have questions regarding this letter, please contact Donna Deneen of my staff at (202) 233-9089.

Sincerely,

/s/ (October 27, 1997)

Brian J. McLean, Director
Acid Rain Division

cc: Seyed Sadredin, San Joaquin Valley Unified Air Pollution
Control District
Bob Baker, U.S. EPA Region 9
Steve Frey, U.S. EPA Region 9