

Memorandum

Date: April 2, 2009
 Telephone: (916) 654-4894

To: Chairman Karen Douglas, Presiding Member
 Vice Chairman James D. Byron, Associate Member
 Hearing Officer, Ken Celli

From: California Energy Commission – Rod Jones
 1516 Ninth Street Project Manager
 Sacramento, CA 95814-5512

DOCKET**08-AFC-10**DATE APR 02 2009RECD. APR 02 2009

Subject: **LODI ENERGY CENTER PROJECT (08-AFC-10) STATUS REPORT 2**

Staff submits the following Status Report for the proposed Lodi Energy Center Project (LEC), pursuant to the Committee Scheduling Order dated January 21, 2009.

Current Issues and Activities for Resolution

Staff has been working through the discovery and analysis phase of the Northern California Power Agency's (NCPA) proposed LEC project Application For Certification (AFC). This has included three sets of data requests and corresponding data responses and an issues resolution/data request workshop. A fourth set of data requests in the area of worker safety/fire protection will be filed the week of April 6th. Staff continues to work towards resolving the land use, air quality, and cultural resources issues which are noted in this status report.

Variance for Proposed Habitat Conservation Plan (HCP)

NCPA is in the process of obtaining a variance through the San Joaquin Council of Governments (SJCOG) to address a 200-foot setback requirement needed for the HCP. NCPA's variance proposal would apply to an area located near the canal/slough that is just south of the project boundary. By next week, NCPA's consultant, CH2M Hill, hopes to submit a draft proposal to SJCOG staff for review. The SJCOG Habitat Oversight Committee will then review the revised proposal and make a determination at the end of May.

Gas Line Route Supplement

On March 19, 2009, Energy Commission staff received "Supplement C-Natural Gas Supply Line Route Change for the Lodi Energy Center AFC". This change is the result of NCPA conferring with the Pacific Gas and Electric Company (PG&E), regarding the existing easements for the 8-inch natural gas supply line for NCPA's Combustion Turbine Project #2 and discovering that the natural gas supply line was actually located along a route different than the one shown in the AFC.

In a response to waste management data request 55, NCPA drafted a modified Phase I Environmental Site Assessment (ESA) for the proposed Lodi PG & E gas pipeline and included it in Supplement C.

PROOF OF SERVICE (REVISED 2/17/09) FILED WITH
 ORIGINAL MAILED FROM SACRAMENTO ON 4/2/09

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Preliminary Determination of Compliance (PDOC)

Recently, Energy Commission technical staff spoke with the San Joaquin Valley Air Pollution Control District (SJVAPCD) permitting supervisor (Jim Swaney), and learned that the Preliminary Determination of Compliance will rely upon a new analysis by their staff of the appropriate ratios for interpollutant trading. SJVAPCD indicated that the analysis of the ratios should be complete in early April. The PDOC would optimistically be released within a few weeks of that date.

Cultural Resources Data Request 13 Supplement

In early March, Cultural Resources staff held a conference call with the applicant to discuss our geoarchaeology concerns. As a result staff prepared a data request set # 3 (DR 13 Supplement), which was submitted to the applicant.

Publishing of PSA

Publishing of the PSA in mid-April will be delayed pending staff's receipt and analysis of the air quality PDOC, responses to cultural resources (i.e., geoarchaeology), worker safety/fire protection and confirmation of LEC's variance proposal submittal to the SJCOG. Staff will propose a revised publication date for the PSA in the May 1, 2009 status report.



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
FOR THE *Lodi Energy Center***

DOCKET No. 08-AFC-10

**PROOF OF SERVICE
(Revised 2/17/09)**

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DECLARATION OF SERVICE

I, Hilarie Anderson, declare that on April 2, 2009, I served and filed copies of the attached LODI ENERGY CENTER PROJECT (08-AFC-10) STATUS REPORT 2. The original documents, filed with the Docket Unit, ar accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: **[www.energy.ca.gov/sitingcases/lodi]**. The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission’s Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

- sent electronically to all email addresses on the Proof of Service list;

- by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked “email preferred.”

AND

FOR FILING WITH THE ENERGY COMMISSION:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-10

1516 Ninth Street, MS-4

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

Original Signature in Dockets
Hilarie Anderson