

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

Application for Certification for the  
Mirant Marsh Landing Generating Station Project

Docket No. 08-AFC-3

|                 |                  |
|-----------------|------------------|
| <b>DOCKET</b>   |                  |
| <b>08-AFC-3</b> |                  |
| DATE            | <u>9/16/2009</u> |
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**FIFTH STATUS REPORT OF  
MIRANT MARSH LANDING, LLC**

September 16, 2009

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**FIFTH STATUS REPORT OF  
MIRANT MARSH LANDING, LLC**

In accordance with the Committee Scheduling Order dated December 31, 2008, Mirant Marsh Landing, LLC (“Mirant Marsh Landing”) submits its fifth status report in this proceeding. On May 30, 2008, Mirant Marsh Landing filed an Application for Certification (“AFC”) for the Marsh Landing Generating Station (“MLGS”), a 930 megawatt, natural gas-fired electricity generating facility to be located at a site within the existing site of the Contra Costa Power Plant. The AFC was determined to be data adequate on September 24, 2008.

Today Mirant Marsh Landing is submitting an amendment to the AFC describing proposed modifications to the project design for the MLGS (“Amendment”). Below is a brief overview of the changes described in the Amendment, followed by comments regarding potential next steps in this proceeding.

**Overview of Amendment to the AFC**

As described in the AFC, the MLGS was designed to be a nominal 930 megawatt natural gas-fired electricity generating facility consisting of four power blocks: two Siemens Flex Plant 10 (“FP10”) units operating in combined-cycle mode; and two Siemens 5000F combustion turbine units operating in simple-cycle mode. The two FP10 combined-cycle units were designed to be intermediate load units and were expected to operate at a 40 to 50 percent annual capacity factor. The two simple-cycle units were designed as peaking units and were expected to operate at less than 10 percent annual capacity factor.

The modified MLGS will still consist of four power blocks, but the power blocks will be four Siemens 5000F combustion turbine units operating in simple-cycle mode. The modified MLGS will use the same four Siemens combustion turbines as originally proposed in the AFC, but all four combustion turbines will operate in simple-cycle mode. As so modified, the MLGS will be a nominal 760 megawatt facility (at 75 degrees Fahrenheit (°F) temperature and 54 percent relative humidity) that is designed to provide peaking power and is expected to operate at

a maximum 20 percent annual capacity factor. The MLGS will be capable of producing 719 megawatts during peak July conditions (103.9 °F temperature and 31 percent relative humidity).

This change will align the project's capabilities with the expected needs of the electricity system. The modified MLGS will be a peaking facility that is designed to provide the fast-start, peaking, and ramping capabilities that will be necessary to facilitate increased reliance on renewable resources and displacement of older, less efficient conventional facilities. The four Simple Cycle turbines will be capable of fast start operation and are designed to be started, ramped up and down, and shut down on an intra-day basis as needed to meet the needs of the system. With an expected maximum annual capacity factor of 20 percent, the modified MLGS is designed for fast-start, backup, and peaking service and is intended to operate when electricity needs cannot be met by resources that are higher in the state's preferred loading order. The need for the MLGS is evidenced by the fact that the project is now under contract with one of the state's investor-owned utilities, as announced on September 3, 2009.

From a construction standpoint, the four Simple Cycle units are a less complex facility than the four power blocks originally proposed in the AFC. Due to this change, construction of the MLGS is expected to occur over a 27 month period instead of the 33 month period discussed in the AFC. Construction is estimated to begin in late 2010 or early 2011. Commercial operation for the MLGS is expected to commence on May 1, 2013.

The elimination of the combined-cycle FP10 units and the reduction in the project's maximum annual capacity factor (i.e., to a 20 percent maximum annual capacity factor instead of the 40 to 50 annual capacity factor associated with the FP10 units) greatly reduces the project's total water consumption. Instead of using an average of 736 acre-feet per year ("AFY") of water as proposed in the AFC, the modified MLGS will use a maximum of only 50 AFY of water. With this reduced water use, it is no longer feasible to undertake the capital improvements required to facilitate the use of recycled water as originally proposed in the AFC. To serve the project's greatly reduced need for process water, Mirant Marsh Landing proposes to use brackish groundwater to be supplied from new groundwater wells. This proposed change is based on extensive groundwater analysis and testing, which shows that the project's use of the brackish groundwater will not result in significant adverse impacts to groundwater supplies, other water users in the project vicinity, or the nearby San Joaquin River. That analysis is described in the Amendment and an accompanying technical report.

### Next Steps

To reflect these changes in the project design, Mirant Marsh Landing is also amending its application for an Authority to Construct from the Bay Area Air Quality Management District (“BAAQMD”). That amendment, and the Amendment submitted to the CEC, show that the MLGS as modified will meet the most stringent proposed significant impact levels for fine particulate matter (known as PM<sub>2.5</sub>), and will comply with all applicable air quality standards. The modifications to the project should facilitate the BAAQMD’s issuance of its Preliminary Determination of Compliance for the project, which should enable staff to complete its assessment of the project.

Mirant Marsh Landing is hopeful that the changes to the project design will enable the CEC to process the application and grant certification for the MLGS in short order. Mirant Marsh Landing is available to participate in any workshops, meetings, or presentations that may be helpful to staff, the Committee and interested parties as they evaluate the Amendment.

September 16, 2009

Respectfully submitted,

A handwritten signature in black ink that reads "Lisa Cottle" followed by a date "1/5/". The signature is written in a cursive style and is positioned above a horizontal line.

Lisa A. Cottle  
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Attorneys for Mirant Marsh Landing, LLC

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**DECLARATION OF SERVICE**

I, Lisa A. Cottle, declare that on September 16, 2009, I served and filed copies of the attached *Fifth Status Report of Mirant Marsh Landing LLC (Docket No. 08-AFC-3)*. The original document filed with the Docket Unit is accompanied by a copy of the most recent Proof of Service list, located at the web page for this project at <http://www.energy.ca.gov/sitingcases/marshlanding/index.html>. The document has 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:

- For service to all other parties: Sent electronically to all email addresses on the Proof of Service list; and by depositing in the United States mail at San Francisco, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses **NOT** marked as "email preferred."

**AND**

- For filing with the Energy Commission: Sent an original paper copy and one electronic copy, mailed and emailed respectively, to the address below:

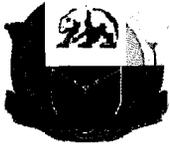
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I declare under penalty of perjury that the foregoing is true and correct.



\_\_\_\_\_  
Lisa A. Cottle



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**APPLICATION FOR CERTIFICATION  
FOR THE MARSH LANDING  
GENERATING STATION**

**Docket No. 08-AFC-3**

**PROOF OF SERVICE**  
(Revised 5/22/2009)

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