

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

APPLICATION FOR CERTIFICATION FOR THE
WALNUT ENERGY CENTER
BY TURLOCK IRRIGATION DISTRICT

DOCKET No. 02-AFC-4

ERRATA TO THE PRESIDING MEMBER'S PROPOSED DECISION

Following are the Committee's recommended changes to its January 14, 2004 Presiding Member's Proposed Decision (PMPD). These changes are based upon discussions at the February 10, 2004 evidentiary hearing and conference, as well as the parties' comments on the PMPD.

I. EDITORIAL/CLARIFYING COMMENTS

The Committee recommends that all comments stipulated as being editorial/clarifying in nature be incorporated in the Final Decision.

II. CONDITION VIS-6

Based on the supplementary evidence presented (Exs. 59, 60), the Committee recommends adoption of the modifications to Condition **VIS-6** and accompanying Verification (relating to cooling tower design specifications) as proposed by Applicant and Staff.

In addition, the Committee recommends the following changes to the PMPD at page 228, second full paragraph:

The project's major visible plume sources are the cooling tower and the HRSG exhausts. Staff performed an independent analysis of both. At the February 10, 2004 hearing, the parties presented revised analyses concerning cooling tower plumes based on Applicant's final cooling tower design specifications. (Exs. 59, 60.)

Visible plumes from the cooling tower will likely occur during seasonal daylight clear hours. The evidence indicates that the overall visual change caused by the cooling tower's visible water vapor plumes would be moderate to high due to the plumes' degree of contrast with the existing setting and their dominance. In fact, the redesigned cooling tower will create more frequent and larger visible plumes. (Ex. 60, p. 2.) When considered within the context of the visual sensitivity of the existing landscape and viewing characteristics, the evidence nevertheless

establishes that the degree of visual change caused by the WEC cooling tower plume (as redesigned) would continue to result in an adverse but less than significant impact. (Ex. 11, p. 4.11-25; Ex. 60, p.2.) Condition of Certification **VIS-6** has been modified from the initial version to reflect Applicant's final engineering design values and to ensure that the cooling tower will be operated to minimize keep plume impacts to a less than significant level. (Ex. 11, pp. 4.11-25 to 4.11-26; Ex. 59, p. 2.)

III. COMPLIANCE

Revise the appropriate portion of page 33 as follows:

COM-8 – Construction Security Plan, Operations Security Plan, and Vulnerability Assessment

Appropriate Staff shall collaborate with the project owner, from the outset, in developing the Construction and the Operations Security Plans, and the Vulnerability Assessment. Staff shall provide the project owner detailed guidance including, as available, a listing of best management practices and samples of approved Security Plans.

Prior to completion of site mobilization, the Construction Security Plan shall be maintained at the office of the Secretary of the Turlock Irrigation District Board of Directors (Secretary's Office). After completion of site mobilization, the Construction Security Plan shall be relocated to the construction site and kept in a secure location. After completion of construction, the document shall be maintained on-site.

Prior to commencement of operations, the Operations Security Plan and Vulnerability Assessment shall be submitted to the CPM for approval. After operations commence, these documents shall be maintained at a secure location on-site.

Construction Security Plan

~~Thirty days prior to commencing construction, a site-specific Security Plan for the construction shall be developed and maintained at the project site.~~

Thirty days prior to commencing construction, the project owner shall notify the CPM in writing that the Construction Security Plan is available for review and approval ~~at the project site.~~ Only Commission personnel who have proper training and proper security clearance, as determined by the Commission after consultation with the project owner, shall review and approve the plan. After approval, the project owner shall implement the Construction Security Plan.

The Committee agrees with Applicant's suggestion to delete the phrase "including conduct which is a pre-incident indication thereof" from item 4 on page 33 and from item 4 on page 34.

IV. AIR QUALITY

Revise paragraph 3, lines 3-5 on page 99 and paragraph 3 on page 100 to delete references to "10 ppm" as "BACT".

Add at end of line 2 on page 101:

We simply are not convinced that we should essentially pre-empt or prescribe potential Air District action in this instance.¹²

Replace the text of existing footnote 12 with:

At the February 10, 2004 conference, Applicant provided rules proposed by USEPA which would support the conclusion that reduction of ammonia slip to 5ppm is not presently warranted.

V. Land Use

Deleted: ¶

Add after first full paragraph on page 212:

In its comments on the PMPD, Staff continued to urge that the Committee require compensation for the conversion of agricultural land. Though we recognize Staff's concerns, we remain unpersuaded by Staff's arguments. It seems to us that Staff has misconstrued our rationale. We have not relied solely on any individual factor mentioned above. Rather, we have reached our conclusion based upon the totality of evidence pertinent to this matter. The question is not whether evidence exists suggesting the impact is significant, but rather whether this evidence is persuasive in light of the record as a whole. We have concluded it is not.

We have, as required by CEQA, thoroughly examined the impact of this conversion before concluding it is not significant. The law does not dictate that we reach a specific result in this matter, but rather directs that we perform this review and consider the results in our deliberations. While we share Staff's concerns regarding the impacts of development upon agricultural lands, we do

not believe we should impose mitigation for land conversion based upon the record in this case.

Dated on February 11, 2004, at Sacramento, California.

JAMES D. BOYD
Commissioner and Presiding Member
Walnut Energy Center AFC Committee

ARTHUR H. ROSENFELD
Commissioner and Associate Member
Walnut Energy Center AFC Committee