

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5112**DOCKET****08-AFC-3**

DATE JUN 14 2010

RECD. JUN 21 2010

June 14, 2010



TO: AGENCY DISTRIBUTION LIST

**NOTICE OF AVAILABILITY OF THE REVISED STAFF ASSESSMENT FOR THE MARSH LANDING GENERATING STATION, APPLICATION FOR CERTIFICATION (08-AFC-3)**

This notice is to inform you that the California Energy Commission (Energy Commission) staff has prepared a Revised Staff Assessment (RSA) for the Marsh Landing Generating Station (MLGS) Application for Certification (AFC). Additionally, this notice is to inform you of the availability of the RSA, which was published by the Energy Commission on June 10, 2010. The RSA contains the staff's engineering, public health, and environmental evaluation of the proposed MLGS.

Staff previously published a Staff Assessment for the MLGS project on April 26, 2010 for a 30 day comment and review period. This RSA has been prepared based upon discussions at the Staff Assessment workshops and written comments provided by the applicant, agencies and public.

The Energy Commission encourages public and agency participation in the review of staff's RSA. The RSA is available for public review at the following site: [http://www.energy.ca.gov/2010publications/CEC-700-2010-010/CEC-700-2010-010\\_REV.PDF](http://www.energy.ca.gov/2010publications/CEC-700-2010-010/CEC-700-2010-010_REV.PDF) The RSA contains responses to written comments provided on the MLGS Staff Assessment (SA), which was published by staff on April 26, 2010. A 30-day comment period for the SA concluded on May 26, 2010. The MLGS project is scheduled for evidentiary hearings before the Energy Commission committee on July 1, 2010. A separate notice for these hearings was sent on May 26, 2010: [http://energy.ca.gov/sitingcases/marshlanding/notices/2010-07-01\\_PHC\\_EH\\_notice.pdf](http://energy.ca.gov/sitingcases/marshlanding/notices/2010-07-01_PHC_EH_notice.pdf)

The RSA will serve as Energy Commission staff's testimony during evidentiary hearings held by the Energy Commission. The Energy Commission Committee assigned to the MLGS proceedings will consider and weigh the testimony and or comments and or recommendations of all interested parties, including Energy Commission staff, the applicant, intervenors, public, and other local, state, and federal agencies, before issuing the Presiding Member's Proposed Decision (PMPD) for consideration by the full Energy Commission. The public, intervenors, local, state and federal agencies are encouraged to participate in these hearings. The Energy Commission will issue notices at least ten days prior to any scheduled hearings.

PROOF OF SERVICE (REVISED 4/19/10) FILED WITH  
ORIGINAL MAILED FROM SACRAMENTO ON 6/21/10

TKG

## **SUMMARY OF THE PROPOSED MARSH LANDING GENERATING STATION**

The RSA contains the Energy Commission staff's evaluation of the MLGS. The proposed 760-megawatt (MW) MLGS electric generating plant and related facilities are under the Energy Commission's licensing jurisdiction and cannot be constructed or operated without the Energy Commission's certification. The RSA contains analyses similar to those normally contained in an Environmental Impact Report (EIR) required by the California Environmental Quality Act (CEQA). When issuing a license, the Energy Commission is the lead state agency under CEQA, and its process is functionally equivalent to the preparation of an EIR.

The Energy Commission staff has the responsibility to complete an independent assessment of the project's engineering design and its potential effects on the environment, the public's health and safety, and whether the project conforms to all applicable laws, ordinances, regulations and standards (LORS). The staff also recommends measures to mitigate potential significant adverse environmental effects and conditions of certification for construction, operation and eventual closure of the project, if approved by the Energy Commission.

This RSA is not the decision document for these proceedings, nor does it contain findings of the Energy Commission related to environmental impacts or the project's compliance with local/state/federal legal requirements. The RSA serves as staff's official, sworn testimony in evidentiary hearings to be held by the Committee assigned to this proceeding, comprised of two Commissioners and a Hearing Officer. After evidentiary hearings, the Committee will consider testimony and comments presented by staff, the applicant, other parties to the proceeding, governmental agencies and the public – all aspects that comprise the official record of this proceeding -- and issue a Presiding Member's Proposed Decision (PMPD). Following a public hearing, the full five-member Energy Commission will make its final decision on this power plant application based upon the PMPD, comments by parties to the proceeding and input from members of the public.

## **AGENCY PARTICIPATION**

Please direct your technical or project schedule questions to Mike Monasmith, Energy Commission Senior Project Manager, at (916) 654-4894, or by e-mail at [mike.monasmith@energy.state.ca.us](mailto:mike.monasmith@energy.state.ca.us).

The status of the proposed project, copies of notices, an electronic version of the AFC, SA and RSA, and other relevant documents are also available on the Energy Commission's web site: <http://www.energy.ca.gov/sitingcases/marshlanding>.

You can also subscribe to receive e-mail notification of all notices and announcements at: <http://www.energy.ca.gov/listservers>. By being on this email list, you will receive all project-related notices and documents pertaining to the project's evaluation and review.

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If you have any questions related to the automatic email notification list, please contact Teraja Golston, Project Assistant, at (916) 651-8839, or by email at: [tgolston@energy.state.ca.us](mailto:tgolston@energy.state.ca.us).

Sincerely,

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Roger Johnson, Office Manager  
Energy Facilities Siting Office

cc:Dockets  
Proof of Service (08-AFC-3)

Enclosure: CD containing the **Revised Staff Assessment** for the Marsh Landing Generating Station (08-AFC-3)



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](http://WWW.ENERGY.CA.GOV)

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

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

**PROOF OF SERVICE  
(Revised 4/19/2010)**

**APPLICANT**

Chuck Hicklin, Project Manager  
Mirant Corporation  
P.O. Box 192  
Pittsburg, CA 94565  
*E-mail preferred*  
[chuck.hicklin@mirant.com](mailto:chuck.hicklin@mirant.com)

Jonathan Sacks, Project Director  
Steven Nickerson  
Mirant Corporation  
1155 Perimeter Center West  
Atlanta, GA, 30338  
*E-mail preferred*  
[jon.sacks@mirant.com](mailto:jon.sacks@mirant.com)  
[steve.nickerson@mirant.com](mailto:steve.nickerson@mirant.com)

**CONSULTANTS**

Anne Connell  
Dale Shileikis  
URS Corporation  
221 Main Street, Suite 600  
San Francisco, CA 94105-1917  
*E-mail preferred*  
[Anne.Connell@URSCorp.com](mailto:Anne.Connell@URSCorp.com)  
[Dale\\_shileikis@URSCorp.com](mailto:Dale_shileikis@URSCorp.com)

**COUNSEL FOR APPLICANT**

Lisa Cottle  
Takako Morita  
Winston & Strawn LLP  
101 California Street  
San Francisco, CA 94111-5802  
*E-mail preferred*  
[lcottle@winston.com](mailto:lcottle@winston.com)  
[tmorita@winston.com](mailto:tmorita@winston.com)

**INTERESTED AGENCIES**

California ISO  
*E-mail Preferred*  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

California Unions for Reliable Energy  
("CURE")  
Gloria D. Smith & Marc D. Joseph  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, California 94080  
[gsmith@adamsbroadwell.com](mailto:gsmith@adamsbroadwell.com)  
[mdjoseph@adamsbroadwell.com](mailto:mdjoseph@adamsbroadwell.com)

**ENERGY COMMISSION**

JAMES D. BOYD  
Vice Chair & Presiding Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

KAREN DOUGLAS  
Chair & Associate Member  
[kldougla@energy.state.ca.us](mailto:kldougla@energy.state.ca.us)

Paul Kramer  
Hearing Officer  
[pkramer@energy.state.ca.us](mailto:pkramer@energy.state.ca.us)

Mike Monasmith  
Project Manager  
[mmonasmi@energy.state.ca.us](mailto:mmonasmi@energy.state.ca.us)

\*Kerry Willis  
Staff Counsel  
[kwillis@energy.state.ca.us](mailto:kwillis@energy.state.ca.us)

Jennifer Jennings  
Public Adviser  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

DECLARATION OF SERVICE

I, Teraja` Golston, declare that on June 21, 2010, I mailed hard copies of the attached Marsh Landing (08-AFC-3) – Agency Letter Regarding Notice of Availability of the Revised Staff Assessment. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [<http://www.energy.ca.gov/sitingcases/marshlanding/index.html>].

*(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;
- by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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-3  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original Signature in Dockets

Teraja` Golston