

STATE OF CALIFORNIA
Energy Resources Conservation
And Development Commission

In the Matter of:

Application for Certification
for the Humboldt Bay Repowering Project

Docket No. 06-AFC-7

Energy Commission Staff's Pre-Hearing Conference Statement

On May 2, 2008, the Committee assigned to this proceeding issued a Notice of Prehearing Conference and Evidentiary Hearing (Notice). In that document, the Committee requested that parties file Prehearing Conference Statements by May 21, 2008. Energy Commission staff hereby files the following in response to the information requested in the Notice.

All topic areas are complete and ready to proceed to evidentiary hearings. Staff has concluded that with the conditions of certification proposed in the Final Staff Assessment (FSA), no significant adverse impact to the environment or public health will result from the construction or operation of the Humboldt Bay Repowering Project and the proposed project will comply with all applicable laws, ordinances, regulations and standards. Staff has not yet received the applicant's testimony and thus cannot conclusively determine if there are any areas subject to dispute. However, based on previous discussion with applicant, staff believes that the applicant may not agree with staff's analysis of cultural resources and may dispute some of the proposed conditions of certification pertaining thereto. Additionally, staff believes the applicant's previously expressed concerns with the Land Use and Public Health analyses have been resolved; however, this has not been confirmed by the applicant.

In the event that the applicant disagrees with staff's Cultural Resources analysis, staff would request one hour to present the direct testimony of staff's expert witness, Ms. Beverly Bastian. Her written testimony and a statement of her qualifications are contained in the FSA (Exh. 200). In addition to the FSA, staff offers into evidence the e-mail from Mr. David Byrd, a State Historian with the State Office of Historic Preservation to Ms. Bastian, dated December 12, 2007, which discusses Mr. Byrd's peer review evaluation of staff's analysis (Exh. 201).

In the event that the applicant disagrees with staff's Public Health analysis, staff would request one hour to present the direct testimony of staff's expert witness, Dr. Alvin J. Greenberg. As part of this testimony, staff proposes to offer into evidence the following documents: 1) Risk Assessment Forum, U.S. Environmental Protection Agency, *Guidelines for Carcinogen Risk Assessment* (March 2005) (Exh. 202); 2) Peter M. J. Bos, Bert-Jan Baars, Marcel T.M. van Raaij, *Risk Assessment of Peak Exposure to Genotoxic Carinogens: A Pragmatic Approach* (January 6, 2004) (Exh. 203); 3) Facsimile communication from Dr. Edward Calabrese, Northeast Regional Environmental Health Center to Dr. Alvin Greenberg (January 12, 1996) (Exh. 204); 4) Memorandum from Lorenz Rhomberg, Carcinogen Assessment Group, Office of Health and Environmental Assessment, United States Environmental Protection Agency on *Correcting Methylene Chloride Risk Estimates for Pharmacokinetic Dose-Rate Effects* (March 4, 1988) (Exh. 205). If questions are raised concerning the air quality modeling on which the Public Health analysis is based, staff would request an additional 30 minutes to present the direct testimony of staff's expert Air Quality witness, Mr. Brewster Birdsall. As part of this testimony, staff proposes to offer into evidence the North Coast Unified Air Quality Management District's Final Determination of Compliance for the HBRP (Exh. 206).

In the event that the applicant disagrees with staff's Land Use analysis, staff would request 30 minutes to present the direct testimony of staff's expert witness, Ms. Amanda Stennick. Her written testimony and a statement of her qualifications are contained in the FSA. As part of this testimony, staff proposes to offer into evidence the following documents: 1) the Elk River Access Project Recommendations (Exh. 207); and 2) the City of Eureka's [letter of] Support for PG&E's Contribution to a Public Use [Area], dated April 7, 2008 (Exh. 208).

Because staff has not yet seen the applicant's testimony, staff respectfully reserves the right to augment the proposed exhibit list and the time requested for direct or cross-examination depending on the testimony filed by the applicant and any other parties, their Prehearing Conference Statements, and comments made at the Prehearing Conference. Should any matter need briefing after evidentiary hearings, assuming the transcript is expedited, staff proposes that Opening Briefs be filed by July 3, 2008, with reply comments due on July 11, 2008.

For those matters not subject to dispute by the applicant or any intervenors, staff proposes to enter testimony into the record by declaration. The testimony and the respective authors are identified below and declarations have been included in the FSA:

Project Description – John S. Kessler, P.E.

Environmental Assessment

Air Quality – Brewster Birdsall, P.E, QEP and Matthew Layton, P.E.

Biological Resources – N. Misa Ward

Cultural Resources – Beverly E. Bastian

Hazardous Materials Management – Alvin J. Greenberg, Ph.D. and Rick Tyler

Land Use – Amanda Stennick

Noise and Vibration – Steve Baker, P.E.

Public Health – Alvin J. Greenberg, Ph.D.

Socioeconomics – Joseph Diamond, Ph.D.

Soil and Water Resources – Ellen Townsend-Hough and John S. Kessler, P.E.

Traffic and Transportation – Jason Ricks

Transmission Line Safety and Nuisance – Obed Odoemelam, Ph.D.

Visual Resources – Mark R. Hamblin

Waste Management – Alvin J. Greenberg, Ph.D.

Worker Safety and Fire Protection – Alvin J. Greenberg, Ph.D. and Rick Tyler

Engineering Assessment

Facility Design – Shahab Khoshmashrab, P.E.

Geology and Paleontology – Dal Hunter, Ph.D., C.E.G.

Power Plant Efficiency – Steve Baker, P.E.

Power Plant Reliability – Steve Baker, P.E.

Transmission System Engineering – Ajoy Guha, P.E. and Mark Hesters

Alternatives – John S. Kessler, P.E.

General Conditions Including Compliance Monitoring and Closure Plan – Chris Davis

DATED: May 21, 2008

Respectfully submitted,



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Energy Commission Staff Exhibit List for HBRP Evidentiary Hearings

<u>Exhibit #</u>	<u>Exhibit Title</u>
200	Final Staff Assessment of the Humboldt Bay Repowering Project (May 15, 2008)
201	E-mail from Mr. David Byrd, State Historian II, State Office of Historic Preservation to Ms. Beverly Bastian (December 12, 2007)
202	Risk Assessment Forum, U.S. Environmental Protection Agency, <i>Guidelines for Carcinogen Risk Assessment</i> (March 2005)
203	Peter M. J. Bos, Bert-Jan Baars, Marcel T.M. van Raaij, <i>Risk Assessment of Peak Exposure to Genotoxic Carinogens: A Pragmatic Approach</i> (January 6, 2004)
204	Facsimile communication from Dr. Edward Calabrese, Northeast Regional Environmental Health Center to Dr. Alvin Greenberg (January 12, 1996)
205	Memorandum from Lorenz Rhomberg, Carcinogen Assessment Group, Office of Health and Environmental Assessment, United States Environmental Protection Agency on <i>Correcting Methylene Chloride Risk Estimates for Pharmacokinetic Dose-Rate Effects</i> (March 4, 1988)
206	North Coast Unified Air Quality Management District's Final Determination of Compliance
207	Natural Resources Services Division of RCAA for the City of Eureka, Elk River Access Project Recommendations (August 22, 2002)
208	Letter from David W. Tyson, City Manager, City of Eureka to Mr. John S. Kessler, Regarding Support for PG&E's Contribution to a Public Use Area (April 7, 2008)
209	Declaration of John S. Kessler for preparation of the Project Description section in the Final Staff Assessment

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

**APPLICATION FOR CERTIFICATION FOR THE
HUMBOLDT BAY REPOWERING PROJECT
BY PACIFIC GAS AND ELECTRIC COMPANY**

**Docket No. 06-AFC-7
PROOF OF SERVICE
(Revised 3/21/2008)**

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

**CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 06-AFC-07
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DECLARATION OF SERVICE

I, Scott McDonald, declare that on May 21, 2008, I deposited copies of the attached Energy Commission Staff's Pre-Hearing Conference Statement in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.



Scott McDonald