State Of California

The Resources Agency of California

Memorandum

Date: April 6, 2007
Telephone: (916) 653-0062

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06-AFC-9
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To: Commissioner John L. Geesman, Presiding Member
Commissioner James D. Boyd, Associate Member

From: California Energy Commission – Jack W. Caswell
1516 Ninth Street
Sacramento, CA 95814-5512
Project Manager

Subject: **COLUSA GENERATING STATION (06-AFC-9) AMENDED STATUS REPORT 1**

Staff is refiling its Status Report 1 for the Colusa Generating Station to include a slightly expanded paragraph on the "Intervenor Issue." The revised paragraph includes additional statements about staff's meetings with local agencies that are responsive to the intervenor's request for information about meetings that have occurred between staff, applicant and local agencies.

Milestones to Date

Staff has been coordinating a number of activities to facilitate the discovery and analysis phase of the Application for Certification (AFC) process as follows:

- January 12, 2007- Staff provided the applicant with Data Requests, requesting additional information for the following technical areas: air quality, alternatives, biological resources, cultural resources, geology and paleontology, socioeconomics, soil and water resources, traffic and transportation, transmission system engineering, visual resources, and worker safety and fire protection.

- January 19, 2007 – Staff published the Issues Identification Report. Two issues were identified in the technical areas of air quality and land use. The primary air quality issues were the proposed Emission Reduction Credits (ERCs), particularly the use of Agricultural Burn Cessation ERCs and interpollutant offsets of Volatile Organic Compounds (VOCs) for Oxides of Nitrogen (NO_2) impacts. The land use issues focused on compliance with Colusa County laws, ordinances, regulations, and standards (LORS) requiring a general plan amendment, a zoning change, and a height variance.

- February 13, 2007 – Applicant filed the first round of Data Responses.

- February 21, 2007 – Staff conducted a Data Response and Issues Resolution Workshop to discuss the applicant's responses to staff's first set of Data Requests. Agency representatives from Colusa County, Colusa County Air Pollution Control District and the Maxwell Fire Department were in attendance. The meeting focused on the areas identified in staff's Data Requests and the applicant's responses, with special attention focused on air quality, land use and fire protection.

- March 23, 2007 - Applicant provided Supplemental Data Responses as a result of discussions held at the staff workshop on 2/21/07. The supplemental responses were in the technical areas of: air quality, biological resources, socioeconomics, transmission system engineering, worker safety, fire protection, and cultural resources.

Other Coordination Activities

- Air Quality – At this time, the air quality issues identified in the Issues Identification Report are being addressed jointly by staff and the Colusa County Air Pollution control District (CCAPCD). Members of the air quality staff have met with the staff of the local air district to verify the efficacy of its burn permit monitoring. The CCAPCD has completed the Preliminary Determination of Compliance (PDOC). Staff anticipates receiving the PDOC in the first half of April.

- Land Use – At this time, land use continues to be an issue with the County of Colusa. The applicant and the county continue to meet to resolve the issues related to a general plan amendment, zoning change and height variance.

- Staff is currently working on preparing the Preliminary Staff Assessment (PSA); the current estimated timeframe for release is mid-May 2007.

Intervenor Issues

Intervenor Emerald Farms filed an electronic complaint with the Presiding Member stating that "[w]e have been informed that meetings have been held between CEC staff, applicant, and local agencies discussing this project and we want to participate in those proceedings." The communication further requested notice of future meetings and the subject matter of all meetings that have taken place, as well as any written materials from such meetings. Neither staff counsel nor the staff project manager are aware of any unnoticed meetings referred to by Emerald Farms, and the project manager has discussed the issue with Emerald Farms, assuring the intervenor that staff meetings with the applicant will be noticed. Members of the air quality staff have met with the staff of the local air district to verify the efficacy of its burn permit monitoring, but such meetings require no notice pursuant to Section 1710(a). It is possible that individual staff members have contacted applicant consultants to obtain or verify information necessary for staff's environmental analysis; such communications are normally unnoticed pursuant to Section 1710(a). Since Staff is unaware of any unnoticed meetings referred to by Emerald Farm, it can provide no documentation regarding such meetings. This has been communicated directly to Mr. Allen Etchepare, the owner of Emerald Farms.

Schedule

At this time, staff believes it can maintain the schedule as issued by the Committee in their order dated February 1, 2007.

cc: Docket (06-AFC-9)
Proof of Service List