

Memorandum

Date: February 4, 2009
Telephone: (916) 654-4894

To: Vice Chairman James D. Boyd, Presiding Member
Commissioner Karen Douglas, Associate Member
Hearing Officer Paul Kramer

From: California Energy Commission – Mike Monasmith
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DOCKET	
08-AFC-3	
DATE	FEB 04 2009
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Subject: **MARSH LANDING GENERATING STATION (08-AFC-3) STATUS REPORT 1**

Pursuant to the Committee Scheduling Order dated December 31, 2008, the following is staff's Status Report #1 for the proposed Marsh Landing Generating Station (MLGS) Application for Certification (AFC).

Current Activities and Issues for Resolution

Staff has been working through the discovery and analysis phase of the MLGS AFC. Thus far, discovery has entailed an initial set of data requests comprised of fifty-four (54) questions and corresponding data responses, and an Issue Resolution workshop held on December 18, 2009. The City of Antioch has established a process for local-agency reimbursement related to their expenditure costs for participating in the Energy Commission's AFC review process. There has been good agency cooperation and public participation in the MLGS proceedings to date, due in part to outreach activities conducted by the Energy Commission's Public Adviser's Office.

The primary issues which staff continues to work towards resolution include Air Quality, Biological Resources, Transmission System Engineering, Waste Management, and Soil & Water Resources. Of these issues, Air Quality and Waste Management pose potential problems related to the schedule. Specifically, Bay Area Air Quality Management District (BAAQMD) does not expect to release their Preliminary Determination of Compliance (PDOC) for this project until February 26, 2009. Regarding the Waste Management analysis, there is no current work plan for the demolition of five large above-ground fuel storage tanks, and appropriate remediation, if any, of the soil beneath the storage tanks. However, applicant has engaged the California Department of Toxic Substances Control for this purpose, and will be providing staff specifics for the resolution of this issue when they file their Data Responses to Data Requests 48 and 49 on or before February 13, 2009. The above-ground fuel storage tanks currently occupy acreage proposed for MLGS's siting as a brownfield development.

The AFC included a "will serve" letter indicating that Delta Diablo Sanitation District (DDSD) could provide recycled water to meet MLGS's industrial water make-up needs. Staff, applicant and DDSD are also working diligently to identify an appropriate back-up water supply, perhaps from the Contra Costa Water District.

Schedule

Because of the PDOC release date and outstanding issue resolution regarding Waste Management, staff anticipates a minor schedule delay. Moreover, with a large and increasing number of other power plant projects (particularly complicated, large solar projects) under

review by this division, and the possibility of a 2-day per month furlough implementation, schedule delays are likely. Therefore, staff anticipates the publication of the Preliminary Staff Assessment (PSA) on or before April 6, 2009.

Committee's Initial Schedule	Staff's Current Projected/Schedule	Hearing/Workshop/Planned Event or Filing
28-Sep-08	28-Sep-08	AFC data adequate
18-Dec-08	18-Dec-08	Informational Hearing and Site Visit
N/A	15-Nov-08	Staff transmits Data Request, Set 1
N/A	15-Dec-08	Applicant provides Data Responses, Set 1
18-Dec-08	18-Dec-08	Data Response and Issue Resolution Workshop 1
04-Feb-09	04-Feb-09	Parties file Status Report 1
28-Jan-09	26-Feb-09	PDOC from Bay Area Air Quality Management District (BAAQMD)
5-Mar-09	06-Apr-09	Staff files Preliminary Staff Assessment (PSA)
N/A	TBD	PSA Workshop
N/A	TBD	Local, state and federal agency final determinations and BAAQMD FDOC
30-Apr-09	04-June-09	Staff files Final Staff Assessment (FSA)
TBD	TBD	Evidentiary hearings*
TBD	TBD	Committee files proposed decision*
TBD	TBD	Hearing on the proposed decision*
TBD	TBD	Committee files revised proposed decision*
TBD	TBD	Commission Decision*

* The Committee will determine this part of the schedule

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