

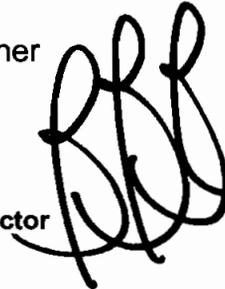
Memorandum

Date: November 2, 2006

Telephone: (916) 654-4996

To: Jackalyne Pfannenstiel, Chairman
 James D. Boyd, Vice Chair
 Arthur H. Rosenfeld, Ph.D., Commissioner
 John L. Geesman, Commissioner
 Jeffrey Byron, Commissioner

From: California Energy Commission – **B. B. Blevins**
 1516 Ninth Street
 Sacramento, CA 95814-5512
 Executive Director



DOCKET	
06-AFC-6	
DATE NOV 2	2006
RECD. NOV 3	2006

Subject: **REVISED DATA ADEQUACY RECOMMENDATION FOR EASTSHORE ENERGY PROJECT, (06-AFC-6)**

Staff's October 19, 2006 initial data adequacy review of the Eastshore Energy Center Application for Certification (AFC) determined that it did not meet all the requirements listed in Title 20, section 1704, and Division 2, Chapter 5, Appendix B of the California Code of Regulations for the 12-month process. Specifically, the AFC was deficient in 4 of 23 areas: Air Quality, Biological Resources, Transmission System Engineering, and Water Resources. Subsequent to publishing our October 19, 2006 recommendation that the Commission deem the AFC data inadequate, Eastshore Energy provided 125 copies of an AFC Supplement and docketed the supplemental material on October 31, 2006. Staff has reviewed the supplemental information and determined that the AFC now meets the above-listed requirements in all 23 technical disciplines.

Attached is a summary table and revised data adequacy worksheets for the four technical disciplines previously determined to be data inadequate, reflecting that the supplemental information submitted by Eastshore Energy makes the AFC adequate.

On September 22, 2006, Eastshore Energy, LLC, a wholly-owned subsidiary of Tierra Energy, submitted an AFC for the proposed Eastshore Energy Center. Eastshore Energy proposes to build a 115 megawatt (MW) natural gas-fired simple-cycle power plant in the City of Hayward (Alameda County). The proposed project consists of 14 nominal 8.4-MW (gross) Wartsila spark-ignited reciprocating engines and associated equipment, and would use approximately 1.6 acre feet per year of potable water for cooling and other plant processes. The project would connect to Pacific Gas and Electric's (PG&E) electrical transmission grid through a 115 kV connection with the PG&E Eastshore Substation. The project is designed as a peaking facility to meet electric generation load during periods of high demand.

Subsequent to staff's original data adequacy recommendation, additional agency comments regarding the material contained in the AFC and the Energy Commission's certification process were received from the City of Hayward City Manager, Jesus Armas and City of Hayward Fire Chief, Larry Arfsten. Additionally, the Bay Area Air Quality Management District sent an October 20, 2006 letter to the Energy Commission that deemed the applicant's Determination of Compliance/Authority to Construct Application as complete and sufficient to undertake a Determination of Compliance review.

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Commissioners
November 2, 2006
Page 2 of 2

Staff has been informed that City of Hayward City Manager, Jesus Armas intends to call in to the Commission's November 8 business meeting in order to voice his concerns about the amount of time allotted for review of the AFC by his agency during the data adequacy phase.

At the Energy Commission's Business Meeting on November 8, 2006, I will now recommend that the Energy Commission accept the Eastshore Energy Center AFC with the supplemental information as data adequate, and request that a Committee be appointed.

If you have any questions, please call Lorne C. Prescott, staff's Project Manager, at (916) 654-4640.

Attachments

**ATTACHMENT A
OVERVIEW OF ENERGY COMMISSION STAFF'S
REVISED DATA ADEQUACY DETERMINATION
EASTSHORE ENERGY CENTER
06-AFC-6**

TECHNICAL AREA	ATTACHMENT B PAGE No	ADEQUATE ?
AIR QUALITY	5	YES
BIOLOGICAL RESOURCES	10	YES
TRANSMISSION SYSTEM ENGINEERING	15	YES
WATER RESOURCES	18	YES

ATTACHMENT B

**ENERGY COMMISSION STAFF'S
Data Adequacy Determination
Revised to Reflect AFC Supplement**

**EASTSHORE ENERGY CENTER
06-AFC-6**

November 2, 2006

Adequacy Issue: Adequate Inadequate

DATA ADEQUACY WORKSHEET

Revision No. 1 Date Nov 2, 2006

Technical Area: Air Quality

Project: Eastshore Energy Center

Technical Staff: Brewster Birdsall

Project Manager: Lorne Prescott

Docket: 06-AFC-6

Technical Senior: Matthew Layton

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.	Existing site: §2.1.1 pp 2-2 to 2-3; §8.1.3 pp 8.1-17 to -18; §8.6.1 pp 8.6-1 to -4 Construction impacts and proposed mitigation: §8.1.2.10 pp 8.1-16 to -17; Appendix 8.1E Operation impacts: §8.1.8 pp 8.1-53 to -64 Appendix 8.1B and 8.1D Operation proposed mitigation: §8.1.2.8 pp 8.1-13 to -15 Appendix 8.1G and confidential filing.	Yes	
Appendix B (g) (8) (A)	The information necessary for the air pollution control district where the project is located to complete a Determination of Compliance.	BAAQMD completeness letter.	Yes	
Appendix B (g) (8) (B)	The heating value and chemical characteristics of the proposed fuels, the stack height and diameter, the exhaust velocity and temperature, the heat rate and the expected capacity factor of the proposed facility.	Fuels: §8.1.2.4 pp 8.1-6 to -7 Stack data: §8.1.2.9 pp 8.1-15 to -16 Appendix 8.1B Capacity factor: §8.1.2.2 pp 8.1-4 to -5 <u>10/31/06 AFC Supplement, Page 3</u>	<u>No</u> <u>Yes</u>	Stack height, diameter, exhaust velocity, and temperature of the natural gas fuel heater are needed.
Appendix B (g) (8) (C)	A description of the control technologies proposed to limit the emission of criteria pollutants.	§2.2.11 pp 2-10 to 2-11 §8.1.2 pp 8.1-4 to -6 §8.1.4 pp 8.1-31 to -33 Appendix 8.1F	Yes	

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SITING REGULATIONS	INFORMATION	AFC PAGE NUMBER AND SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS
Appendix B (g) (8) (D)	A description of the cooling system, the estimated cooling tower drift rate, the rate of water flow through the cooling tower, and the maximum concentrations of total dissolved solids.	§2.2.8 pp 2-8 to 2-9 §8.1.2 p 8.1-3	Yes	
Appendix B (g) (8) (E)	The emission rates of criteria pollutants from the stack, cooling towers, fuels and materials handling processes, delivery and storage systems, and from all secondary emission sources.	§8.1.2.6 pp 8.1-8 to -13 Appendix 8.1A Table 8.1A-10	Yes	
Appendix B (g) (8) (F)	A description of typical operational modes, and start-up and shutdown modes for the proposed project, including the estimated frequency of occurrence and duration of each mode, and estimated emission rate for each criteria pollutant during each mode.	§8.1.2.2 pp 8.1-4 to -5 Table 8.1-6 p 8.1-10 Appendix 8.1A	Yes	
Appendix B (g) (8) (G)	The ambient concentrations of all criteria pollutants for the previous three years as measured at the three Air Resources Board certified monitoring stations located closest to the project site, and an analysis of whether this data is representative of conditions at the project site. The applicant may substitute an explanation as to why information from one, two, or all stations is either not available or unnecessary.	§8.1.3.4.8 p 8.1-27 §8.1.7.2 pp 8.1-49 to -51 Appendix 8.1B	Yes	
Appendix B (g) (8) (H)	One year of meteorological data collected from either the Federal Aviation Administration Class 1 station nearest to the project or from the project site, or meteorological data approved by the California Air Resources Board or the local air pollution control district.	Electronic submittal on CD §8.1.7.2 pp 8.1-49 to -51 Appendix 8.1B	Yes	

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Project: Eastshore Energy Center
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Technical Staff: Brewster Birdsall
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SITING REGULATIONS	INFORMATION	AFC PAGE NUMBER AND SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS
Appendix B (g) (8) (H) (i)	If the data is collected from the project site, the applicant shall demonstrate compliance with the requirements of the U.S. Environmental Protection Agency document entitled "On-Site Meteorological Program Guidance for Regulatory Modeling Applications" (EPA - 450/4-87-013 (August 1995), which is incorporated by reference in its entirety.)	§8.1.3.3.2 pp 8.1-20 to -22 §8.1.7.2 pp 8.1-49 to -51	Yes	
Appendix B (g) (8) (H) (ii)	The data shall include quarterly wind tables and wind roses, ambient temperatures, relative humidity, stability and mixing heights, upper atmospheric air data, and an analysis of whether this data is representative of conditions at the project site.	Electronic submittal on CD §8.1.3.3.2 pp 8.1-20 to -22 §8.1.7.2 pp 8.1-49 to -51 Appendix 8.1B Figures 8.1B-1 to -5	Yes	
Appendix B (g) (8) (I)	An evaluation of the project's direct and cumulative air quality impacts, consisting of the following:	See below	See below	
Appendix B (g) (8) (I) (i)	A screening level air quality modeling analysis, or a more detailed modeling analysis if so desired by the applicant, of the direct inert pollutant impacts of project construction activities on ambient air quality conditions, including fugitive dust (PM ₁₀) emissions from grading, excavation and site disturbance, as well as the combustion emissions [nitrogen oxides (NO _x), sulfur dioxide (SO ₂), carbon monoxide (CO), and particulate matter less than 10 microns in diameter (PM ₁₀)] from construction-related equipment;	Electronic submittal on CD §8.1.2.10 pp 8.1-16 to -17 Appendix 8.1E	Yes	

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Docket: 06-AFC-6

Technical Senior: Matthew Layton

SITING REGULATIONS	INFORMATION	AFC PAGE NUMBER AND SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS
Appendix B (g) (8) (I) (ii)	A screening level air quality modeling analysis, or a more detailed modeling analysis if so desired by the applicant, of the direct inert criteria pollutant (NO _x , SO ₂ , CO and PM ₁₀) impacts on ambient air quality conditions of the project during typical (normal) operation, and during shutdown and startup modes of operation. Identify and include in the modeling of each operating mode the estimated maximum emissions rates and the assumed meteorological conditions; and	Electronic submittal on CD §8.1.8 pp 8.1-53 to -63 Appendix 8.1A Appendix 8.1B	Yes	
Appendix B (g) (8) (I) (iii)	A protocol for a cumulative air quality modeling impacts analysis of the project's typical operating mode in combination with other stationary emissions sources within a six mile radius which have received construction permits but are not yet operational, or are in the permitting process. The cumulative inert pollutant impact analysis should assess whether estimated emissions concentrations will cause or contribute to a violation of any ambient air quality standard.	§8.1.8.13 p 8.1-64 Appendix 8.1H	Yes	
Appendix B (g) (8) (J)	If an emission offset strategy is proposed to mitigate the project's impacts under subsection (g)(1), provide the following information:	See below	See below	
Appendix B (g) (8) (J) (i)	The quantity of offsets needed;	§8.1.2.8 pp 8.1-13 to -15 Table 8.1A-13	Yes	
Appendix B (g) (8) (J) (ii)	Potential offset sources, including location, and quantity of emission reductions; and	Appendix 8.1G Confidential filing	Yes	
Appendix B (g) (8) (J) (iii)	Method of emission reduction.	§8.1.2.8 pp 8.1-13 to -15 Confidential filing	Yes	

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Project Manager: Lorne Prescott

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Appendix B (g) (8) (K)	A topographic map containing contour and elevation data, at a scale of 1:24,000, showing the area within 6 miles of the power plant site.	§8.6.1.1 p 8.6-4 Figure 8.6-1	Yes	
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;	§8.1.5.1 pp 8.1-34 to -39	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.	§8.1.5.1 pp 8.1-34 to -39 §8.1.5.2 pp 8.1-40 to -43	Yes	
Appendix B (h) (2)	A discussion of the conformity of the project with the requirements listed in subsection (h)(1)(A).	§8.1.5.1 pp 8.1-34 to -39 §8.1.5.2 pp 8.1-40 to -43 §8.1.8.12	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.	§8.1.9	Yes	
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.	§8.1.5.1 pp 8.1-35 to -39 §8.1.9 p 8.1-65	Yes	

Adequacy Issue: Adequate Inadequate

DATA ADEQUACY WORKSHEET

Revision No. 1 Date Nov 2, 2006

Technical Area: Biological Resources

Project: Eastshore Energy Center

Technical Staff: John Mathias

Project Manager: Lorne Prescott

Docket: 06-AFC-6

Technical Senior: Rick York

SITING REGULATIONS	INFORMATION	AFC PAGE NUMBER AND SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS
Appendix B (g) (13) (B)	A discussion and detailed maps at a scale of 1:6,000, of the biological resources at the site of the proposed project and related facilities, and in areas adjacent to them, out to a mile from the site and 1000 feet from the outer edge of linear facility corridors. Include a list of the species actually observed and those with a potential to occur. The discussion and maps shall address the distribution of community types, denning or nesting sites, population concentrations, migration corridors, breeding habitats, and the presence of sensitive biological resources.	Bio. Resources (site/related facilities): Sections 8.2.4 (pgs. 8.2-11 to 8.2-15) Wetlands: Sections 8.2.6 Surveys: Section 8.2.7 (pgs. 8.2-16, 8.2-20) <u>10/31/06 AFC Supplement, pgs 4 to 9</u> Potential Species: Table 8.2-3 (pgs. 8.2-17 to 8.2-19); Appendix 8.2A Maps: Figure 8.2-2	Yes Yes No <u>Yes</u> Yes Yes	Survey results, including list of species actually observed during surveys, are required for data adequacy.
Appendix B (g) (13) (C)	A description of all studies and surveys used to provide biological information about the project site, including seasonal surveys and copies of the California Department of Fish and Game's Natural Diversity Data Base Survey Forms, "California Native Species Field Survey Forms", and "California Natural Community Field Survey Forms", completed by the applicant. Include the dates and duration of the studies, methods used to complete the studies, and the names and qualifications of individuals conducting the studies.	Survey description: Section 8.2.7 (pgs. 8.2-16, 8.2-20) CNDDDB survey forms Names and qualifications: Sections 8.2.7 (pgs. 8.2-16, 8.2-20); Appendix 8.2B	Yes N/A Yes	

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Revision No. 1 Date Nov 2, 2006

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Technical Staff: John Mathias

Project Manager: Lorne Prescott

Docket: 06-AFC-6

Technical Senior: Rick York

SITING REGULATIONS	INFORMATION	AFC PAGE NUMBER AND SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS
Appendix B (g) (13) (D)	A discussion of all permanent and temporary impacts to biological resources from site preparation, construction activities, and plant operation. Discussion of impacts must consider impacts from cooling tower drift, and from the use and discharge of water during construction and operation. For facilities which use once-through cooling or take or discharge water directly from or to natural sources, discuss impacts resulting from entrainment, impingement, thermal discharge, effluent chemicals, type of pump (if applicable), temperature, volume and rate of flow at intake and discharge location, and plume configuration in receiving water.	Impacts: Section 8.2.10 (pgs. 8.2-24 to 8.2-29); Table 8.2-4 (pgs. 8.2-23, 8.2-24) Cooling tower drift: Section 8.2.10.6 (pgs. 8.2-26 to 8.2-29)	Yes Yes	
Appendix B (g) (13) (E)	A discussion of the following:			
Appendix B (g) (13) (E) (i)	All measures proposed to avoid and/or reduce any adverse impacts;	Avoidance measures: Sections 8.2.10.2 thru 8.2.10.6 (pgs. 8.2-24 to 8.2-29)	Yes	
Appendix B (g) (13) (E) (ii)	All measures proposed to mitigate any adverse impacts, including any proposals for off-site mitigation; and	Mitigation: Section 8.2.13 (pg. 8.2-29)	Yes	
Appendix B (g) (13) (E) (iii)	Any educational programs proposed to enhance employee awareness in order to protect biological resources.	Worker education: Section 8.2.13 (pg. 8.2-29)	Yes	
Appendix B (g) (13) (F)	A discussion of compliance and monitoring programs proposed to ensure the effectiveness of mitigation measures incorporated into the project.	Section 8.2.13 (pg. 8.2-29)	Yes	

Adequacy Issue: Adequate Inadequate

DATA ADEQUACY WORKSHEET

Revision No. 1 Date Nov 2, 2006

Technical Area: Biological Resources

Project: Eastshore Energy Center

Technical Staff: John Mathias

Project Manager: Lorne Prescott

Docket: 06-AFC-6

Technical Senior: Rick York

SITING REGULATIONS	INFORMATION	AFC PAGE NUMBER AND SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS
Appendix B (g) (13) (G)	A discussion of native fish and wildlife species of commercial and/or recreational value that could be impacted by the project.		N/A	
Appendix B (g) (13) (H)	For purposes of this section, sensitive biological resources are one of the following:			
Appendix B (g) (13) (H) (i)	Species listed under state or federal Endangered Species Acts;	Section 8.2.10.1 (pg. 8.2-24) Table 8.2-3 (pgs. 8.2-17 to 8.2-19) Appendices 8.2A and 8.2C	Yes	
Appendix B (g) (13) (H) (ii)	Resources defined in sections 1702 (q) and (v) of Title 20 of the California Code of Regulations; and	Areas of critical concern; species of special concern: Section 8.2.10.1 (pg. 8.2-24) Tables 8.2-3 (pgs. 8.2-17 to 8.2-19)	Yes	
Appendix B (g) (13) (H) (iii)	Species or habitats identified by legislative acts as requiring protection.	Table (pgs. 8.2-17 to 8.2-19) Appendices 8.2A and 8.2C	Yes	
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 8.2-1 (pgs. 8.2-3 to 8.2-7)	Yes	

Adequacy Issue: Adequate Inadequate

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Technical Area: Biological Resources

Project: Eastshore Energy Center

Technical Staff: John Mathias

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SITING REGULATIONS	INFORMATION	AFC PAGE NUMBER AND SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS
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 8.2-1 (pgs. 8.2-3 to 8.2-7)	Yes	
Appendix B (h) (2)	A discussion of the conformity of the project with the requirements listed in subsection (h)(1)(A).	Table 8.2-1 (pgs. 8.2-3 to 8.2-7)	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.	Section 8.2.14 (pgs. 8.2-29 to 8.2-30)	Yes	
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.	Section 8.2.15 (pg. 8.2-30)	Yes	

Adequacy Issue: Adequate Inadequate

DATA ADEQUACY WORKSHEET

Revision No. 1 Date Nov 2, 2006

Technical Area: Transmission System Eng.

Project: Eastshore Energy Center

Technical Staff: Laiping Ng

Project Manager: Lorne Prescott

Docket: 06-AFC-6

Technical Senior: Mark Hesters

SITING REGULATIONS	INFORMATION	AFC PAGE NUMBER AND SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS
Appendix B (i) (2) (A)	A discussion of the need for the additional electric transmission lines, substations, or other equipment, the basis for selecting principal points of junction with the existing electric transmission system, and the capacity and voltage levels of the proposed lines, along with the basis for selection of the capacity and voltage levels.	Section 2.1 Page 2-1 to 2-2 Section 2.2.5 Page 2-6	Yes	
Appendix B (i) (2) (B)	A discussion of the extent to which the proposed electric transmission facilities have been designed, planned, and routed to meet the transmission requirements created by additional generating facilities planned by the applicant or any other entity.	Section 2.1 Pages 2-1 to 2-2 Section 2.2.5 Page 2-6 Section 2.2.16 Page 2-16 to 2-17 Section 5.1 – 5.5 Page 5-1 o 5-6	Yes	

Adequacy Issue: Adequate Inadequate

DATA ADEQUACY WORKSHEET

Revision No. 1 Date Nov 2, 2006

Technical Area: Transmission System Eng.

Project: Eastshore Energy Center

Technical Staff: Laiping Ng

Project Manager: Lorne Prescott

Docket: 06-AFC-6

Technical Senior: Mark Hesters

SITING REGULATIONS	INFORMATION	AFC PAGE NUMBER AND SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS
Appendix B (b) (2) (C)	A detailed description of the design, construction, and operation of any electric transmission facilities, such as power lines, substations, switchyards, or other transmission equipment, which will be constructed or modified to transmit electrical power from the proposed power plant to the load centers to be served by the facility. Such description shall include the width of rights of way and the physical and electrical characteristics of electrical transmission facilities such as towers, conductors, and insulators. This description shall include power load flow diagrams which demonstrate conformance or nonconformance with utility reliability and planning criteria at the time the facility is expected to be placed in operation and five years thereafter; and	Section 2.2.5 Page 2-6 Section 5.2 Page 5-3 to 5-5 Figure 2.2-1 Figure 5.2-1 (E1) Figure 5.2-2 (E10) Figure 5.2.3 Figure 5.2.4 System Impact Study Appendix 5A <u>10/31/06 AFC Supplement, Page 9 and Appendix A</u>	No <u>Yes</u>	The SIS submitted has an on-line date of May 2007. The AFC states that the Eastshore on-line date is fourth quarter of 2008. A study is required that reflects the current online date identified in the AFC. Provide a new or updated SIS which demonstrates conformance or nonconformance with the utility reliability and planning criteria at the time the facility is expected to be placed in operation and five years thereafter. Alternatively, Eastshore can provide confirmation from the CAISO and PG&E which indicate the current SIS is sufficient for demonstrating conformance with the utility reliability and planning criteria at the time of the facility is expected to be placed in operation and five years thereafter.
Appendix B (b) (2) (D)	A description of how the route and additional transmission facilities were selected, and the consideration given to engineering constraints, environmental impacts, resource conveyance constraints, and electric transmission constraints.	Section 5.1 – 5.3 Page 5-1 to 5-6	Yes	

Adequacy Issue: Adequate Inadequate

DATA ADEQUACY WORKSHEET

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Technical Area: Transmission System Eng.

Project: Eastshore Energy Center

Technical Staff: Laiping Ng

Project Manager: Lorne Prescott

Docket: 06-AFC-6

Technical Senior: Mark Hesters

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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;	Section 5.6 Page 5-18 to 5-22	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.	Section 5.6.7 Page 5-21 to 5-22 Table 5.6-7	Yes	
Appendix B (h) (2)	A discussion of the conformity of the project with the requirements listed in subsection (h) (1) (A).	Section 5.5 Page 5-6 to 5-18	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.	Section 10.6 – 10.7 Page 10-5 to 10-6	Yes	
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.	<u>10/31/06 AFC Supplement, Attachment TSE-A</u>	No Yes	Provide a CAISO Preliminary Approval Letter for interconnection of the proposed project to the CAISO control grid or the schedule for when the Preliminary Approval would be granted.

Adequacy Issue: Adequate Inadequate

DATA ADEQUACY WORKSHEET

Revision No. 1 Date Nov 2, 2006

Technical Area: Water Resources

Project: Eastshore Energy Center

Technical Staff: Richard Latteri

Project Manager: Lorne Prescott

Docket: 06-AFC-6

Technical Senior: Paul Richins

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.	Sections 8.14.3 – 8.14.9	Yes	
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:	—	—	
Appendix B (g) (14) (A) (i)	Waste Discharge Requirements; and	Sections 8.14.2.3.1 & .2 Table 8.14-1	Yes	
Appendix B (g) (14) (A) (ii)	a National Pollutant Discharge Elimination System Permit.	Sections 8.14.2.1 & .2 Table 8.14-1	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:	—	—	
Appendix B (g) (14) (B) (i)	Ground water bodies and related geologic structures;	Section 8.14.3.2 Figure 8.14-2	Yes	
Appendix B (g) (14) (B) (ii)	Surface water bodies; and	Sections 8.14.3.1 Figure 8.14-1	Yes	
Appendix B (g) (14) (B) (iii)	Water inundation zones, such as the 100-year flood plain and tsunami run-up zones.	Sections 8.14.3.3 Figure 8.14-3	Yes	
Appendix B (g) (14) (C)	A description of the water to be used and discharged by the project. This information shall include:	—	—	

Adequacy Issue: Adequate Inadequate

DATA ADEQUACY WORKSHEET

Revision No. 1 Date Nov 2, 2006

Technical Area: **Water Resources**

Project: Eastshore Energy Center

Technical Staff: Richard Latteri

Project Manager: Lorne Prescott

Docket: 06-AFC-6

Technical Senior: Paul Richins

SITING REGULATIONS	INFORMATION	AFC PAGE NUMBER AND SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS
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;	Section 8.14.2.2.2 Section 8.14.4.1 Section 9.3.2.3.14	Yes	
Appendix B (g) (14) (C) (ii)	The physical and chemical characteristics of the source and discharge water;	Sections 7.2 – 7.4.2 Table 7-2.1 Section 8.14.4.1 <u>10/31/06 AFC Supplement, pgs 15 to 16</u>	No <u>Yes</u>	Please provide the chemical characteristics of the industrial wastewater which is to be discharged to the City of Hayward's sanitary sewer system.
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	Section 8.14.4 Tables 8.14-2 & -3	Yes	
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.	Sections 2.2.7.2 – 2.2.9.1.2 Figures 2.2-6A & -6B	Yes	
Appendix B (g) (14) (D)	A description of pre-, and post-construction runoff and drainage patterns, including:	—	—	
Appendix B (g) (14) (D) (i)	Precipitation and storm runoff patterns; and	Section 8.14.5 Table 8.14-4 <u>10/31/06 AFC Supplement, pgs 18 to 27</u>	No <u>Yes</u>	Please provide pre- and post-construction stormwater runoff patterns for the site and laydown area.
Appendix B (g) (14) (D) (ii)	Drainage facilities and design criteria.	Section 8.14.5 Figure 1.2-3 Appendix 8.14A <u>10/31/06 AFC Supplement, Page 27</u>	No <u>Yes</u>	Please provide the design criteria and location of all pre- and post-construction drainage facilities for the site and laydown area. Figure 1.2-3 shows 2 catch basins without interconnection or discharge points. Please provide all drainage facilities and interconnections/discharge points.

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SITING REGULATIONS	INFORMATION	AFC PAGE NUMBER AND SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS
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;	Section 8.14.4.1	Yes	
Appendix B (g) (14) (E) (ii)	The effects of construction activities and plant operation on water quality; and	Sections 8.14.6.2 & .3	Yes	
Appendix B (g) (14) (iii)	The effects of the project on the 100-year flood plain or other water inundation zones.	Section 8.14.6.6	Yes	
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;	Section 8.14.2 Table 8.14-1	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 8.14-6	Yes	
Appendix B (h) (2)	A discussion of the conformity of the project with the requirements listed in subsection (h)(1)(A).	Section 8.14.2	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 8.14-6	Yes	

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SITING REGULATIONS	INFORMATION	AFC PAGE NUMBER AND SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS
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.	Table 8.14-6	Yes	

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
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**BEFORE THE ENERGY RESOURCES CONSERVATION AND
DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of:)	Docket No.06-AFC-6
)	Order No:
Application for Certification)	Commission Appointment
for the Eastshore Energy Center Project)	of Committee
by Eastshore Energy, LLC)	
_____)	

I. INTRODUCTION

On September 22, 2006, Eastshore Energy, LLC, submitted an Application for Certification for the Eastshore Energy Center Project. The proposed 115-megawatt natural gas-fired plant will be located in the city of Hayward, Alameda County.

II. SUMMARY OF HEARING

At a regularly scheduled business meeting on November 8, 2006, the Commission accepted the AFC as complete and appointed a Committee to preside over the Eastshore Energy Center Project Application for Certification proceedings pursuant to Public Resources Code section 25211 and Title 20, California Code of Regulations, section 1204.

III. ORDER

Having been accepted as complete on November 8, 2006, under Public Resources Code section 25522, the Application for Certification for the Eastshore Energy Center Project is deemed filed as of that date. The statutory timeline for a final decision under Public Resources Code section 25540.6 shall begin as of November 8, 2006, the filing date. The Commission hereby appoints _____ as Presiding Member and _____ as Associate Member to serve as a Committee to preside over the Eastshore Energy, LLC, Application for Certification proceedings.

Dated November 8, 2006

STATE ENERGY RESOURCES
CONSERVATION AND
DEVELOPMENT COMMISSION

JACKALYNE PFANNENSTIEL
Chairman