

CALIFORNIA ENERGY COMMISSION

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STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:)
)
Application for Certification for the)
LA PALOMA GENERATING PROJECT)
_____)

Docket No. 98-AFC-2
ORDER REOPENING EVIDENTIARY RECORD
-and-
ERRATA to Presiding Member's
Proposed Decision

The Committee published the Presiding Member's Proposed Decision (PMPD) for the La Paloma Gearing Project on July 20, 1999. We then conducted a Conference to receive comments on August 24, 1999.

At the Conference, Applicant requested that we hold the PMPD "in abeyance" pending issuance of a second Final Determination of Compliance (FDOC) by the San Joaquin Valley Unified Air Pollution Control District (District) and reopening of the evidentiary record (Applicant's August 18, 1999 Comments on the PMPD, p. 2; see also 8/24/99 RT 8-13).

In our view, neither the comments received nor the reopening of the record necessitated the preparation of a revised PMPD (see Cal. Code of Regs., tit. 20, sec. 1753). We therefore submit this Errata to amend the contents of the July 20, 1999 document.

I. ORDER REOPENING EVIDENTIARY RECORD

Following release of the PMPD, Applicant requested that the District make certain revisions to the final DOC contained in the record. (Ex. 53). These revisions were

minor, affecting CO and VOC emissions, but not the BACT determination, the daily emissions limits, or the emissions offsets quantities. Under District procedures, this necessitated issuance of a revised preliminary DOC, a 30-day comment period, and issuance of a revised final DOC.

Applicant provided the revised final DOC on September 23, 1999, followed by supporting declarations. Applicant and Staff jointly requested reopening of the evidentiary record for the limited purpose of including these materials. This procedure was consistent with that discussed at the August 24 Conference (8/24/99 RT 12-15).

We therefore reopen the evidentiary record to receive the following exhibits:

- ◆ EXHIBIT 60: Revised Final Determination of Compliance prepared by the San Joaquin Valley Air Pollution Control District, dated September 22, 1999.
- ◆ EXHIBIT 61: Declaration of Mr. S. Sadredin authenticating September 22, 1999 Final Determination of Compliance, dated September 23, 1999.
- ◆ EXHIBIT 62: Declaration of William Steiner, dated September 27, 1999.
- ◆ EXHIBIT 63: Staff's proposed changes to Air Quality Conditions of Certification, dated September 29, 1999.

The following Errata reflect this action and necessary changes to the Conditions of Certification.

II. COMMENTS RECEIVED

Applicant, Staff, and Duke Energy commented on the PMPD, as did a member of the public. Many of the comments are merely editorial in nature, or suggested minor technical changes. We endorse these comments and recommend they be incorporated, without repeating them below.

Other comments which we recommend incorporating are as follows:

p. 47, “Facility Design Table 1”:

- Third item should read “300 MVA” rather than “thirty (30)0 MVA”.
- Last item should read “18 kV to 230 kV” rather than “18/2 thirty kV to 230 kV”.

p. 48, “Facility Design Table 2”:

- Replace with the following table:

Quantity	Description	Dimensions (ft)*±		
		Length	Width	Height
4	Combustion gas turbine generator and starter package (CT).	50	45	20
4	CT air inlet filter with air cooling system.	100	20	35
4	Generator with enclosure.	40	20	25
4	Heat Recovery Steam generator (HRSG).	130	45	65
4	HRSG stack.		18.5 dia.	100
4	Selective catalytic reduction skid (SCR).	20	15	10
4	Steam turbine pedestal w/turbine and condenser.	45	50	30
4	Auxiliary transformer	45	45	25
4	Step-up transformer	45	30	25
1	Demineralized water storage tank.		40 dia.	20
1	Fire/Service water storage tank		60 dia.	30
1	Aqueous ammonia storage tank.		26 dia.	12
2	Wet cooling tower.	230	65	40
1	Water storage reservoir		74 dia.	24
1	Free-standing communication tower			30
1	Switchyard buses and towers.	700	230	35
1	Electrical/administrative/control building	60	80	20
4	Gas Compressors	41	57	23

**Dimensions are approximate*

p. 74, first sentence under “Description”:

- Insert “under certain assumed conditions” between “deliver” and “about”.

p. 78, line 8:

- Delete “will likely” and replace with “may”.

p. 79, “Finding 6”:

- Change “940” to “1048”.

p. 88, under “A. AIR QUALITY”, insert as second and third paragraphs:

- “On August 9, 1999, Applicant requested that the District incorporate certain corrections into its final Determination of Compliance (DOC). This necessitated the issuance of a revised preliminary DOC (dated August 12,

1999), a 30-day comment period, and the issuance of a revised final DOC on September 22, 1999. The changes affected the CO and VOC emission limits, but did not affect the BACT determination, the daily emissions limits, or the emissions offsets quantities. (Exs. 60, 62). Applicant formally accepted the revised conditions. (Letter from Roger Garratt, dated September 21, 1999.)

Comments from the CARB on the revised FDOC appeared to indicate a potential concern regarding the District's BACT determination for CO (letter from CARB, dated September 15, 1999, pp. 2-3). Testimony from the Applicant, submitted under declaration (Ex. 62), indicates, however, that the District's BACT determination for CO is "within the range of recent CO BACT determinations for similar projects" (*Id.*, p. 1) and is consistent with CARB's guidance. Consequently, the evidence indicates that the District's determination is acceptable. The Committee reopened the evidentiary record to receive the revised final DOC (Ex. 60) and supporting declarations. (Exs. 61, 62)."

p. 94, under "Other Considerations," lines 7-9:

- Revise to read: "Applicant has requested that the PSD permit be amended to conform with the requirements of the revised final DOC (8/24/99 RT 12-13; letter of August 26, 1999). US EPA has preliminarily approved this request."

p. 99, condition "AQ-11," first line:

- Delete "Within two hours of any starting" and replace with: "By two (2) hours after turbine light-off, "... .

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p. 99, condition "AQ-12":

- Change the VOC emission rate from "2.66 lb/hr and 0.4 ppmvd" to "as propane 2.80 lb/hr and 0.7 ppmvd".
- Change the CO emission rate from "21.08 lb/hr" to "31.40 lb/hr".

p. 102, condition "AQ-20," line 2:

- Insert "and measurement of cold start VOC emissions shall be performed" between "shall be demonstrated" and "for one of".

p. 102, condition "AQ-23," line 2:

- Delete "CO/VOC" and replace with "VOC/CO".

p. 103, condition "AQ-26":

- Delete last sentence ["Ongoing compliance...normal operation."] and replace with: "Compliance with hourly, daily, and twelve month rolling average VOC emission limits shall be demonstrated by the CO CEM data and the VOC/CO relationship determined by annual CO and VOC source tests."

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p. 108, condition "AQ-46," first line:

- Delete “Within two (2) hours of any starting” and replace with: “By two (2) hours after turbine light-off,”.

p. 138, 1st paragraph:

- Revise to read: “Natural lands” is privately owned habitat that contains a variety of native and non-native plant species providing food and cover for the local wildlife. “Protected lands” refers to those areas that are currently managed by the Bureau of Land Management (BLM), CDFG, or the CNLM to benefit local wildlife. (Ex. 54, p. 14). As shown above, impacts to protected lands will be mitigated at a higher compensation ratio than impacts to natural lands.”

p. 156, Verification:

- Change “one hundred twenty (120)” to “ninety (90)”.

p. 157, Verification:

- Change “ninety (90)” to “seventy-five (75)”.

p. 159, Verification:

- Change “seventy-five (75)” to “sixty (60)”.

pp. 160-61, first existing paragraph of condition CUL-6:

- Revise to read: “The designated cultural resource specialist or their delegated monitor shall have the authority to halt or redirect construction if potentially significant previously unknown cultural resource sites or materials are encountered during project-related ground disturbance including grading, augering, excavation, and/or trenching. The designated cultural resource specialist shall notify the CPM within 24 hours of the find and work stoppage.

The halting or redirection of construction shall remain in effect until: a) the designated cultural resource specialist determines that the materials are not significant; or b) the specialist meets with the CPM, and any necessary data recovery and mitigation have been completed.” [balance unchanged].

p. 162, first paragraph of condition CUL-9:

- Revise to read: “The designated cultural resource specialist or their delegated monitor shall be present to monitor construction-related ground disturbance, including grading, excavation, trenching, and/or augering in the vicinity of previously recorded archaeological sites, in areas where significant cultural resources have been identified during project construction, and at any other locations specified in the approved monitoring and mitigation plan.”

p. 183, condition SOIL&WATER-3:

- Revise first sentence to read: “Prior to the start of commercial operation... .”

p. 183, Verification to condition SOIL&WATER-3:

- Revise to read: “Two (2) weeks prior to the start of commercial operation, the project owner will submit to the Energy Commission CPM a copy of the Storm Water Pollution Prevention Plan (SWPPP), and a copy of the Water Quality Control Board authorization to operate under the General Permit.”

pp. 183-84, condition SOIL&WATER-4:

- Revise to read: “Prior to completion of rough grading, the project owner shall notify the Energy Commission CPM which of the wastewater disposal methodologies...changes to the permit. If the zero liquid...the project owner shall submit to the CPM a description and schematic of the system. Within sixty (60) days, or within a timeframe approved by the CPM, ...shall submit to the CPM...from the zero discharge system.”

p. 184, Verification to condition SOIL&WATER-4:

- Revise existing last sentence to read: “If a zero liquid discharge system is the selected disposal methodology, then within sixty (60) days of beginning operation of the project, or within a timeframe approved by the CPM, the project owner shall submit to the CPM the results of the Waste Extraction Test of the residual cake solid waste from the zero liquid wastewater system. A status report...compliance report submitted to the CPM.”

p. 196, condition LAND USE-1, line 2:

- Insert “and to the Energy Commission Compliance Project Manager (CPM) for review and approval” after “review and comment”.

Dated: _____

ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

ROBERT A. LAURIE, Commissioner
Presiding Member
La Paloma AFC Committee

DAVID A. ROHY, Ph.D., Vice Chair
Associate Member
La Paloma AFC Committee