

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:)	Docket No. 99-AFC-7
)	
Application for Certification)	ERRATA TO THE PRESIDING
for the Pastoria Energy Facility)	MEMBER'S PROPOSED DECISION
(Enron North America Corp.))	
_____)	

The following Errata shall be incorporated by reference in the Presiding Member's Proposed Decision (PMPD), which is scheduled for hearing by the full Commission at its December 20, 2000, Business Meeting. The list of Errata identifies edits and other non-substantive changes that clarify the evidence of record and reflect comments filed by the parties during the 30-day comment period.

General Clarifications

Correction throughout the PMPD, the description of the water supply pipeline is a 0.15-mile line instead of a 0.2-mile line. See description of Route 2A as shown on Revised Map 3.2-1 in **Project Description**.

INTRODUCTION

Page 1, last paragraph, first sentence should state: "PEF is the ~~seventh~~ ninth merchant power plant"

Page 2, first full paragraph, add the following: "... the Wheeler-Ridge-Maricopa Water Storage District, the Kern County Water Agency, Westside Mutual Water Company, Kern County Fire Department, Kern County Planning Department, the California Independent System Operator"

Page 4, first paragraph: "... for a new 31.05-acre parcel ~~originally held by~~ leased to the project by Tejon Ranchcorp ... "

Page 4, last paragraph: "...the Committee agreed to ~~accept~~ include her interpretation... "

Page 6, second paragraph: "Staff then publicizes its initial technical evaluation of a project in a document called the "Preliminary Staff Assessment (PSA), which is made available for public comment. Staff's responses to public comment on the

PSA and its complete analyses are published in the Final Staff Assessment (FSA).”

PROJECT PURPOSE AND DESCRIPTION

Page 9, first paragraph, third line: “... Pastoria Energy Facility (PEF), a ~~nominal~~ nominally rated 750 megawatt”

Page 11, second full paragraph, penultimate sentence: “... through the services of Azurix, a water brokering firm ~~co-owned~~, which is a subsidiary of Enron.”

ALTERNATIVES

Page 20, second paragraph, third sentence: “Staff determined that solar and wind technologies are not feasible alternatives because they would require large land areas resulting and may result in significant land use, biological, and visual impacts....”

Page 21, first paragraph, second sentence: “...result in fewer environmental effects ~~that~~ than the preferred....”

Page 28, Findings and Conclusions, item 2: “...technologies, fuels, sites, and the “no project” alternative.”

EFFICIENCY

Page 72, last paragraph, fifth line, replace the words “heat recovery steam generators” with the words “steam turbines”

RELIABILITY

Page 79, item number 2, after the words “gas turbine generators/HRSGs”, add the words “and two steam turbine generators”

Page 79, item number 5: “The project is designed to withstand high winds, flooding, and earthquakes to prevent significant hazards to the project’s”

TRANSMISSION SYSTEM ENGINEERING

Page 83, second paragraph: “Staff does not expect any cumulative impacts resulting from the operation of PEF and other proposed power plants operating in southern California and PEF.”

Page 85, Condition of Certification **TSE-1**:

- a. “The power plant switchyard, outlet line and termination shall meet or exceed the electrical ...Title 8, CCR, Articles 35, 36, and 37 of the....”

Page 86, Condition of Certification **TSE-1 Verification**

- b. For each element of the transmission facilities ...Title 8, CCR, Articles 35, 36, and 37 of the”

AIR QUALITY

Page 102, first paragraph, revise last sentence: “~~If feasible, at the time of project start-up~~ the project owner will install XONON™ technology, if feasible. In the event that XONON™ is not selected, Condition AQ-C4 requires the project owner to provide data regarding its findings on the feasibility of employing XONON™.”

Page 109, add a new Condition of Certification as follows:

“**AQ-C4** In the final turbine design engineering stage, if installation of XONON™ is not commercially or technically feasible, the project owner will submit all data, excluding confidential or proprietary information, to show why the technology was not selected for this application.”

Verification: No more than 120 days after notifying the CEC of the decision not to use XONON™ for this application, the project owner shall provide data that explains why XONON™ was not selected.”

Page 117, AQ-39 “Verification: The project owner shall compile required data and submit the information to the CPM in quarterly reports submitted no later than ~~60~~ 30 days after the end of each calendar quarter.”

HAZARDOUS MATERIALS MANAGEMENT

Page 147, Findings and Conclusions, item 3: “The project owner will submit an approved Safety Management Plan for ammonia delivery, an approved Hazardous Materials Business Plan, and”

BIOLOGICAL RESOURCES

Page 166, third paragraph should be corrected as follows: “The new PEF access road will result in temporary disturbance of ~~4.4~~ 4.09 acres of non-native ...and permanent lost of ~~4.0~~ 3.98 acres of non-native ...and 0.02 acres of freshwater marsh. The access road ...disturbance of ~~0.03~~ 0.02 acres”

Page 166, fourth paragraph, third sentence should read: “The 11.65-mile gas ...impact ~~48~~ 47.9 acres”

Page 169, second sentence in first paragraph should read: “Prior to the start of any project-related ground disturbance activities, Applicant will pay CNLM ~~a total~~ of no less than \$294,240 (\$1200/acre x 245.2 acres) adjusted for inflation in accordance with Condition **BIO-11**.”

Page 169, revise the first sentence of the second paragraph as follows: “~~Although the California condor is not expected to occur within the project area,~~ Since there is evidence that the California condor have been seen in the foothills south of the project site,....”

Page 172, Findings and Conclusions, Item #7 should be revised as follows: “Applicant will provide habitat compensation funds... in ~~the~~ an amount no less than \$294,240....”

Page 180, Condition of Certification **BIO-13**: “Protocol: The planned permanent or unexpected permanent closure plan will require the following biological resource-related mitigation measures to be addressed:

...

2. Removal of all power plant site facilities; ~~and~~
3. ... and wildlife species; and
4. ...”

CULTURAL RESOURCES

Page 197, first paragraph, last sentence should read: “Federal and state laws require a project developer, such a PEF, to implement mitigation measures that ~~avoid~~ minimize adverse impacts to *significant* cultural resources.”

Page 197, under Methodology, the first sentence should read: “...conducted research that included a ~~bibliographic review~~ records search, literature review, and...”

Page 197, footnote 56, second sentence should read: “If a cultural resource is deemed significant, it ~~is~~ may be eligible for listing on the National Register of Historic Places (NRHP) and the California Register of Historical Resources”

(CRHR). (See, the National Historic Preservation Act, 16 USC 470, Section 106; California Register of Historical Resources, Pub. Res. Code, § 5024.1.)

Page 198, first full paragraph, delete penultimate sentence. “~~Project facilities will cross the California Aqueduct, a recorded archaeological site.~~”

Page 199, the final sentence of the 3rd paragraph should read. “To ~~remedy~~ address her concerns about accurate historical reporting, the parties stipulated and the Committee agreed to ~~accept~~ include her interpretation of the historical data as Exhibit 60.”

Page 208, Condition of Certification **CUL-6, Verification** (middle of page) should read: “At least 30 days...”

Page 212, Condition of Certification **CUL-13**, Item 3 should read: “For projects for which cultural resource data were recovered, include ~~a. and b.~~ 1 and 2 above, plus the following...”

GEOLOGY AND PALEONTOLOGY

Page 216, revise first line as follows: “~~liquefaction, hydrocompaction, and shrink-swell behavior~~ in soils beneath the project components and linear facilities that would present potential hazards associated with strong seismic shaking.”

Add the following section:

“2. Hydrocompaction and Expansive Soils

The potential for hydrocompaction and expansion of project soils when wetted is considered to be negligible since the soils at the project site and along the linear facilities alignment are relatively dense and do not contain a high percentage of expansive clay.”

Change the numeration to reflect the added text on hydrocompaction and expansive soils: “~~2.~~ 3. Potential for Flooding” and “~~3.~~ 4. Potential Impacts to...”

Page 217, Findings and Conclusions:

“~~3.~~ Final project design will include measures to mitigate potential seismic risk from ground rupture, liquefaction, ~~hydrocompaction, and shrink-swell soils~~ associated with strong seismic shaking.

Add new “4. The final project design will include measures to mitigate the potential for hydrocompaction and expansive soils.”

Page 217, change the numeration to reflect added item 4 in Findings and Conclusions.

LAND USE

Page 230, add new sentence to end of top paragraph: “Under CEQA, Staff need not analyze the growth-inducing effects of a project if that project is already analyzed in local planning documents. [City of Carmel-by-the-Sea v. U.S. Dept. of Transportation, 123 F.2d 1142 (9th Cir. 1997)].”

Page 230, Findings and Conclusions, items 1, 2, 3, etc.

1. The Pastoria Energy Facility and its related facilities are permitted uses under the Kern County General Plan and applicable Zoning Ordinances. The Pastoria Energy Facility is consistent with the policies expressed in the Kern County General Plan and is a conditional use in the Exclusive Agriculture zone, which would normally require a conditional use permit.
2. Kern County’s zoning conditions of approval, which would otherwise be imposed if the county were the permitting agency, have been incorporated in Condition of Certification **LAND USE-1**.
3. The project’s linear components are permitted uses under the Kern County General Plan and applicable Zoning Ordinances.

Renumber the Findings and Conclusions consistent with these additional items.

TRAFFIC AND TRANSPORTATION

Page 241, third paragraph, second sentence should read: “PEF has indicated that a lighting system will be installed on each stack as required by that construction of the stacks will be completed in compliance with Federal Aviation Administration (FAA) regulations regarding navigational obstructions.”

Page 245, Condition of Certification TRANS-7 should state:

“Protocol: At least thirty days Prior to commencing....”

“Verification: At least 30 days prior to commencing onsite work....”

VISUAL RESOURCES

Page 256, first full paragraph, replace second sentence with:

“Although industrial plumes are not part of the existing viewshed in this rural area, the plumes, because of their low opacity, would cause moderate rather than high contrast, and the upper portions would be difficult to see, so the plumes would appear subordinate to the landscape.”

Page 257, Finding and Conclusion Item 2, replace with:

“The nearest sensitive viewing areas are along Interstate 5 (I-5) more than five miles west of the project, Laval Road from 2.6 to four miles northwest of the project, and Edmonston Pump Plant Road (with restricted public access) about one mile south of the project.”

Page 261: Condition of Certification **VIS-3**:

Insert new bullet before the **Verification** section:

- “Prior to the start of construction, the project owner shall establish a telephone number for use by the public to report any lighting complaint associated with the construction or operation of the project. This telephone number shall be posted at the project site in a manner visible to passersby. This telephone number shall be maintained until the project has been operational for at least one year.”

Insert as a new **Verification** item following the existing items:

“At least 15 days prior to the start of construction, the project owner shall notify the CPM that a telephone number has been established for lighting complaints.”

Insert as the last **Verification** item:

“Within seven days after the filing of a lighting complaint during construction and operation, the project owner shall notify the CPM in writing of the complaint, the response by the project owner, and the final resolution of the complaint.”

NOISE

Page 265, second paragraph, last sentence: “... The ambient noise level at the nearest sensitive receptors along Laval Road was 40 41 dBA leq.”

Page 265, last paragraph, third sentence should state: “Applicant ~~predicted~~ analyzed potential construction noise”

Page 266, top of page: “... reach approximately 36 dBA compared with the ambient noise level of 40 41 dBA Leq at that location.”

Page 267, first paragraph, second sentence: "...which is below the average ambient noise level of 40 ~~39~~ dBA L₅₀ and well below the maximum allowable noise level of 45 dBA."

Page 269, Condition of Certification **NOISE-1**:

"Verification: The project owner shall transmit... in the first Monthly ~~Construction Compliance~~ Report following...."

SOCIOECONOMICS

Page 275, footnote 71, add new sentence: "At the Committee conference on the PMPD, Applicant provided additional information on its proposal to develop a partnership program with Arvin High School, which may include mentoring and financial assistance. (December 11, 2000, letter to the Committee signed by Samuel Wehn, Director of PEF and Blanca Cavazos, Principal of Arvin High School.)"

Page 277, last line: "~~Except for La Paloma Construction schedules for none of the other power plant projects, which have been certified to date, are not expected to overlap and it is therefore unlikely that a large influx of non-local workers will occur. since the construction schedule overlap predicted in the evidentiary record has become moot.~~"

By Order of the Committee.

Dated:12/19/00

ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

-signed-

-signed-

ROBERT A. LAURIE, Commissioner
Presiding Member
Pastoria AFC Committee

MICHAL C. MOORE, Commissioner
Associate Member
Pastoria AFC Committee