CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov

November 13, 2008

DOCKET
08-AFC-3
DATE Nov 13 2008
RECD. Nov 13 2008

Jonathan Sacks, Project Director
Mirant Corporation
1155 Perimeter Center West
Atlanta, GA, 30338

RE: MARSH LANDING GENERATING STATION (08-AFC-3) - DATA REQUESTS SET 1 (#s 1-50)

Mr. Sacks:

Pursuant to Title 20, California Code of Regulations, Section 1716, the California Energy Commission staff seeks the information specified in the enclosed data requests. The information requested is necessary to: 1) more fully understand the project, 2) assess whether the facility will be constructed and operated in compliance with applicable regulations, 3) assess whether the project will result in significant environmental impacts, 4) assess whether the facilities will be constructed and operated in a safe, efficient and reliable manner, and 5) assess potential mitigation measures.

This set of data requests (#1-50) is being made in the areas of Air Quality (# 1-9); Cultural Resources (#10-13); Hazardous Material Management (#14-15); Land Use (#16-22); Socioeconomics (#23-26); Soil and Water Resources (#27-36); Transmission System Engineering (#37-45); Waste Management (#46-49); and Worker Safety and Fire Protection (#50). Written responses to the enclosed data requests are due to the Energy Commission staff on or before December 13, 2008, or at such later date as may be mutually agreeable.

If you are unable to provide the information requested, need additional time, or object to providing the requested information, you must send a written notice to both the Committee and me within 20 days of receipt of this notice. The notification must contain the reasons for not providing the information, the need for additional time, and the grounds for any objections (see Title 20, California Code of Regulations, Section 1716 (f)).

If you have any questions, please call me at (916) 654-4894 or email me at mmonasmi@energy.state.ca.us.

Sincerely,

Mike Monasmith
Project Manager

Enclosure
cc: Docket (08-AFC-3)
Proof of Service List

PROOF OF SERVICE (REVISED 10/24/08) FILED WITH ORIGINAL MAILED FROM SACRAMENTO ON 11/13/08
MF

Technical Area: Air Quality
Author: Brewster Birdsall

BACKGROUND

Greenhouse Gas Emissions

Energy Commission staff plans to use AFC Appendix J3, p.7, to quantify the emissions of greenhouse gases (GHG) caused during construction of the project. These include carbon dioxide, nitrous oxide, and methane (unburned natural gas). However, it is not clear whether activity for construction of linear facilities, worker commutes, and material deliveries using diesel trucks during construction are included in the GHG totals. AFC Section 2.7.5 shows the proposed general construction emission control measures that may also reduce GHG emissions from construction. Staff also seeks to quantify emissions from worker commutes and material deliveries during operation of the proposed project.

DATA REQUEST

1. Please show the total and annual GHG emissions for the construction phase of the proposed project including all activities at the construction site and any construction activities for linear facilities (gas and water pipelines and transmission lines), worker commutes, and material deliveries.
2. Please quantify emissions of criteria pollutants and GHG from worker commutes and material deliveries during operation of the proposed project.

BACKGROUND

Fuel Gas Preheaters

The July 2008 addendum to the AFC shows that two fuel gas preheaters would need to be installed, and the addendum shows annual emissions and stack parameters in AFC Tables 7.1-17a and 7.1-17c. Emission factors for the heaters and operational assumptions (including hours of operation) are not shown in the addendum.

DATA REQUEST

3. Please quantify the short-term hourly emissions of the proposed fuel gas heaters, and show emission calculations with emission factors and any operational assumptions, such as anticipated annual hours of operation.

BACKGROUND

Fire Pump or Emergency Generator

The AFC does not mention whether a fire pump or an emergency generator is proposed for the project.

DATA REQUEST

4. Please confirm whether a fire pump or an emergency generator would be needed for the project.

5. If either a fire pump or the emergency generator is needed, please provide their manufacturer's specifications and their respective operating schedule and estimated emissions.

BACKGROUND

Estimated Facility Emissions

In AFC Section 7.1.2.2, operational emissions are described with assumptions and explanations of calculations. Emissions for worst-case scenarios are summarized in AFC Table 7.1-16 without total emissions per period for all pollutants. This section does not reference Appendix J3 that shows assumptions for calculations for each source. However, without calculations and assumptions that lead to facility-wide emission rates, staff does not have complete information supporting the facility's emissions in AFC Table 7.1-16. Similarly, there is no vendor information supporting the proposed startup and shutdown emission rates shown in AFC Table 7.1-15.

DATA REQUEST

6. Please provide calculations, assumptions, and methods used to estimate the total facility hourly, daily, and annual emissions provided in AFC Table 7.1-16, showing all sources and pollutants.
7. Please provide vendor guarantees to support the proposed startup and shutdown emissions values listed in AFC Table 7.1-15 and cited in Appendix J3.

BACKGROUND

Dispersion Modeling

The applicant submitted updated dispersion modeling files to the Energy Commission in October 2008. Staff has not yet reviewed these files. Of particular concern would be adherence to Bay Area Air Quality Management District (BAAQMD) recommendations for meteorological data. Staff may develop additional data requests upon review of the new modeling files.

DATA REQUEST

8. Please provide documentation (such as a Report of Conversation or correspondence with BAAQMD staff) that confirms that the October 2008 dispersion modeling has been completed to the satisfaction of the BAAQMD.

BACKGROUND

Cumulative Modeling Analysis

AFC Section 7.1.3 describes a cumulative modeling impact assessment that has not yet been filed with the Energy Commission.

DATA REQUEST

9. Please provide the analysis of cumulative air quality impacts and ensure that the existing Contra Costa Power Plant Units 6 and 7, the approved Gateway Generating Station, and the proposed Willow Pass Generating Station are included.

Technical Area: Cultural Resources
Author: Amanda Blosser

BACKGROUND

Section 2.0 of the AFC provides a project description and limited set of construction specifications for the Marsh Landing Generating Station (MLGS). More specifically, section 2.6.8 (Earthwork) states that 80,060 cubic yards of cut is required for the project, but provides no information on the depth of the ground disturbance for construction of the facility nor does the section specify where the disturbance will occur in the project area.

In addition to trenches for linear facilities, the project description (pp. 2-22–2-23) lists several equipment installations that appear to require excavation and construction of foundations capable of considerable weight-bearing. Thus, it is possible that excavations associated with the new installation could reach previously undisturbed soil layers where intact archaeological deposits could exist.

To assess potential project impacts to possible buried archaeological resources, staff needs information on the locations and the greatest depths to which the proposed new equipment foundations would extend.

DATA REQUESTS

10. Please provide the depths of the excavations required for the following features and foundations for proposed equipment:
    a. Combustion Turbine Generators
    b. Heat Recovery System Generators
    c. Single Turbine Generators
    d. Balance of Plant Equipment
    e. modified water (reclaimed and potable) piping systems, fire protection system, natural gas piping system, and stormwater drainage collection system
    f. stormwater retention basin expansion
11. Please provide a project site plan showing the locations of equipment for whose foundations excavation would exceed three feet below the surface.

BACKGROUND

Based on the information obtained from the record search, the applicant identified that there are no archaeological resources within the project area. The archival research revealed that Mirant's Contra Costa Power Plant (CCPP) property had been previously surveyed for cultural resources with negative results. The survey was conducted in support of the Environmental Impact Report (EIR) for PG&E's sale of this and other power plants. It is noted in the EIR, that because of previous disturbances within the CCPP, there is moderate to low potential for buried prehistoric resources. The applicant

also identified that there is no evidence supporting the presence of historical archaeological materials in the CCPP.

However, the Office of Historic Preservation Directory of Historic Properties identified the Marsh Landing Site (Primary #07-000878) within the CCPP property. Marsh Landing is the site of John Marsh's former wharf, or ship landing, established in 1838 and shown on the 1868 General Land Office plat, the 1908 USGS "Collinsville" topographic map, and the 1918 USGS "Antioch" topographic map in what is now the northeastern portion of the power plant site. Archival research also confirmed that a smokehouse, blacksmith shop, and a warehouse were located at the Marsh Landing site.

Staff needs more substantive information on the possible presence of buried historic-period archaeological deposits on the project site, especially in light of the former presence of the nearby Marsh Landing historic site.

DATA REQUEST

12. To facilitate a more substantive factual assessment of whether the proposed project may impact potentially significant buried historic-period archaeological deposits, staff requests that the applicant provide a report of the results from a more thorough identification effort for the Marsh Landing historic site, including the following:

    a. The applicant should conduct additional archival research, if available, to determine the location and extent of the Marsh Landing historic site and to provide a land use history that addresses the likelihood that remains of the historic site still exist in the project impact areas, taking into consideration nineteenth- and twentieth-century shoreline filling, and land modifications associated with the twentieth-century industrial use of the area. The land use history should describe the changes in the topography of the locality of the historic site and the changes in the landform on which the historic site was located.

    b. If the archival research does not support a conclusion about the likelihood of buried extant remains of the historic site, the applicant should have a qualified historical archaeologist conduct a subsurface inventory of the probable historic site location to determine the presence or absence of buried archaeological deposits. Methods could include backhoe trenching or other sampling strategies to provide data which either confirms the presence or absence of deposits associated with the Marsh Landing historic site.

BACKGROUND

The MLGS AFC indicates that approximately 8,000 cubic yards of soil will be re-used on site or recycled to the extent possible. In case the project must dispose of soils off-site, staff seeks assurance that a disposal site is available to the applicant that is either a commercial disposal site or a site that has been previously surveyed and found to contain no significant cultural resources.

DATA REQUEST

13. Please identify a soil disposal site, available to the project if needed, which is either a commercial disposal site or a site that has been previously surveyed and found to contain no significant cultural resources.

Technical Area: Hazardous Materials Management
Author: Alvin Greenberg

BACKGROUND

Section 7.12.2.2 states that Table 7.12-4, hazardous materials to be added to the site and used or stored on-site during operations of MLGS, includes the CAS number, nature of associated hazard, state/federal threshold quantities, and storage location of hazardous materials. However, much of this information is not included in the referenced table. In addition, the Estimated Storage Quantity column apparently has an absent footnote. Staff needs complete information on what will be added to the site for operations of the MLGS so that potential impacts of hazardous materials use and storage can be assessed. Also, the project owner will be limited to using and storing those hazardous materials identified in this table and in the amounts and concentrations identified.

Also, Chapter 5 of the AFC does not indicate the class of service the gas pipeline would be designed for, who will construct it, who will own it, and who will maintain it. It appears that the pipeline would be approximately 2100 feet long and would be installed in areas covered by three different entities. Therefore, staff would like confirmation that the MLGS owner will build and own the gas pipeline and be responsible for its maintenance.

DATA REQUESTS

14. Please update Table 7.12-4 to include all of the above-indicated information and the appropriate footnote.

15. Please confirm that the MLGS project owner will build and own the approximately 2100-foot long gas pipeline that will provide fuel to the power plant.

Technical Area: Land Use
Author: Negar Vahidi

INTRODUCTION

As described in AFC Section 7.4.1.3 (Land Use Designations), the MLGS project site is in the unincorporated portion of Contra Costa County, but adjacent to the City of Antioch. The City of Antioch has initiated annexation of a 500-acre area called the Eastern Waterfront Employment Area, which includes the project site.

BACKGROUND

According to AFC Section 7.4.1.3, the Contra Costa County Local Agency Formation Commission has considered the annexation proposal, the City of Antioch and Contra Costa County are actively negotiating the terms of annexation, and the City of Antioch expects to complete annexation of the area in early 2009.

DATA REQUESTS

16. Given that the information provided in the AFC is from the May 2008 filing date, and that early 2009 is approaching, please provide information regarding the current status of the City of Antioch's annexation of the MLGS project site and the negotiation process taking place between the City of Antioch and Contra Costa County.

17. Please provide the date by which the annexation process for the unincorporated county area including the MLGS project site is expected to be completed.

BACKGROUND

The MLGS site is currently zoned as Heavy Industrial by Contra Costa County. The county's General Plan designates the majority of the site as Heavy Industrial and a narrow strip of land along the river as Open Space (OS). The City of Antioch has not pre-zoned the MLGS project site but has indicated that zoning will be compatible with the MLGS project. The City of Antioch's General Plan designates the MLGS site as General Industrial within the Eastern Waterfront Employment Focus Area.

DATA REQUEST

18. Although the City of Antioch has not pre-zoned the MLGS project site, given the upcoming expected annexation of the site to the City, please provide the specific zoning designation the City expects to attach to the MLGS site. This information is needed for staff to determine the applicable zoning standards and conduct LORS consistency analysis of the project site.

BACKGROUND

AFC Table 7.4-7 (Permits Required) provides information on Lot Subdivision procedures for Contra Costa County. However, AFC Section 7.4.1.4 (Project Parcel Legal Status), on page 7.4-6, states, *"The subdivision of the parcel will be initiated with Contra Costa County or the City of Antioch, depending on the status of annexation. The*

process could take approximately 6 months to complete. Either agency would require approval of a tentative subdivision map through the minor subdivision process." The Lot Subdivision procedures required by the City of Antioch are not provided in the AFC. In addition, as stated in Section 7.4.7 (Permits Required and Permit Schedule) on AFC page 7.4-15, *"[l]ocal approval will be necessary to create the new 27-acre parcel that will be the MLGS site. Mirant Delta will seek local approval to subdivide the existing CCPP site in order to sell the portion constituting the MLGS site to Mirant Marsh Landing. A lot subdivision is a discretionary approval that is subject to CEQA, but in this case, the CEQA review of the subdivision will be subsumed by the CEC's process."* In order for staff to conduct CEQA analysis of the lot subdivision, the following information is needed:

DATA REQUESTS

19. Please provide detailed information regarding the City of Antioch's Lot Subdivision procedures as they would apply to the MLGS project site given that City annexation of the site is expected.

20. Given the potential 6-month duration of lot subdivision, please provide detailed information on when the applicant expects to initiate the parcel subdivision process for the MLGS project site.

21. In addition, please indicate the local agency (i.e., City of Antioch or Contra Costa County) with which the applicant expects to initiate the lot subdivision.

BACKGROUND

AFC Figure 7.4.6 (Important Farmlands) shows the MLGS project site to be within an area designated as Urban and Built-up Land by the California Department of Conservation (DOC). However, there is no discussion of the MLGS project site's specific DOC land designation in the applicable text narrative of the AFC Land Use section within the Important Farmland discussion on page 7.4-5 and Section 7.4.2.4, Impacts to Agricultural Lands.

22. Please confirm that the specific DOC land designation for the MLGS project site is "Urban and Built-up Land."

Technical Area: Socioeconomics
Author: Joseph Diamond, Ph. D.

BACKGROUND

Staff needs to know the year that corresponds to all dollar estimates. The time value of money should be reflected for all economic estimates.

DATA REQUESTS

23. Please verify the year for all economic estimates (e.g., construction costs, construction and operation payroll, property taxes, school impact fees, etc.) and IMPLAN construction and operation economic impacts which include secondary impacts. Some dollar estimates in AFC Section 1.1, Project Overview, page 1-2, and Section 7.8.2, Environmental Consequences, pages 7.8-9 to 11, are in 2008 dollars (i.e., project construction costs and construction employment expenditures, operations and maintenance materials for the Five-County Study Area [Contra Costa, Sacramento, San Joaquin, Alameda, and Solano Counties], and IMPLAN operation estimates).

BACKGROUND

Gross economic benefits including secondary impacts (indirect and induced) are an important part of the MLGS project.

DATA REQUESTS

24. Please show your calculations for the construction and operation employment, income, and output Type II multipliers.

25. Socioeconomic Table 7.8-12, Construction Staff By Trade, page 7.8-33 of the AFC appears to reflect generation, demolition of five fuel oil tanks, and linear facilities such as the natural gas pipeline. Staff is unclear if the electric transmission line between the PG&E switchyard and the MLGS is included in Table 7.8-12. If complete workforce estimates were not used, please revise the tables including the construction and operation economic benefits associated with this, such as payroll, local materials and supplies, sales tax, and secondary impacts, etc. Then, if necessary please recalculate the construction and operation secondary impacts and related multipliers.

26. If you find that Data Request 25 requesting more complete linear facilities in your construction and operation estimates is not needed because the secondary impacts are likely to be small and may not coincide with peak construction, please elaborate using numeric information and other rationale, if appropriate, to bound the economic impacts.

Technical Area: Soil and Water Resources
Author: Richard Latteri

BACKGROUND

In Delta Diablo Sanitation District's (DDSD) "Will Serve Letter" dated June 25, 2008, DDSD states:

> *… staff has analyzed DDSD's current and expected plant flows for the years 2011 and beyond. Based on this analysis, DDSD has sufficient uncommitted quantities of recycled water to support Mirant's anticipated peak usage of 1.5 million gallons per day at peak flow of 1,400 gallons per minute of recycled water.*

DATA REQUEST

27. Please provide a list of recycled water customers that would receive tertiary treated recycled water from DDSD's proposed Bridgehead Lift Station (BLS) recycled water facility, their contractual delivery amounts, and a discussion of the long-term (30-35 years) recycled water supply reliability based on current and future supply and demand projections for tertiary treated recycled water from this facility.

28. Please provide the source (potable, recycled, or groundwater) and quality of the water that would be used during construction of the Marsh Landing Generating Station (MLGS).

29. Please provide in tabular format the specific uses and volume of construction water in gallons per day and total annual consumption in acre-feet for construction of the MLGS.

BACKGROUND

In their 'Will Serve Letter" dated June 25, 2008, DDSD also states:

> *Annexation to the District's service area would also be required if the pending application at the Local Agency Formation Commission (LAFCO) is not approved, and a formal notification process with the Contra Costa Water District is required. Subject to DDSD Board approval of a definitive agreement between DDSD and Mirant, DDSD is willing to make such water available to Mirant for its proposed generation facility.*

DATA REQUEST

30. Please provide a discussion of the approval process and timeframe for the LAFCO decision for annexation of the MLGS into the DDSD's service area.

31. Please provide a DDSD Board approved agreement for the long-term delivery (30-35 years) of tertiary treated recycled water at a peak delivery rate of 1,400 gallons per minute and up to 1.5 million gallons per day.

BACKGROUND

Mirant Marsh Landing, LLC (applicant) proposes to use recycled water provided by DDSD from a new satellite treatment facility that would be designed, constructed, and operated by DDSD at the existing BLS, which would be within the jurisdictional area of the Central Valley Regional Water Quality Control Board (CVRWQCB).

DATA REQUEST

32. Please define the level of Title 22 treatment (disinfected tertiary, disinfected secondary-2.2, or disinfected secondary-23) of all recycled water sources proposed for use at the MLGS.
33. Please provide a discussion of the permits and over-sight requirements of the CVRWQCB, Department of Public Health (DPH), and the City of Antioch for the supply and use of recycled water at the MLGS and whether water recycling requirements would be prescribed by CVRWQCB prior to the delivery of recycled water to the MLGS.
34. Please provide the schedule for completion of the BLS recycled water treatment facility and a description of the process and on-site equipment required to produce recycled water that includes the redundant and standby equipment necessary for the reliable supply of recycled water to the MLGS.
35. Please provide the names and telephone numbers of the regional board and DPH personnel who are responsible for recycled water permitting and use.

BACKGROUND

The San Francisco Bay Regional Water Quality Control Board reissued waste discharge requirements under the National Pollutant Discharge Elimination System permit (No. CAS0029912) for the Contra Costa Clean Water Program (Program). The City of Antioch, under Provision C.3 of the Program, requires significant redevelopment projects to design and implement storm water treatment measures to reduce the discharge of storm water pollutants to the maximum extent practicable.

DATA REQUEST

36. Please provide a draft Storm Water Control Plan per the Provision C.3 requirements of the Contra Costa Clean Water Program NPDES permit No. CAS0029912 that meets the City of Antioch's municipal standards for the discharge of storm water pollutants.

Technical Area: Transmission System Engineering
Authors: Laiping Ng and Mark Hesters

BACKGROUND

The California Environmental Quality Act (CEQA) requires the identification and description of the "Direct and indirect significant effects of the project on the environment." The Application for Certification requires discussion of the "energy resource impacts which may result from the construction or operation of the power plant." For the identification of impacts on the transmission system resources and the indirect or downstream transmission impacts, staff relies on the System Impact and Facilities Studies for insuring the interconnecting grid meets the California Independent System Operator (California ISO) reliability standards. The studies analyze the effect of the proposed project on the ability of the transmission network to meet reliability standards. When the studies determine that the project will cause a violation of reliability standards, the potential mitigation or upgrades required to bring the system into compliance are identified. The mitigation measures often include the construction of downstream transmission facilities. CEQA requires the analysis of any downstream facilities for potential indirect impacts of the proposed project. Without a complete System Impact Study (SIS) or Facilities Study Report (FSR), staff is not able to fulfill the CEQA requirement to identify the indirect effects of the proposed project.

The SIS indicated several options to mitigate the normal and contingency overloads caused by the addition of the Marsh Landing Generation Station project (MLGS). Staff needs additional documentation and information to support the proposed mitigation measures in order to prepare the Staff Assessment for the MLGS Project.

DATA REQUESTS

The SIS, using the 2013 Summer Peak Full-loop base case, indicates that under normal and contingency conditions, some 230 kV transmission lines in the study area will be loaded above their line ratings. The proposed mitigations for the overloads will be: transmission line re-rates, reconductoring, and reducing the proposed MLGS generation. The overloaded lines are:

- Contra Costa – Brentwood 230 kV lines,
- Contra Costa – Wind Master 230 kV lines,
- Delta Pump – Wind Master 230 kV lines,
- Las Positas – Newark D 230 kV lines,
- Cayetano –USWP – JRW – Lonetree 230 kV lines.

37. Please select the mitigation alternative and provide evidence showing the selected mitigation measure is feasible and effective.

38. If re-rate is selected, please provide the following:
    a. Provide the current line ratings and the current wind speeds that are used for all the proposed re-rate lines listed above.

b. Provide the future line ratings and wind speeds that would be used for all the proposed re-rate lines listed above.

c. Provide evidence showing re-rate of these transmission lines is feasible and effective (letter from the California ISO).

39. If reconductoring is selected, please provide the following:
    a. Detailed information on each of the reconductored transmission lines. Information should include the number of poles required (new or existing), pole configurations, conductor types, sizes, and lengths.
    b. Provide a general environmental analysis and any recommended mitigation measures sufficient to meet CEQA requirements for indirect project impacts.

40. If de-generation is selected, please provide the following:
    a. Provide the amount of MLGS generation reduction required to mitigate the transmission line overloads under normal and contingency conditions.
    b. Provide evidence showing the de-generation is feasible and effective (letter from California ISO).

BACKGRUOND

The CAISO Controlled Grid Planning Criteria require that multiple element contingencies (Category "C") be studied in the SIS report. Staff needs a complete study on Category "C" contingencies, a short circuit study and dynamic stability analysis using the 2013 Summer Peak Full-loop base case.

DATA REQUEST

41. Please provide Category "C" study on:
    a. Selected bus outages within the study area,
    b. Selected outages caused by selected breaker failures (excluding bus tie and sectionalizing breakers) at bus section,
    c. Selected combination of any two-generator/transmission line/transformer outages (except ones included in the Category "B") within the study area.
42. Please provide a Short Circuit Duty Analyses.
43. Please provide a Dynamic Stability Analyses.
44. Please provide a Reactive Power Deficiency Analysis
45. Please provide system protection and substation evaluation.

Technical Area: Waste Management
Author: Cheryl Closson

BACKGROUND

The Phase I Environmental Site Assessment (Phase I ESA) prepared by URS Corporation for the proposed Marsh Landing Generating Station (MLGS) project (Appendix R, Volume II of the project AFC) provides information on the main project site but does not address the areas associated with the gas and water supply linear features and the water treatment facility to be constructed as part of the project. A Phase I ESA, or equivalent information, is needed for the properties along the gas and water pipeline routes and for the water treatment facility site to determine if past or present uses of the property have caused, or threaten to cause, contamination that might impact, or be impacted by, construction and operation of the proposed project.

DATA REQUEST

46. Please provide a Phase I ESA, or equivalent information, addressing the past and present uses of property along and adjacent to the project's gas and water supply pipelines and at the water treatment facility site. The requested information should include an evaluation addressing whether or not past or present site conditions may have resulted in contamination, or potential contamination, that could impact construction and/or operation of the proposed project.

BACKGROUND

The Phase I ESA prepared by URS for the proposed MLGS project cites and summarizes certain findings and recommendations contained in other environmental assessments, studies, and reports previously conducted to evaluate conditions in the area of the project site. The information provided in these assessments was used in part to support the conclusions and recommendations provided in the URS Phase I ESA. Review of these reports will assist Energy Commission staff's assessment of site conditions and potential impacts associated with the proposed MLGS project.

DATA REQUEST

47. Please provide copies of the following reports and publications identified in the Phase I ESA prepared by URS for the MLGS project.

    - Phase I Environmental Site Assessment, Contra Costa Power Plant, Antioch, California. Prepared by Camp Dresser and McKee, October 1997.

- Phase II Environmental Site Assessment, Pacific Gas and Electric Company (PG&E), Contra Costa Power Plant, Antioch, California. Prepared by Fluor Daniel GTI, 1998.

- Hazardous Materials Business Plan, Contra Costa Switchyard, Antioch, California. Prepared by PG&E, March 2007.

BACKGROUND

Portions of the MLGS facility would be constructed in an area of the existing Contra Costa Power Plant (CCPP) that is currently occupied by above-ground fuel oil storage tanks (Tanks 1 though 5). The project AFC states that Mirant Delta (the CCPP owner) plans to drain, clean, and demolish all of the existing storage tanks (Tanks 1 through 8) in 2008. However, should this not occur, the AFC states that demolition of Tanks 1 through 5 would be done as part of the proposed MLGS project. The Phase I ESA conducted for the proposed project identified the fuel tank area as a Recognized Environmental Condition (REC) and recommended sampling under and around the tanks to assess potential impacts from releases of fuel oil or other contaminants.

While the AFC states that demolition of the tanks may be done as part of the proposed project, there is limited information in the AFC addressing any sampling and remediation that may be needed in the area. As noted above, the tank area is identified as an REC. Any environmental investigation of the site after demolition and completion of any necessary remedial actions should be done well in advance of any project construction to ensure that possible contamination is identified and mitigated to a level of insignificance. Investigation and remediation of hazardous waste during the construction phase of a project should only be done as a contingency measure, when previously unknown contamination is encountered during the normal construction activities.

DATA REQUEST

48. Please provide an estimated date for the demolition of the fuel oil tanks on the proposed project site, along with a schedule and workplan for investigation and possible remediation of soils in the vicinity of the tanks. The schedule and workplan should also be reviewed and approved by the Department of Toxic Substances Control (DTSC) prior to submittal to the Energy Commission, unless other arrangements are made with staff to address or accommodate DTSC review.

BACKGROUND

The project's Phase I ESA also noted that there are several areas with "remedial issues" within the proposed project site. These areas were identified as RECs because they have petroleum hydrocarbons or arsenic in soil or groundwater at concentrations that exceed regulatory thresholds. The Phase I ESA also identified the CCPP septic

system and leach field, the former construction debris piles, and the former paint storage shed area as RECs and an area of concern (AOC), respectively, due to potential soil and groundwater contamination. However, there is limited information in the AFC addressing any sampling and remediation that may be needed in these areas. As with the fuel oil tank areas, environmental investigation of these areas of the project site and completion of any necessary remedial action should be done well in advance of any project construction to ensure that any possible contamination is identified and mitigated to a level of insignificance.

DATA REQUEST

49. Please provide a schedule and workplan for investigation and possible remediation of soils and groundwater in all of the following areas of the proposed project site:
    a. areas identified as having “remedial issues”;
    b. areas potentially impacted by the CCPP septic system discharges;
    c. areas around the former construction debris piles; and
    d. areas around the former paint storage shed.

    The schedule and workplan should also be reviewed and approved by the Department of Toxic Substances Control (DTSC) prior to submittal to the Energy Commission, unless other arrangements are made with staff to address or accommodate DTSC review.

Technical Area: Worker Safety and Fire Protection
Author: Alvin Greenberg

BACKGROUND

Section 2.6 states that Figures 2.6-1 and 2.6-2 depict (amongst other things) the “access roads” to the MLGS site. However, the location of access points is not clear from these figures and therefore staff cannot determine if there are at least two access points. This is not discussed anywhere else in the AFC. Staff needs this information in order to assess fire and hazardous materials spill response.

DATA REQUESTS

50. Please provide a narrative description and a map showing primary and secondary access points and gates to the project site. The secondary access point can be one restricted to the use of emergency response personnel.

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 MARSH LANDING *GENERATING STATION*	***DOCKET NO. 08-AFC-3*** **PROOF OF SERVICE** **(REVISED 10/24/2008)**

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. 08-AFC-03
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DECLARATION OF SERVICE

I, Mineka Foggie, declare that on November 13, 2008. I deposited copies of the attached Marsh Landing Generation Station (08-AFC-3) Data Requests Set 1 (1-50), in the United States mail at Sacramento 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.

Original Signature in Dockets
Mineka Foggie

* indicates change