

## DOCKETED

<b>Docket Number:</b>	05-AFC-03
<b>Project Title:</b>	Sun Valley Energy Project-- Valle del Sol Energy, LLC.
<b>TN #:</b>	205816
<b>Document Title:</b>	Background Information in Support of Energy Commission Staff's Motion to Terminate and Opposition to Extending the Suspensions
<b>Description:</b>	N/A
<b>Filer:</b>	Liza Lopez
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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<b>Docketed Date:</b>	8/25/2015

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

In the Matter of: )  
)  
APPLICATION FOR CERTIFICATION )  
FOR THE SUN VALLEY )  
GENERATING STATION )  
\_\_\_\_\_ )

Docket No. 05-AFC-03

In the Matter of: )  
)  
APPLICATION FOR CERTIFICATION )  
FOR THE SAN GABRIEL )  
GENERATING STATION )  
\_\_\_\_\_ )

Docket No. 07-AFC-02

In the Matter of: )  
)  
APPLICATION FOR CERTIFICATION )  
FOR THE WILLOW PASS )  
GENERATING STATION )  
\_\_\_\_\_ )

Docket No. 08-AFC-06

**BACKGROUND INFORMATION IN SUPPORT OF  
ENERGY COMMISSION STAFF'S MOTION TO TERMINATE AND  
OPPOSITION TO EXTENDING THE SUSPENSIONS**

Date: August 25, 2015

Jeffery M. Ogata  
Assistant Chief Counsel  
California Energy Commission Staff

On June 30, 2015, California Energy Commission Staff filed separate motions to terminate the three proceedings referenced above. Staff is filing the attached spreadsheet in support of the motions to terminate and in opposition to each respective project's motion to extend the suspension. The spreadsheet sets forth the information upon which Staff decided to file its motions to terminate.

Roger Johnson, Deputy Director of the Siting, Transmission and Environmental Protection Division, will be present at the hearing on August 26, 2015 on behalf of Staff.

Date: August 27, 2015

Respectfully Submitted,

[Original signed by]  
Jeffery M. Ogata  
Assistant Chief Counsel

**Background on the San Gabriel, Sun Valley and Willow Pass Projects**

<b>Issue</b>	<b>San Gabriel Generating Station (08-AFC-06) 696 MW</b>	<b>Sun Valley Energy Project (05-AFC-03) 500 MW</b>	<b>Willow Pass Generating Station (07-AFC-02) 550 MW</b>
<b>AFC Filed Date</b>	April 13, 2007	December 1, 2005	June 30, 2008
<b>Issue(s) Delaying Proceeding</b>	Suspended due to the uncertainty of the project being able to secure <b>emission reduction credits</b> within the South Coast Air Quality Management District due to July 2008 Superior Court ruling on Priority Reserve Credit program	Relying on Air District Priority Reserve Program for the majority of the <b>emission reduction credits</b> . In its last request for continued suspension, Applicant informed the Committee that permitting difficulties still exist due to the continued unavailability within the South Coast Air Basin of emission offsets needed to satisfy applicable SCAQMD rules.	Applicant must collect soil vapor and groundwater samples and prepare a focused <b>Health Risk Assessment</b> that includes a Human Health Risk Assessment (HRA) and a Screening Level Ecological Risk Assessment (will require coordination between NRG and PG&E).  Hoping a <i>future</i> CPUC LTPP identifies need in area to open new contracting opportunities. <ul style="list-style-type: none"> <li>• Area already over-powered</li> <li>• Oakley in better position to meet any future needs.</li> <li>• Additional capacity at Mariposa</li> </ul>
<b>Last Significant Staff Action</b>	<b>Data Requests July 20, 2007</b>	<b>PSA filed May 16, 2007</b>	<b>Data Requests April 28, 2009</b>
<b>Informal Suspensions</b>	None	May 2007 to May 2011	May 2011 to May 2014 ( <b>no substantive work reflected between Status Reports #16 (5/25/11) and #29 (4/1/14)</b> )
<b>Orders Suspending Proceedings</b>	<ul style="list-style-type: none"> <li>• June 5, 2009 (6-month)</li> <li>• December 10, 2009 (6-month)</li> <li>• July 16, 2010 (12-month)</li> <li>• June 8, 2011 (12-month)</li> <li>• May 15, 2012 (12-month)</li> <li>• May 30, 2013 (12-month)</li> <li>• June 13, 2014 (12-month)</li> </ul>	<ul style="list-style-type: none"> <li>• May 31, 2011 (12-month)</li> <li>• June 20, 2012 (12-month)</li> <li>• June 11, 2013 (12-month)</li> <li>• June 30, 2014 (12-month)</li> </ul>	<ul style="list-style-type: none"> <li>• June 11, 2014 (12-month)</li> </ul>
<b>Status/Progress During Suspension</b>	No "Strategy or Schedule" presented per 5/7/09 letter. Status reports during suspension show no progress.	No "Strategy or Schedule" presented per 5/7/09 letter. Status reports during suspension show no progress. Also looking for "contracting opportunities"	"There are no new developments to report at this time" is consistent message of quarterly reports during suspension. No progress or pending changes in circumstance noted.

<b>Status of Surveys, Plans, Studies*</b>	Biological and cultural surveys, landscape plan, traffic study approaching <b>9 years old</b>	Biological and cultural surveys, landscape plan, traffic study approx. <b>10 years old</b>	Biological and cultural surveys, landscape plan, traffic study approx. <b>7 years old</b>
<b>USACE</b>	None	USACE Jurisdictional Determination issued 01/07/08 now expired (5 years). Also, new review process at USACE due to new guidelines following Rapanos Decision published 12/1/08.	None
<b>Other Issues</b>	<ul style="list-style-type: none"> <li>Traffic analysis could be impacted by any LOS/VMT changes.</li> <li>Visual, noise and other sections impacted by subsequent development.</li> <li>New development and increased population will likely change public involvement.</li> </ul>	<ul style="list-style-type: none"> <li><b>Menifee</b> established as city on 10/1/08, <u>after</u> LORS compliance review (PSA used Riverside County LORS including the Sun City/Menifee Valley Area Plan)</li> <li>New development and increased population will likely change public involvement.</li> </ul>	<ul style="list-style-type: none"> <li>Traffic analysis could be impacted by any LOS/VMT changes.</li> <li>Visual, noise and other sections impacted by subsequent development.</li> <li>New development and increased population will likely change public involvement.</li> </ul>
<b>New AFC Fee (2015)</b>	\$655,433	\$548,025	\$575,425
<b>Fee Paid (Approx.)</b>	\$307,216	\$239,581	\$279,540
<b>Ownership</b>	<ul style="list-style-type: none"> <li>Reliant Energy (AFC)</li> <li>RRI Energy (5/1/09)</li> <li>GenOn (10/3/10)</li> <li>NRG (December 2012)</li> </ul>	<ul style="list-style-type: none"> <li>Edison Mission Energy (AFC)</li> <li>EME files for bankruptcy (12/17/12)</li> <li>NRG (4/1/14)</li> </ul>	<ul style="list-style-type: none"> <li>Mirant (AFC)</li> <li>GenOn (10/3/10)</li> <li>NRG (December 2012)</li> </ul>

\*Appendix B, (g)(2)(C) : Cultural Surveys more than **5 years old** must be redone.

Appendix B, (g)(13)(D)(i): Current biological resources surveys conducted using appropriate field survey protocols during the appropriate season(s). State and federal agencies with jurisdiction shall be consulted for field survey protocol guidance prior to surveys if a protocol exists.

The California FWS Botanical Survey Protocols: Habitats, such as grasslands or desert plant communities that have annual and short-lived perennial plants as major floristic components **may require yearly surveys** to accurately document baseline conditions for purposes of impact assessment. In forested areas, however, surveys at intervals of five years may adequately represent current conditions.

The USFWS considers the results of a Presence-or-Absence Survey, including the Zone of Influence, to be **valid for no more than one year**. This time period of survey data reliability may be significantly reduced depending on project size, location, or proximity to other land disturbance.

#### **MISC. REGULATORY CHANGES:**

- CARB adopts stricter nitrogen dioxide standards in January of 2008
- USACE revises guidelines for determining jurisdiction on 12/2/2008 based on Rapanos Decision
- Upcoming changes may occur with traffic counts (LOS vs. VMT)