

# California Energy Commission

**Panoche Energy Center  
Application for Certification  
06-AFC-5**

**James W. Reede, Jr., Ed.D  
Project Manager  
Energy Facility Licensing**

**December 12, 2006**



# Purpose of Siting Process

“ ...ensure that a reliable supply of electrical energy is maintained at a level consistent with the need for such energy, for protection of public health and safety, for the promotion of the general welfare, and for environmental quality protection.”

**Public Resources Code 25001**



# Energy Commission's Role

- **Energy Commission permitting authority**
  - Thermal power plants 50 megawatts or greater
  - Related facilities
    - electric transmission lines
    - water supply pipelines
    - natural gas pipelines
    - waste disposal facilities
    - access roads
- **Lead state agency for California Environmental Quality Act (CEQA)**



# Overview of Three-Step Licensing Process

## 1. Data Adequacy

- Minimum requirements to accept application

## 2. Staff Discovery and Analyses

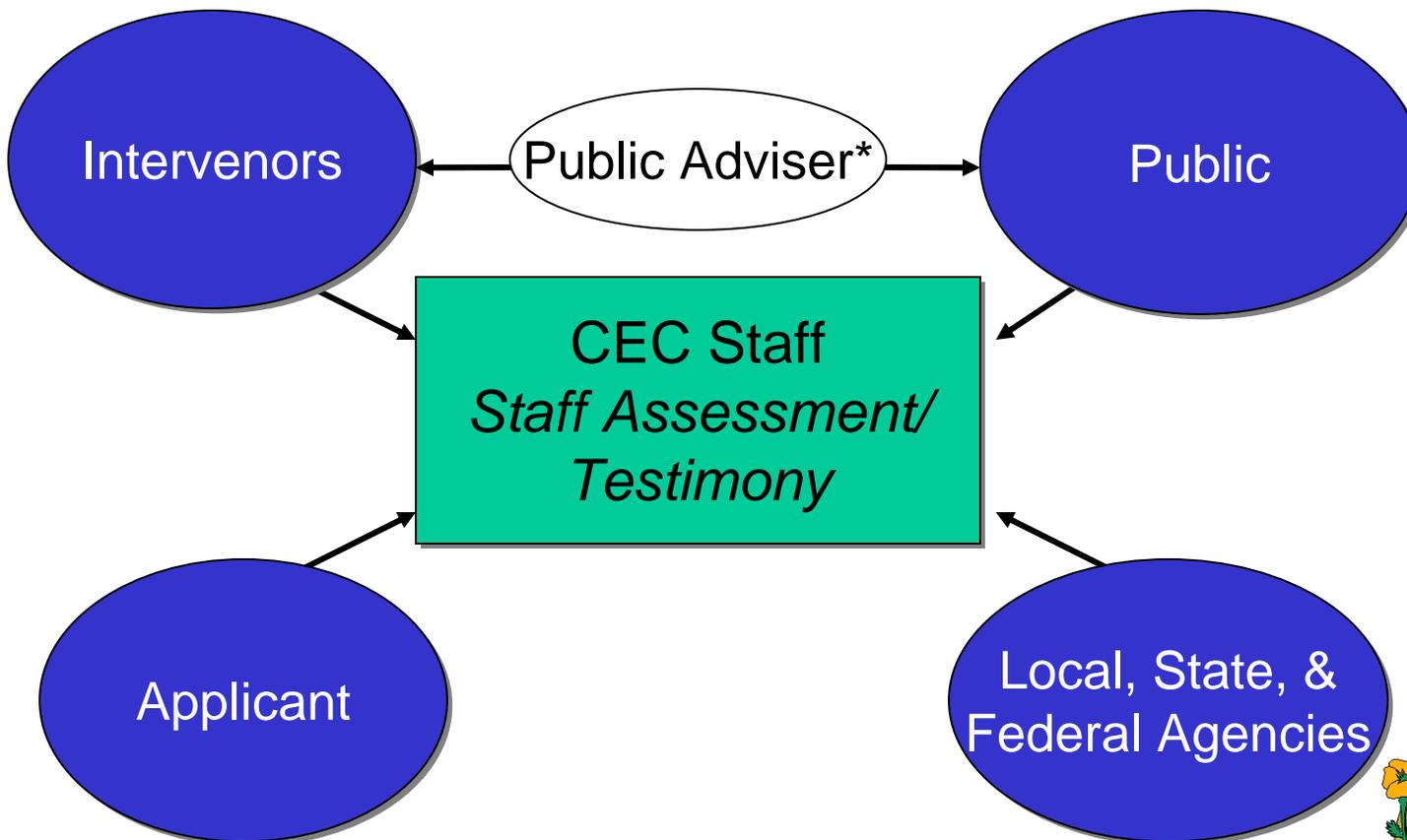
- Issues Identification
- Data requests
- Workshops
- Staff Assessments (Preliminary and Final)

## 3. Evidentiary Hearing and Decision

- Committee holds evidentiary hearings
- Committee produces Presiding Member's Proposed Decision
- Goes before full Commission for decision



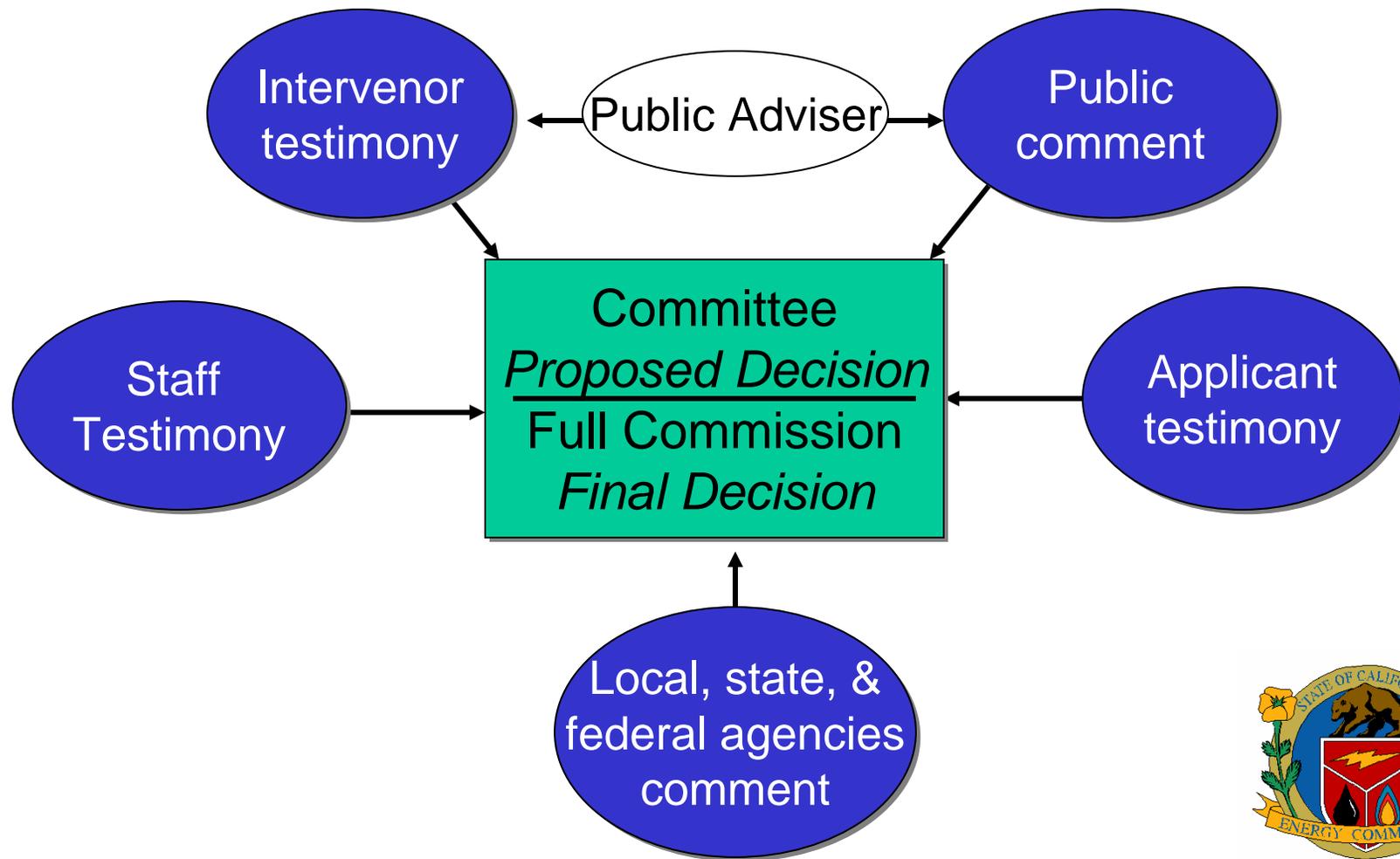
# Staff Discovery and Analyses Process



\* The Public Adviser provides assistance on how to participate in the CEC's public process.



# Evidentiary Hearing & Decision Process



# Staff's Analysis of the AFC

- Determine if proposal complies with Laws, Ordinances, Regulations, Standards (LORS)
- Conduct engineering and environmental analysis
  - identify issues
  - evaluate alternatives
  - identify mitigation measures
  - recommend conditions of certification
- Facilitate public and agency participation
- Staff products: Preliminary Staff Assessment (PSA) and Final Staff Assessment (FSA)
- Make recommendations to the Committee



# Local, State and Federal Coordination

- Staff works closely with local, state and federal agencies, for example:
  - **Local/Regional**
    - Fresno County Planning Department
    - San Joaquin Valley Air Pollution Control District SJVAPCD
  - **State**
    - CA Air Resources Board
    - Department of Toxic Substances Control
  - **Federal**
    - US Environmental Protection Agency
    - US Bureau of Reclamation



# What Happens after the FSA

- **Committee issues Presiding Member's Proposed Decision (PMPD)**
  - Contains findings relating to
    - environmental impacts, public health, engineering
    - project's compliance with LORS
  - Recommends conditions of certification
  - Recommends whether or not to approve the project
- **Full Commission makes decision**
- **Energy Commission monitors compliance with all conditions of certification, for the life of the project**
  - includes facility closure



# A Bit About the Public Process

- **Open Public Process**
  - Workshops and Hearings noticed at least 10 days in advance
  - Mailing lists
- **Documents are available for public review at:**
  - Public Libraries in Mendota and Firebaugh, (also Sacramento, Los Angeles, San Francisco, San Diego, Fresno, and Eureka)
  - Energy Commission Library in Sacramento
  - Energy Commission Web site:  
[www.energy.ca.gov/sitingcases/panoche/index.html](http://www.energy.ca.gov/sitingcases/panoche/index.html)
  - Dockets Unit at the Energy Commission  
1516 9th Street, MS - 4  
Sacramento, CA 95814-5512



# Ways You May Participate

- **Submit written comments or statements to the Commission**
- **Provide oral comments at public meetings**
- **Become a formal intervenor (Contact Public Adviser, Margret Kim)**
- **Provide written comments on the PSA, FSA, and PMPD**



# Staff's Issues Identification Report

## ■ Purpose

- Inform participants of potential issues
- Early focus on important topics

## ■ Criteria

- Significant impacts that may be difficult to mitigate
- Non-compliance with LORS
- Conflicts between parties about appropriate findings or conditions of certification for Commission decision that could delay schedule



# Potential Issues Identified by Staff

- Land Use
- Noise
- Geological, Soils and Water Resources



# LAND USE

- **Requires partial cancellation of Williamson Act contract which may take up to a year.**
- **Subdivision Map Act requirements regarding the parcel split are yet undetermined.**



# NOISE

- Power plant noise at the nearest noise-sensitive residential receptors (homes) ML1 and ML2, are 52 dBA and 58 dBA, respectively, and would exceed the Fresno County nighttime noise limit of 45 dBA.



# GEOLOGICAL, SOILS, & WATER RESOURCES

- The project is planning on injecting wastewater via a new deep-injection well, approximately 5,000 feet below ground surface. A Class I Underground Injection Control permit from US Environmental Protection Agency (USEPA) is required prior to drilling a full exploratory boring on-site. The permit application, submitted on 9/15/06, can take up to 12 months for USEPA approval. Therefore, the permit may not be approved prior to issuance of the Final Staff Assessment (FSA).



# GEOLOGICAL, SOILS, & WATER RESOURCES

- The initial geological modeling analysis indicates that conditions beneath the site should support confined wastewater injection with no permeation into surrounding soils or groundwater, or collapse of the wall structures favorable for waste-water injection. However, until the exploratory boring is completed, staff will not be able to determine whether the underlying geologic formation and deep-injection well would actually be impermeable and physically stable.



# GEOLOGICAL, SOILS, & WATER RESOURCES

- In the event the proposed waste-water injection well is found to be unusable as intended because of the underlying geologic formation, the applicant intends to submit additional information to request drilling at another site or use an alternate wastewater disposal method. Staff prefers to have the project specific waste-water disposal method identified prior to the FSA and Decision.



# TRANSMISSION SYSTEMS ENGINEERING

- The System Impact Study (SIS) submitted with the AFC required 37 miles of 230kV transmission line reconductoring and mitigation for the system impacts of the project. Staff was notified that PG&E was revising the SIS and that the mitigation may change. No information has been provided, therefore, staff must begin its analysis under the premise there may be environmental impacts not yet identified by the applicant associated with the reconductoring.



# Staff's Proposed Schedule

Applicant files Application for Certification (AFC)	8/2/06
Executive Director's recommendation on data adequacy	11/6/06
Decision on data adequacy at the business meeting	11/8/06
Staff files Issue Identification Report	12/6/06
Staff files Data Requests	12/8/06
Information hearing and site visit	12/12/06
Applicant provides data responses	1/9/07
Data response and issue resolution workshop	1/17/07
Local, state & federal agency draft determinations & SJVAPCD PDOC	2/27/07
Preliminary Staff Assessment (PSA) filed	3/27/07
Staff Assessment workshop	4/10/07
Local, state & federal agency final determinations & SJVAPCD FDOC	4/13/07
Final Staff Assessment filed	4/30/07
Evidentiary hearings*	TBD
Committee files proposed decision*	TBD
Hearing on the proposed decision*	TBD
Committee files revised proposed decision*	TBD
Commission Decision	11/8/07

\* The assigned Committee will determine this part of the schedule



# Staff's Proposed Schedule

- **Meeting this schedule will depend on:**
  - Applicant's timely response to staff's data requests.
  - Timing of the SJVAPCD filing of the Determination of Compliance
  - Determinations of other local, state, and federal agencies
  - Other factors not yet known



# Contacts

- **California Energy Commission (CEC)**
  - **James W. Reede, Jr., Ed.D., Project Manager**
    - (916) 653-1245, e-mail: [jreede@energy.state.ca.us](mailto:jreede@energy.state.ca.us)
    - Web page:  
[www.energy.ca.gov/sitingcases/cityofvernon/index.html](http://www.energy.ca.gov/sitingcases/cityofvernon/index.html)
  - **Paul Kramer, Commission's Hearing Officer**
    - (916) 653-6310, e-mail: [pkramer@energy.state.ca.us](mailto:pkramer@energy.state.ca.us)
  - **Margret Kim, Public Adviser**
    - (916) 654-4489 or (800) 822-6228
    - e-mail: [pao@energy.state.ca.us](mailto:pao@energy.state.ca.us)

