

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION
FOR THE LOS ESTEROS CRITICAL
ENERGY FACILITY 2, PHASE 1**

Docket No. 03-AFC-2

**ERRATA TO THE PRESIDING MEMBER'S PROPOSED DECISION
AS REVISED BY INTERLINEATION**

The following list of Errata shall be incorporated by reference into the Presiding Member's Proposed Decision (PMPD), which is scheduled for hearing by the full Commission at its March 16, 2005, Business Meeting. The Errata are based on the comments filed by the parties during the 30-day comment period. None of the Errata change the substantive findings or conclusions of the PMPD.

INTRODUCTION

A Committee Conference was held on March 14, 2005, in Sacramento, attended by Applicant, Staff and one Intervenor, Californians for Renewable Energy, Inc. (CARE). CARE was represented by Mr. Robert Sarvey, accompanied by Rebecca Lucky, the Executive Director of the Silicon Valley Bicycle Coalition. Each of these parties had previously submitted written comments on the Presiding Member's Proposed Decision (PMPD). Also in attendance, by Committee request, was Mr. Steve Hill, representing the Bay Area Air Quality Management District (BAAQMD). A full discussion of each point raised in the written comments was undertaken and several issues were taken under submission by the Committee. Additionally, some language in the PMPD was altered by Stipulation among all the parties. The following errata is the result of that Committee Conference.

One of the comments by CARE concerned some alleged damage by Calpine during the original construction of the power plant to a bicycle path built in the Caltrans right of way. Ms. Lucky offered some insights into this matter. That issue was raised in a March 7, 2005 letter to the Energy Commission from the Silicon Valley Bicycle Coalition. However, no party offered evidence on this issue. Nevertheless, if the damage resulted from the project construction, it should be corrected. The Committee encourages the Applicant to work with the affected parties to repair the damage within the near future or the issue will be made a part of the record in Phase 2 of these proceedings and the Committee has raised the issue with compliance staff.

CARE's other comments about alternatives, efficiency, Best Available Control Technology (BACT) and PM-10 Mitigation were previously briefed by the parties. Mr. Hill presented a cogent explanation of the inapplicability of BACT to the issues under discussion that corresponded to the PMPD. CARE's position was properly rejected in the PMPD. No changes are needed here.

PAGE	DESCRIPTION
7	Change the words " two 18-inch diameter lines" to read "one 18-inch diameter line."
15	In the second paragraph, change the words "5-acre parcel south of the access road has been leased to Calpine" to read "5-acre easement south of the access road has been purchased by Calpine"
16	In the last bulleted item, replace the word "two" with the word "one" and change "supply lines" to "supply line."
58	On pages 58 through 76, delete all the conditions of certification and replace them with those Conditions of Certification contained in Appendix A to the Staff Comments on the Presiding Members Proposed Decision dated March 9, 2005.
84	In the last line on the page, change "will be installed" to "has been installed."
130	In the middle of the page, change "COMMISSION DISCUSSION" to "COMMITTEE DISCUSSION.'
130	In the first paragraph of the Discussion, change the word "identified" to read " correlated."

130	In the last sentence on the page, change it to read: “The Commission has recognized that untreated or inadequately treated cooling towers at power plants can potentially pose risks to the public ...”
159	In the first line of Condition of Certification BIO-11 , change “55-acre” to “34-acre.”
162	In the middle of the page, eliminate the duplication of the word “ Verification ”
171	In the Verification for CUL-3 , change the first sentence to read in part: “At least 10 days prior to the start of project construction or changes related to vegetation clearance ...”
190	In the second paragraph, first line, change the word “reviewing” to read “has reviewed” and in the third line insert the word “is” preceding the word “proposing.”
198	Under SOIL & WATER-3 , subparagraph 1, replace the words “Permits 3 and 7” with the words “Permits 7 and 33.”
199	In the explanatory paragraph beginning “Only minor changes...”, after the first sentence, insert a sentence that reads: “Following Staff’s last consultation with the U.S. Army Corps of Engineers (ACOE), the ACOE has since specified that Nationwide permits 7 and 33 will be needed for the stormwater outfall as now reflected in condition 1 of SOIL & WATER-3 .”
201	In Condition of Certification SOIL & WATER-10 , change the words “Permit #’s 3 and 7” to read “Permit #’s 7 and 33.”
201	In Condition of Certification SOIL & WATER-10 , delete the words “the placement of scour armor” and insert at that point the words “temporary construction, access and dewatering.”
201	In the Verification portion of Condition of Certification SOIL & WATER-10 , change the words “Permit #’s 3 and 7” to read “Permit #’s 7 and 33” in both places they appear.
201	Delete the bold-faced Explanatory Note following In the Verification portion of Condition of Certification SOIL & WATER-10 and replace it with: “ The ACOE has since specified that Nationwide Permits 7 and 33 are applicable to the storm water outfall. Otherwise, modification to permits and plans required as part of relocating the storm water outfall into Coyote Creek can be made without altering the condition. ”

COMMITTEE ORDER

The Errata listed hereinabove are adopted by the Committee and incorporated into the PMPD for consideration by the full Commission.

By Order of the Committee.

Dated March 17, 2005, at Sacramento, California.

JACKALYNE PFANNENSTIEL
Vice Chair and Associate Member
Los Esteros 2 AFC Committee