

Memorandum

Date : July 22, 1999

Telephone: ATSS (916) 654-4074

To : William Keese, Presiding Member

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From : California Energy Commission - Paul Richins
1516 Ninth Street Energy Commission Project Manager
Sacramento, CA 95814-5512

Subject : DELTA ENERGY STATUS REPORT 4—July 22, 1999

On July 14, 1999 the Committee conducted a status conference on the Applicant's motion to accelerate the schedule in the case. Staff provided a complete report on the status of the project at the conference; however, a brief summary is provided below.

In summary, let me reiterate the four major points made at the status conference:

- 1) The concepts embodied in the original schedule adopted by the Committee are concepts we agree with and would recommend be continued in this case as well as the other power plant siting cases—adequate time for public review and staff workshops, and sufficient time to receive the necessary additional data from the applicant and the various other permitting agencies so that outstanding issues can be resolved prior to filing the Final Staff Assessment (FSA);
- 2) Acceleration of the FSA for the Delta Energy Center could conflict with and potentially cause delays in the schedules of current projects specifically Metcalf, Sunrise, Elk Hills and Moss Landing and data adequacy for future projects we expect to receive in the next two months—Morro Bay, Blythe and Otay Mesa;
- 3) There remains numerous outstanding issues that we recommend be resolved prior to issuing the FSA rather than attempting to resolve them during the hearings (see list below with dates when we expect the required information will be provided); and
- 4) Bifurcating the FSA, as suggested by the applicant, is not in the best interest of the public, local, state and federal agencies. We have received comments in the past that bifurcation is unfair to the public and makes a complicated process even more confusing for the public to understand.

As previously stated, we plan to have the Preliminary Staff Assessment (PSA) (except for air quality) completed and filed by the Committee-noticed date of August 2, 1999. We are attempting to file the PSA a little early, but workload levels and resolution of various issues may hinder our efforts.

Regarding the completion of the FSA, it is premature to set a date for completing the document as there is additional information needed from the applicant and other permitting agencies before the remaining outstanding issues can be resolved. The more significant issues and informational needs are listed below:

- The height variance recommendation from the City of Pittsburg is still an open issue. The City anticipates providing us with an answer to this issue after holding a public hearing with the Planning Commission and a second with the City Council. They expect to notify us in about two months—around September 17, 1999;
- There is the potential for a significant visual issue that will need to be resolved among the City of Pittsburg, the applicant and staff. We expect this to be resolved along with the height variance issue noted above—around September 17, 1999;
- The Final Determination of Compliance is anticipated to be issued by the local air district around September 30, 1999;
- The Contra Costa County Fire Protection District has requested funding for certain fire protection equipment. The applicant is meeting with the fire district to resolve this matter;
- With the recent finding of the endangered species vernal pool fairy shrimp on the project site, the consultation with and the Biological Opinion of the U.S. Fish and Wildlife Service becomes more important as a method to resolve these biological resource issues. An informal consultation may be possible, but with the finding of a listed endangered species on the site, a formal consultation and Biological Opinion may be required and could take upwards of 135 days from July 1, 1999. This could take until November 15, 1999;
- A final decision is expected sometime in July from the Burlington Northern & Santa Fe Railroad on use of their right-of-way for the underground transmission line to avoid traversing underneath the linear park being constructed by the Pittsburg-Enron project along the truck bypass soundwall. Upon resolution of rights-of-way discussions with the railroad, Calpine/Bechtel will submit a formal amendment to the AFC describing the new route;
- Calpine/Bechtel has commissioned a "compatibility" study to determine if there are any restrictions for the types of landscaping that can be employed in the 8th Street median park over the underground transmission line. The results of this study are expected by the end of July;
- Several water issues remain including approvals of several permits from the Delta Diablo Sanitation District (DDSD) and San Francisco Bay Regional Water Quality Control Board--the pre-treatment application to DDSD, DDSD water recycling permit, Industrial discharge National Pollutant Discharge Elimination System Permit and the General Industrial Stormwater Discharge Permit; and,

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- The location of the transition station from above ground to below ground electric transmission lines is still unknown and the location of the pressure/pump station is also unknown;

We recommend that a date not be set for issuing the FSA, but rather the FSA be due four weeks after the last piece of necessary information (to resolve the above issues) is received by staff. This would establish an incentive for timely resolution of issues. This would also allow adequate time for staff's review and analysis of the issues and provide for a workshop, if necessary. If a workshop is not necessary, we would file the FSA within three weeks of the last critical piece of information.

Attachment

cc: Delta Energy Center Proof of Service List
Ray Menebroker, ARB
Richard Corey, ARB
Dennis Jang, DistrictAQMD
Matt Haber, EPA
Doug Buchanan
Susan Strachan