

Memorandum

Date: March 22, 2010
Telephone: (916) 653-4677
File: 09-AFC-4

To: Commissioner James D. Boyd, Presiding Member
 Commissioner Robert B Weisenmiller, Associate Member
 Paul Kramer, Hearing Officer

DOCKET	
09-AFC-4	
DATE	<u>MAR 22 2010</u>
RECD.	<u>MAR 22 2010</u>

From: California Energy Commission - Joseph Douglas
 1516 Ninth Street Siting Project Manager
 Sacramento, CA 95814-5512

Subject: Oakley Generation Station Project (09-AFC-4)
 Project Status Report 1

Data Response and Issues Resolution Workshop

Staff issued additional Data Requests (set 1B) on March 17, 2010 requesting further analysis concerning potential nitrogen deposition from the Oakley Generation Station (OGS). The applicant submitted Data Responses to Data Request Set 1 on February 11, 2010 and Set 1A on March 9, 2010. Staff is reviewing this material and a Data Response Workshop is planned for April 13, 2010.

Project Issues

The proposed project will require permits (the Preliminary Determination of Compliance and Final Determination of Compliance) from the Bay Area Air Quality Management District. Although these permits will be integrated into the staff analysis, staff has requested to be copied on correspondence with the Air District. This will assure that staff is kept aware of concerns and issues prior to the filing of the DOCs.

Emissions from the proposed Oakley Generating Station may result in nitrogen deposition that impacts adjacent areas of biological importance. Excessive nitrogen deposition can act as a fertilizer and promote the growth of non-native vegetation. The Antioch Dunes National Wildlife Refuge (NWR), which is approximately 1.6 miles west of the OGS site, comprises 67 acres of sand dunes that support the last known natural populations of the federally endangered Lange's metalmark butterfly, federally and state-endangered Antioch Dunes evening primrose, and federally and state-endangered Contra Costa wallflower. Major threats to these species include invasion of non-native vegetation.

PROOF OF SERVICE (REVISED 2/4/10) FILED WITH
 ORIGINAL MAILED FROM SACRAMENTO ON 3/22/10

TG

Project Schedule

The Oakley Committee has issued a scheduling order for the project. Staff will work diligently to stay on schedule given the current heavy workload in the Siting, Transmission and Environmental Protection Division, the Governor's Executive Order on renewable projects and the impact of furlough days on Energy Commission and other agencies' staff resources. The American Recovery and Reinvestment Act (ARRA) renewable energy projects are a priority and will require a great deal of staff time in the upcoming months.

	ACTIVITY	Original Date	Staff Proposed Date
1	Applicant files Application for Certification (AFC)	6/30/09	
2	Commission's determination that AFC is complete	9/23/09	
3	Staff files Issues Identification Report	10/26/09	
4	Staff files data requests 1, 1A	11/5/09	1/19/10, 2/17/10
5	Informational Hearing and Site Visit	11/9/09	
6	Applicant provides data responses	1/15/10	2/11/10, 3/9/10
7	Staff files data requests 1B	12/29/09	3/22/10
8	Data response and issue resolution workshop	12/21/09	4/13/10
9	Local, state and federal agency draft determinations AQMD files PDOC	12/30/09	
10	Staff files Preliminary Staff Assessment (PSA)	2/19/10	5/13/10
11	PSA workshop	3/11/10	6/10/10
12	Local, state and federal agency final determinations AQMD files FDOC	3/19/10	6/22/10
13	Staff files Final Staff Assessment (FSA)	4/19/10	7/22/10
14	FSA workshop	4/26/10	7/29/10
15	Prehearing Conference*	TBD	
16	Evidentiary hearings*	TBD	
17	Presiding Members Proposed Decision (PMPD)*	TBD	
18	Committee Hearing on PMPD*	TBD	
19	Close of public comment period on PMPD	TBD	
20	Addendum/Revised PMPD	TBD	
21	Energy Commission Decision*	TBD	

*TBD = To Be Determined

Shaded items have been completed

cc: Proof of Service List
Docket 09-AFC-4



**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 *OAKLEY GENERATING STATION***

**Docket No. 09-AFC-4
PROOF OF SERVICE
(Revised 2/4/2010)**

APPLICANT

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DECLARATION OF SERVICE

I, Teraja` Golston, declare that on March 22, 2010, I served and filed copies of the attached (09-AFC-4) Oakley – CEC Status Report #1. 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: [\[http://www.energy.ca.gov/sitingcases/contracosta/index.html\]](http://www.energy.ca.gov/sitingcases/contracosta/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:

(Check all that Apply)

For service to all other parties:

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

 x 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:

 x 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. 09-AFC-4
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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

Originally Signed by
Teraja` Golston