

Memorandum

Date : May 24, 2001
Telephone: (916) 654-4996
File:

To : William J. Keese, Chairman
Michal C. Moore, Commissioner
Robert A. Laurie, Commissioner
Robert Pernel, Commissioner
Art Rosenfeld, Commissioner

From : **California Energy Commission** Steve Larson, Executive Director
1516 Ninth Street
Sacramento, CA 95814-5512

Subject : **EAST ALTAMONT ENERGY CENTER DATA ADEQUACY RECOMMENDATION FOR SUPPLEMENTAL INFORMATION**

On March 29, 2001, East Altamont Energy Center, LLC, a subsidiary of Calpine Corporation (applicant) filed an Application for Certification (AFC) seeking approval from the California Energy Commission to construct and operate a nominal 1,100 MW power plant called the East Altamont Energy Center (EAEC). On May 2, 2001, the Commission adopted staff's recommendation to find the application data inadequate. The applicant subsequently submitted five supplemental filings. Based on staff's analysis of this supplemental information, all technical areas are now data adequate except for water resources. The attached water resources worksheet provides a description of the information still needed in order to meet the regulatory requirements for data adequacy.

The inadequacy pertains to Appendix B(g)(14)(A)(i), which requires the applicant to provide all information required by the Regional Water Quality Control Board (RWQCB) to apply for Waste Discharge Requirements. The information required to meet this regulation is critical to staff's, and the RWQCB's, review of the project.

As is our normal practice, Energy Commission staff contacted staff at the relevant RWQCB (in this case, the Central Valley RWQCB [CVRWQCB]) to determine if the information contained in the AFC and supplemental filings fulfilled the requirement. They indicated that it did not. The CVRWQCB provided the applicant with a description of the information necessary to apply for Waste Discharge Requirements in a letter dated February 22, 2001, and Energy Commission staff has made numerous efforts to ensure that the applicant understands the nature and importance of these requirements. Without this information, neither staff nor the CVRWQCB can begin an analysis of certain water-related impacts.

Calpine has assured staff that they will have the required information to the Energy Commission and the CVRWQCB on June 20, 2001, and requests that the Energy Commission deem the application adequate at this time. Staff is concerned, however, that deeming the application complete without the information described above could impact the CVRWQCB's ability to provide input to our process in a timely manner as well as staff's ability to evaluate the project, both of which could delay issuance of the preliminary and final staff assessments. Therefore, at the Energy Commission's business meeting on May 30, 2001, I will be recommending that the Energy Commission

not deem the AFC complete until all the information specified in Attachment A is supplied.

When this application does become data adequate, staff will make every effort to process Calpine's application in as expeditious and timely manner as possible. However, this will require the cooperation of the applicant in responding to data requests, and timely reviews by the relevant local, state, and federal agencies.

If you have any questions, please call Cheri Davis, staff's Project Manager, at (916) 657-4394.

Sincerely,

STEVE LARSON
Executive Director

Attachment

ATTACHMENT A

**ENERGY COMMISSION STAFF'S
List of Data Inadequacies**

**East Altamont Energy Center
01-AFC-4**

June 1, 2001

Adequacy Issue: Adequate _____ Inadequate **x**
 Technical Area: **Water Resources**
 Project Manager: Cheri Davis

DATA ADEQUACY WORKSHEET

Revision No. 2 Date 5.24.01
 Technical Staff: Lorraine White
 Technical Senior: Dick Anderson

Project: East Altamont Energy Center
 Docket: 01-AFC-4

SITING REGULATIONS	INFORMATION	AFC PAGE NUMBER AND SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS
Appendix B (g) (1)	...provide a discussion of the existing site conditions, the expected direct, indirect and cumulative impacts due to the construction, operation and maintenance of the project, the measures proposed to mitigate adverse environmental impacts of the project, the effectiveness of the proposed measures, and any monitoring plans proposed to verify the effectiveness of the mitigation.	Section 2.1, p. 2-1 Sections 2.2.1 & 2.2.2, p. 2-1 to 2-3 Sections 2.2.7 to 2.2.12, p. 2-9 to 2-20 Figures 2.1-1 and 2.2-6a to 2.2-6f Section 7.0, p. 7-1 to 7-15 Table 7-1A & 7-1B Figure 7.1-1 Sect. 8.14, p. 8.14-1 to 8.14-25 Figures 8.14-1 to 8.14-4 Appendices 8.14A & 10F3 EAEC Data Adequacy Response, AFC Supplement #2, May 3, 2001 EAEC Data Adequacy Response, AFC Supplement #3, May 8, 2001 EAEC Data Adequacy Response Set 4, AFC Supplement #4, May 15, 2001	No	Please refer to additional discussions below and submit specified information.
Appendix B (g) (14) (A)	All information required by the Regional Water Quality Control Board in the region where the project will be located to apply for:			

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Appendix B (g) (14) (A) (i)	Waste Discharge Requirements; and	Figures 2.2-6a to 2.2-6f P. 8.13-4 to 8.13-12 EAEC Data Adequacy Response, AFC Supplement #2, May 3, 2001 EAEC Data Adequacy Response Set 4, AFC Supplement #4, May 15, 2001	No	The project will be required to comply with Title 27 of the California Code of Regulations. Please provide the background water quality data for upgradient wells of the proposed project, installation of required monitoring wells and monitoring protocol as specified by the CVRWQCB. Please also submit all information required by the CVRWQCB in a report of waste discharge requesting WDR's for the proposed project. Application still lacks critical information required by the CVRWQCB as specified in the Board letter to Jim McLucas, Calpine Corp. dated February 22, 2001. Staff and the Board have met with the applicant and explained the information requirements and staff has provided the applicant with the data adequacy filing for the Blythe power plant proposal as an example of the type of information required to apply for WDR's for evaporation ponds.
Appendix B (g) (14) (A) (ii)	a National Pollutant Discharge Elimination System Permit.	Sect. 8.14.3.2 EAEC Data Adequacy Response, AFC Supplement #2, May 3, 2001, p. 5.	Yes	
Appendix B (g) (14) (B)	A description of the hydrologic setting of the project. The information shall describe, in writing and on maps at a scale of 1:24,000, the chemical and physical characteristics of the following water bodies that may be affected by the proposed project:			

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Appendix B (g) (14) (B) (i)	Ground water bodies and related geologic structures;	Sect. 8.14.1.2, p. 8.14-3 to 8.14.4 EAEC Data Adequacy Response, AFC Supplement #2, May 3, 2001, p. 3 and Figure 8.14-2B. EAEC Data Adequacy Response Set 4, AFC Supplement #4, May 15, 2001, Figure WR-1.	Yes	
Appendix B (g) (14) (B) (ii)	Surface water bodies; and	Sect. 8.14.1.1, p. 8.14-1 to 8.14-3 Figure 2.1-1 EAEC Data Adequacy Response, AFC Supplement #2, May 3, 2001, p. 6 – 8, 11.	Yes	
Appendix B (g) (14) (B) (iii)	Water inundation zones, such as the 100-year flood plain and tsunami run-up zones.	Sect. 8.14.1.3 Figure 8.14-3	See Geological Resources	
Appendix B (g) (14) (C)	A description of the water to be used and discharged by the project. This information shall include:			
Appendix B (g) (14) (C) (i)	Source of the water and the rationale for its selection, and if fresh water is to be used for power plant cooling purposes, a discussion of all other potential sources and an explanation why these sources were not feasible;	Sect. 2.2.7, p. 2-9 to 2-11 Sect. 7.0, p. 7-1 to 7-15 Sect.8.14.2.1, p. 8.14-4 to 8.14-8 Appendix 8.14A EAEC Data Adequacy Response, AFC Supplement #2, May 3, 2001, p. 8.	Yes	

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Appendix B (g) (14) (C) (ii)	The physical and chemical characteristics of the source and discharge water;	Table 7-3 Sect. 8.14.2.1, pg. 8.14-4 Table 8.14-1 Sect. 8.14.2.3, p. 8.14-8 to 8.14-11 Table 8.14-3 EAEC Data Adequacy Response, AFC Supplement #3, May 8, 2001, Sect. 2.4, p. 8-13.	Yes	
Appendix B (g) (14) (C) (iii)	Average and maximum daily and annual water demand and waste water discharge for both the construction and operation phases of the project; and	Sect. 2.2.7.1, p. 2-9 & 2-10 Tables 2.2-1 & 2.2-2 Figures 2.2-6a to 2.2-6f Table 7-1A & 7-1B Sect. 8.14.2.3, p. 8.14-8 EAEC Data Adequacy Response, AFC Supplement #2, May 3, 2001, p. 14.	Yes	

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Appendix B (g) (14) (C) (iv)	A description of all facilities to be used in water conveyance, treatment, and discharge. Include a water mass balance diagram.	Sect. 2.2.7.3 to 2.2.7.5, p. 2-10 to 2-14 Sect. 2.2.9.1, p. 2-15 to 2-17 Sect. 2.4.2.3 to 2.4.2.8, p. 2-29 & 2-30 Figures 2.1-12.2-6a to 2.2-6f Sect. 7.0, p. 7-1, 7-4, 7-7 to 7-12 Appendix 10F3 EAEC Data Adequacy Response, AFC Supplement #2, May 3, 2001, p. 12. EAEC Data Adequacy Response Set 4, AFC Supplement #4, May 15, 2001, p. 3 & Attachment WR-2.	Yes	
Appendix B (g) (14) (D)	A description of pre-, and post-construction runoff and drainage patterns, including:	Sect. 8.14.3, p. 8.14-11 to 8.14-13	See Below	
Appendix B (g) (14) (D) (i)	Precipitation and storm runoff patterns; and	Table 8.14-5 Table 8.14-6 Table 8.14-7 EAEC Data Adequacy Response, AFC Supplement #2, May 3, 2001, Figure 8.14-4.	Yes	

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Appendix B (g) (14) (D) (ii)	Drainage facilities and design criteria.	Figure 8.14-4 EAEC Data Adequacy Response, AFC Supplement #2, May 3, 2001, Figure 8.14-4, p. 5.	Yes	
Appendix B (g) (14) (E)	An assessment of the effects of the proposed project on water resources. This discussion shall include:			
Appendix B (g) (14) (E) (i)	The effects of project demand on the water supply and other users of this source;	Sect. 7. Sect. 8.14.2, p. 8.14-5 & 8.14-6 and Sect. 8.14.4, p. 8.14-13 & 8.14-14 EAEC Data Adequacy Response, AFC Supplement #2, May 3, 2001, p. 8-10.	Yes	
Appendix B (g) (14) (E) (ii)	The effects of construction activities and plant operation on water quality; and	Sect. 8.9 Sect. 8.12, p. 8.12-1 to 8.12-27 Sect. 8.13, p. 8.13-1 to 8.13-16 Sect. 8.14.4.5, p. 8.14-15 Sect. 8.9.3, p. 8.9.12 to 8.9-13 EAEC Data Adequacy Response, AFC Supplement #2, May 3, 2001, p. 11.	Yes	
Appendix B (g) (14) (iii)	The effects of the project on the 100-year flood plain or other water inundation zones.	Sect. 8.14.1.3 Sect. 8.14.4.6 Figure 8.14-3	See Geological Resources	

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Appendix B (h) (1) (A)	Tables which identify laws, regulations, ordinances, standards, adopted local, regional, state, and federal land use plans, and permits applicable to the proposed project, and a discussion of the applicability of each. The table or matrix shall explicitly reference pages in the application wherein conformance, with each law or standard during both construction and operation of the facility is discussed;	Table 8.13-3 Table 8.14-8 Sect. 8.14.8 EAEC Data Adequacy Response, AFC Supplement #2, May 3, 2001, Table 8.14-9A, p. 11. EAEC Data Adequacy Response Set 4, AFC Supplement #4, May 15, 2001, Table WR-1, p. 4.	Yes	
Appendix B (h) (1) (B)	Tables which identify each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards, and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the commission to certify sites and related facilities.	Table 8.14-8 EAEC Data Adequacy Response Set 4, AFC Supplement #4, May 15, 2001, p. 4.	Yes	
Appendix B (h) (2)	A discussion of the conformity of the project with the requirements listed in subsection (h)(1)(A).	Sect. 8.14.8 Table 8.14-8 Sect. 8.14.9, p. 8.14-23 EAEC Data Adequacy Response Set 4, AFC Supplement #4, May 15, 2001, Table WR-1, p. 4.	Yes	
Appendix B (h) (3)	The name, title, phone number, and address, if known, of an official within each agency who will serve as a contact person for the agency.	Table 8.14-9 EAEC Data Adequacy Response Set 4, AFC Supplement #4, May 15, 2001, p. 5.	Yes	

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Appendix B (h) (4)	A schedule indicating when permits outside the authority of the commission will be obtained and the steps the applicant has taken or plans to take to obtain such permits.	Sect. 8.14.9, p. 8.14.23 EAEC Data Adequacy Response, AFC Supplement #2, May 3, 2001, Table WR-1, p. 15.	Yes	