

**STATE OF CALIFORNIA**  
**Energy Resources Conservation**  
**and Development Commission**

In the Matter of:	)	Docket No. 99-AFC-4
	)	
Application for Certification	)	COMMITTEE AMENDMENTS
For the MOSS LANDING	)	To OCTOBER 12, 2000
Power Plant Project	)	ERRATA and to the PRESIDING
<hr/>		MEMBER S PROPOSED DECISION

- *Errata*, page 2, following the first partial paragraph add the following:

At the September 21, 2000 Committee Conference, James Stillwell, General Manager of the Moss Landing Harbor District (District), entered into the record a letter from the District stating concerns about the Project s relationship to the District. The District s concerns regarding noise have been addressed in our record. Concerns regarding fallout type particulate (FTP) from existing Units 6 and 7 and electrolysis allegedly related to the existing outfall line were not raised during the case and the record contains no evidence regarding these matters. The District s concerns regarding dredging are related to the successful operation of the Project s cooling water intake system (CWIS) and should be addressed. Therefore, the Commission has added Condition of Certification SOIL&WATER-6, requiring the project owner to enter an agreement with the District to address the Project s fair share of the dredging requirements associated with the CWIS.

- *Errata*, page 5, change **SC-AQ-54** to read as follows:

**SC-AQ-54** The project owner shall ensure that all heavy earthmoving equipment including, but not limited to, bulldozers, backhoes, compactors, loaders, motor graders and trenchers, and cranes, dump trucks and other heavy duty construction-related trucks, have been properly maintained and the engines tuned to the engine manufacturer s specifications. The project owner shall place into the account of the District s Carl Moyer Program, or into a similar District or State emission reduction program, \$100,000 to cover the cost of permanent diesel retrofit or replacement that provides emission reductions at or near Moss Landing. It is the intention of this condition to link as closely as possible, in both time and location, the use of the deposited funds with heavy equipment construction activities at the project.

**Verification:** The project owner shall submit to the CPM, via the Monthly Compliance Report, documentation which demonstrates that the contractor s

heavy earthmoving equipment is properly maintained and the engines are tuned to the manufacturer's specifications. The project owner shall maintain all records on the site for six months following the start of commercial operation. Owner/operator shall request that funds deposited with the District be earmarked for the Moss Landing area. The owner/operator shall make the deposit within 30 days of receiving its final permit authorizing project construction. Owner/operator shall provide evidence to the CEC CPM of the timely deposit within 15 days of making the deposit.

- *Errata*, page 10 paragraph A. Goal, following the last sentence add:

For habitat acquired, protected, or restored, measures will be identified to monitor the long-term maintenance of such habitat.

- *Errata*, page 11, first bullet, second line:

lands that contribute the greatest negative input

- *Errata*, page 11, third bullet: As previously described, restore wetlands in the slough.

- *Errata*, page 11, last bullet, first sentence: Enhancement Project will be in the Elkhorn Slough watershed.

- *Errata*, page 13, tenth bullet: projects funded by the mitigation money are expected to be complete

- *Errata*, page 11, Condition **BIO-7**, second bullet under B. Objectives :

by the National Resources Conservation Service (NRCS) and other local partners.

- *Errata*, page 16, change to **SOIL&WATER-5** as follows:

**SOIL&WATER-5** No earth disturbing activities for construction of the proposed project shall occur until the site has been successfully remediated by PG&E. If the site has not been successfully remediated by PG&E, no earth disturbing activities within either or both of the two contaminated areas identified below shall begin until the appropriate plan is reviewed and approved by the California Energy Commission CPM.

**Protocol:** Each plan shall identify measures that will be undertaken to ensure that contaminated soil and/or surface or groundwater disturbed during construction activities will not degrade adjacent water resources and associated aquatic habitats.

1. Phase I: Final Soil and Groundwater Management Plan. The Phase I Plan shall include soil and groundwater remediation measures for all areas within the building footprint of the new units and/or demolition activity in the fuel tanks 1-10 area.
2. Phase II: Soils and Groundwater Management Plan for Cooling Water System Construction and Ancillary Facilities. The Phase II Plan shall include the area affected by cooling water system and ancillary facility construction.

The project owner shall implement the measures identified in the Energy Commission approved plan.

**Verification:** At least 30 days prior to the start of construction, the project owner shall submit a letter from the Department of Toxic Substances Control indicating that the site has been successfully remediated by PG&E. If the site has not been remediated, the project owner shall submit a plan for each of the phases for review and approval to the CEC CPM. This plan will identify measures that will be undertaken to ensure that contaminated soil and/or surface or groundwater disturbed during construction activities will not degrade adjacent water resources and associated aquatic habitats. The CEC CPM shall coordinate review of this plan with the Department of Toxic Substances Control, Regional Water Quality Control Board, Monterey County Environmental Health Department, the Department of Fish & Game and the Coastal Commission. No earth moving activities associated with construction of the proposed project will occur within the Phase I & II areas until the proposed project has been successfully remediated by PG&E. If the site has not been successfully remediated by PG&E, construction shall not begin within a contaminated area until the appropriate Plan for that specific area has been approved by the CEC CPM.

- PMPD, page 150, third line: larval forms of fish organisms that were entrained.
- PMPD, page 181, first full paragraph, third line from the bottom: only 13 percent of the larval forms of only 8 species of fish organisms
- PMPD, page 184, following Finding 7, add the following and renumber subsequent findings:
  8. The Commission recommends that prior to each 5-year renewal of the project's NPDES permit, the Central Coast Regional Water Quality Control

Board require the project owner to provide an analysis of alternatives and modifications to the cooling water intake system 1.) which are feasible under CEQA and, 2.) could significantly reduce entrainment impacts to marine organisms.

- *Errata*, page 239, add the following:

SOIL&WATER-6 The project owner shall reach an agreement with the Moss Landing Harbor District which obligates the project owner to bear its fair share of responsibility for dredging which is necessary for the successful operation of the project s cooling water intake system.

**Verification**: Not less than 30 days prior to commencing modifications to the portion of the cooling water intake system adjacent to the Moss Landing Harbor, the project owner shall provide the CEC CPM with a copy of an agreement between the project owner and the Moss Landing Harbor District relative to the above condition.

Dated: October 25, 2000

ENERGY CONSERVATION AND  
DEVELOPMENT COMMISSION

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WILLIAM J. KEESE, Chairman  
Presiding Member  
Moss Landing AFC Committee

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MICHAL C. MOORE, Ph.D.  
Commissioner and Associate Member  
Moss Landing AFC Committee