

**State of California  
Energy Resources  
Conservation and Development Commission**

**In the Matter of:** ) **Docket No. 97-AFC-1**  
 )  
Application for Certification )  
for the High Desert Power Project )  
\_\_\_\_\_ )

**COMMENTS OF COMMISSION STAFF ON  
THE REVISED PRESIDING MEMBER'S PROPOSED  
DECISION FOR THE HIGH DESERT POWER PROJECT**

**Introduction**

On March 31, 2000, the High Desert Power Project Committee (Committee) released the Revised Presiding Member's Proposed Decision (RPMPD) for review and comment. In the RPMPD, the Committee recommends that the High Desert Power Project (HDPP) be approved. Although staff does not disagree with this recommendation, we offer the following comments on issues raised in the RPMPD.

**I. The PMPD Neglects To Include the California Department of Fish and Game as a Party That Disputes The Efficacy of the Conditions of Certification in Ensuring that the Project Will Not Create or Contribute to Significant Adverse Impacts.**

On page 217, the RPMPD states that "all parties except Mr. Ledford agree that, with the implementation of appropriate Conditions of Certification, the HDPP will not create or contribute to any significant direct or cumulative adverse environmental impacts upon water resources." As stated in an e-mail from Steve Adams of the California Department of Fish and Game (CDFG) to Rick Buell, Energy Commission Project Manager, CDFG recommended that **SOIL&WATER-7** contain a provision that requires the project owner to retain ownership of the HDPP wells. In addition, with respect to **SOIL&WATER-17**, CDFG recommended that a provision be added to ensure that any water that VVWD injects through HDPP wells be withdrawn from either HDPP wells or wells that are not identified in **SOIL&WATER-17**, subdivision 1)c. Because staff

believes that withdrawal is prohibited absent an approved storage agreement, staff finds this condition unnecessary. Staff understands that CDFG may file comments on the RPMPD that will include its final recommendations on the proposed decision.

## **II. The RPMPD Is Incorrect in Stating that All Impacts, Including Growth-Inducing Impacts Associated with the Importation of SWP Water, Have Been Analyzed in Pre-existing Environmental Documents.**

The RPMPD cites environmental documents provided by Tom Dodson & Associates, and docketed on March 17, 2000. The RPMP states that these documents are part of the administrative record and that they include an analysis of all impacts associated with the importation of SWP water into the basin. (RPMPD, p. 226, Findings and Conclusions 20, p. 32) However, staff finds nothing in these documents that this Commission could rely upon to address growth-inducing impacts potentially caused by the HDPP.

For example, in the "Plan Description" section of the Draft Program Environmental Impact Report (EIR) for the Mojave Water Agency Regional Water Management Plan, no specific amount of SWP water is identified for any of the identified project alternatives. In addition, in the discussion of growth-inducing effects, the Draft Program EIR refers to the existing EIRs for the general plan of each jurisdiction within the water plan area. In many cases, the Draft Program EIR cites impacts and mitigation measures identified in these EIRs; however, there is no indication that the mitigation, much of which involved local government approval and implementation of infrastructure improvements, has ever been carried out. Finally, and most significantly, this Draft Program EIR merely assumes a single level of growth (based on Southern California Association of Government projections) for both the project and the no-project alternative. (p. 11-6) Similarly, for both scenarios discussed in this chapter of the Draft Program EIR, the same level of SWP importation is assumed. Thus, it contains no analysis of whether increased access to SWP water, either from the HDPP or through other means, would create growth-inducing impacts. As a result, it would be improper for the Commission to rely on it as a basis for concluding that any growth-inducing effects of the HDPP were analyzed and mitigated.

Similarly, the Draft EIR for the transfer of the Berrenda Mesa SWP water entitlement simply states that it is based on an assumption that utility acquisition of water entitlement does not induce growth, as growth is dictated by local land use plans and ongoing growth in Southern California. (p. 6-2) Staff believes that a thorough analysis of growth-inducing effects requires more than merely stating that growth will occur in any event. We encourage the Commission not to rely on this document as evidence that growth-inducing effects associated with access to additional water sources provided by the HDPP have been analyzed.

It is important to note that staff is not arguing that the HDPP, with the mitigation measures recommended by staff, will create growth-inducing effects. Staff believes that the conditions of certification it has recommended will ensure that no such effects occur. However, staff believes that the appropriate basis for a Commission finding that the HDPP will not create growth-inducing effects is those conditions of certification, not documents that do not contain the analyses required by the California Environmental Quality Act for the HDPP.

### **III. The RPMPD Discussion of Dry and Hybrid Cooling Incorrectly Implies that There is Evidence in the Record Indicating that There May Be Significant Adverse Impacts Associated with the Use of Alternative Cooling Technologies.**

The RMPD adds new language about dry and hybrid cooling. While some of the additional text is useful, staff believes that some of it could be misinterpreted as indicating that there may be significant adverse environmental effects associated with the use of dry or hybrid cooling for the HDPP when the evidentiary record does not support such a conclusion.

For example, on page 254, the RPMPD states that

"Wet/dry cooling would result in a higher level of air emissions, which would create the potential for exceeding the 24-hour PM10 standard at the property line. (citation) Regardless of these emission levels, however, additional fuel usage, due to lower plant efficiency from dry or hybrid cooling, would likely require obtaining more offsets for increased air emissions (citation) These potential impacts are avoided by the use of wet cooling."

First, staff was unable to find any reference to the PM10 impact identified by applicant's witness on pp. 51- 52 of the October 7, 1999 transcript in his prefiled testimony. The transcript discussion is somewhat confused in that it addresses air impacts due to wake effects from potentially larger structures (and not from emission increases) without specifying whether the witness accounted for the reduction of PM10 emissions from a hybrid tower versus a wet cooling tower. This is critical, because although the PM10 emission rate is much lower from the cooling towers than the turbine stack, the PM10 impacts identified for this project are dominated by the PM10 emissions from the cooling towers. (Exh. 85, p. 9) Finally, even in the short discussion referenced in the transcript, the witness appears to be somewhat confused. He refers to PM10 impacts from the cooling tower, but then discusses the effect of turbine stack height on those impacts. There is no evidence in the record to indicate that turbine stack height will have an effect on the PM10 impacts caused by PM10 emissions from the cooling tower. Staff encourages the Committee not to rely on this abbreviated and confusing discussion to conclude that a project using hybrid cooling would create a greater level of PM10 impacts than one using wet cooling.

The RPMPD goes on to say that

"the use of alternative cooling technologies would require higher exhaust stacks which, in turn, could interfere with air operations at the SCLA and result in non-compliance with Federal Aviation Administration regulations."

Staff believes that this statement is incorrect. First, as discussed above, there is no analysis in the record that demonstrates that the use of alternative cooling technologies would create greater PM10 impacts. The witness himself conceded that he "didn't do a complete total analysis." (TR. 10/07/99, p. 51; applicant; Ballantine) However, should a complete analysis support a conclusion that higher PM10 impacts would result from the use of hybrid cooling, higher stacks are but one option available to mitigate those impacts. For example, stacks and cooling towers can be moved (the witness apparently assumed that the stacks and cooling towers are in exactly the same place). Because staff was not recommending that the applicant be required to use dry cooling, we did not investigate the likelihood that the stacks could be moved or other mitigation imposed that would reduce any PM10 impacts without raising stack height. We believe the RPMPD should not conclude that PM10 impacts would require the construction of turbine stacks that do not conform to FAA requirements without an analysis of these issues in the record.

In addition, the RPMPD states that turbine stack emissions will increase with the use of dry or hybrid cooling because of the increased fuel use to compensate for the reduced efficiency associated with such systems. This assumes that the only option for operating a facility that uses hybrid or dry cooling is to increase fuel use to maintain the capacity of the facility. Obviously, another option is to operate the facility within the emission limits that would apply to a facility utilizing wet cooling. Moreover, even if capacity is maintained, there is no evidence in the record to indicate that the slighter higher turbine stack emissions caused by increased use of fuel would create any significant adverse impacts. In fact, staff testified that "[f]or most natural gas-fired combined cycle gas turbines projects, which are comparatively clean anyway, the increase in emissions should not cause air quality impacts. (Exh. 85, p. 9) Staff does not believe that having to obtain additional offsets represents a significant adverse environmental impact.

Finally, the RPMPD concludes that there is "credible evidence [that] indicates that the use of alternative systems would increase the level of certain impacts or cause nonconformance with applicable regulations." (RPMPD, p. 257) Staff does not believe that the evidence of record indicates that the use of hybrid or dry cooling would create any significant adverse impacts that could not be adequately mitigated or any nonconformity with applicable law. Staff did not recommend that the Commission require dry cooling, and therefore did not conduct a complete analysis of any impacts that would be associated with its use, or the availability of mitigation to reduce or eliminate any such impacts.<sup>1</sup> Absent a thorough examination of that type, staff believes it is inappropriate for the Commission to conclude that the use of dry or hybrid cooling would increase impacts. Staff therefore recommends the language on page 257 of the RPMPD (quoted above), and the new language added to Finding and Conclusion 2 on page 258 be eliminated in the final decision for the HDPP.<sup>2</sup>

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<sup>1</sup> Staff concluded that the difference in visible impact would be negligible, and that there would not likely be any significant increase in noise impacts. (Exh. 85, Visual Resources, p. 1; Noise, p. 1)

<sup>2</sup> Although staff focuses on air quality impacts in these comments, our comments are equally applicable to the noise impacts and visual impacts discussed on p. 255 of the RPMPD. Such impacts may or may not occur,

Similarly, although staff did not identify any significant adverse impacts associated with the use of wet cooling, we believe that the final decision should acknowledge the potential benefits of dry and hybrid cooling. The elimination of the use of SWP water is a significant benefit; there are small benefits associated with the reduction in the volume of waste discharged (Exh. 85, Waste Management, p. 1), and the reduction of health risks associated with the exposure to additives in the make-up water (Exh. 85, Public Health, p. 1).

#### **IV. The PMPD Should Incorporate the Following Minor Changes.**

**SOIL&WATER-1:** There is no verification for the condition about the sizing of project facilities. Staff recommends that the final decision for the project include a verification.

**SOIL&WATER-2:** The RPMPD says that project owner shall provide a copy of the storage agreement with MWA prior to the initiation of any groundwater banking and on an annual basis thereafter. However, it has come to staff's attention that a storage agreement is typically for a period of five years. (Exh.123) Staff recommends that the condition be modified to delete that language and substitute "and within 15 days of any amendment or renewal of the storage agreement."

**SOIL&WATER-13:** This condition refers to treating banked SWP water to meet local groundwater conditions "as identified in Condition **SOIL&WATER-2**". However, it is **SOIL&WATER-12** that contains specification of groundwater conditions. Staff recommends that this condition be amended to reference **SOIL&WATER-12**.

**SOIL&WATER-19:** The verification for this condition is identical to that for **SOIL&WATER-2**. We suggest combining them.

Page 251, delete the new "and" in the first paragraph.

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depending on how the project is designed, and could be further reduced in any event by imposition of mitigation measures.

Page 253: delete "and low humidity" at the end of the first partial paragraph.

**Conclusion**

Staff recommends that the Commission make the changes identified above prior to the adoption of a Commission decision on the project. These changes will ensure that the final Commission decision better reflects the evidentiary record of the proceeding.

Date: April 13, 2000

Respectfully submitted,

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