

Memorandum

Date: October 5, 2009
 Telephone: (916) 653-4677

To: Julia Levin, Presiding Member
 James Boyd, Associate Member
 Hearing Officer, Raoul Renaud

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

DOCKET	
08-AFC-12	
DATE	OCT 05 2009
RECD.	OCT 05 2009

Subject: **SAN JOAQUIN SOLAR 1 & 2 HYBRID PROJECT (08-AFC-12) STATUS REPORT 5**

Staff submits the following Status Report for the proposed San Joaquin Solar 1 & 2 Hybrid Project (SJS), pursuant to the Committee Scheduling Order dated May 7, 2009.

Current Issues and Activities for Resolution

Staff continues to work through the discovery and analysis phase of the proposed SJS project Application for Certification (AFC). Staff received a complete set of data responses on July 15, 2009, and a Data Response/Issues Resolution Workshop was held on August 6, 2009, in Sacramento. Based on discussions at the workshop the applicant provided supplemental responses in the areas of Air Quality, Land Use, Public Health, Soils/Water, and Waste Management on August 28, 2009. Staff is now reviewing the additional information and preparing their draft Preliminary Staff Assessment (PSA) sections for review. Staff anticipates completion of draft sections by October 30, 2009, with publication targeted for mid-November.

Agency Actions and Comments

Concerns were raised by The California Department of Toxic Substance Control regarding toxic waste on the site. Further testing and sampling is being performed to determine the level of contamination. Staff is also waiting for the results of these tests to complete their draft PSA section. The California Department of Fish and Game and The Fish and Wildlife Service have concerns that the project would impact the habitat and movement activities of the San Joaquin Kit Fox. The applicant is working with these agencies to formulate a solution, but has not as of yet submitted a detailed plan to staff. The San Joaquin Valley Air Quality Management District is delayed in issuing the Preliminary Determination of Compliance (PDOC) due to extra time required to analysis new information concerning Emission Reduction Credits (ERCs) submitted by the applicant. Staff requires this extra information to complete the draft technical section for the PSA. The PDOC is expected by mid-October. In addition, the Central Valley Regional Water Quality Control Board (RWQCB) requires more information from the applicant in order to prepare the draft Waste Discharge Requirements (WDRs) for the project's proposed evaporation pond. Staff is coordinating with the applicant and RWQCB to facilitate a timely delivery of any studies or sampling that may be required.

PROOF OF SERVICE (REVISED 8/27/09) FILED WITH
 ORIGINAL MAILED FROM SACRAMENTO ON 10/5/09
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Schedule

Staff continues to be as productive as possible, in light of the high workload of siting cases, three mandatory furlough days each month, and the significant curtailment in staff's ability to work overtime. At this time staff anticipates the publication of the Preliminary Staff Assessment will be delayed, reflecting the additional time required by staff to analyze the new data recently provided by the applicant, and resolve new issues. Staff is now working towards the following departure from the initial Committee Scheduling Order of May 7, 2009.

	ACTIVITY	DATE	Staff Proposed Date
1	Applicant files Application for Certification (AFC)	11/26/08	
2	Commission's determination that AFC is complete	3/11/09	
3	Staff files Issue Identification Report	3/25/09	
4	Informational Hearing and Site Visit	4/22/09	
5	Staff files data requests	4/30/09	
6	Applicant provides partial data responses (two sets; complete responses expected mid-July).	5/20/09; 6/1/09	7/15
7	Parties file Status Report 1	5/29/09	6/3/09
8	Data response and issue resolution workshop	6/3/09	8/6/09
9	Parties file Status Report 2	6/25/09	
10	Parties file Status Report 3	7/24/09	
11	Staff receives Cal ISO Phase I Interconnection Study	7/30/09	
12	Local, state and federal agency preliminary comments	7/31/09	
13	Local, state and federal agency final comments	9/9/09	
14	Parties file Status Report 5	9/25/09	10/5/09
15	Staff receives Preliminary Determination of Compliance (PDOC)	7/31/09	10/15/09
16	Staff files Preliminary Staff Assessment (PSA); parties file Status Report 4	8/27/09	11/19/09
17	PSA workshop	9/10/09	12/03/09
18	Staff files Final Staff Assessment (FSA)	10/14/09	12/30/09
19	Prehearing Conference*	TBD	
20	Evidentiary Hearings*	TBD	
21	Committee files revised proposed decision*	TBD	
22	Commission Decision *	TBD	

*TBD = To Be Determined

Note: This schedule assumes that there are no additional delays with completing the PDOC, and no other unforeseen circumstances.

Shaded items have been completed



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
FOR THE *SAN JOAQUIN SOLAR UNITS 1 AND 2*
LICENSING PROJECT**

**Docket No. 08-AFC-12
PROOF OF SERVICE
(Revised 8/27/2009)**

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Declaration of Service

I, Mineka Foggie, declare that on October 05, 2009, I served and filed copies of the attached San Joaquin Solar 1 & 2 Hybrid Project (08-AFC-12) Status Report #5, dated October 05, 2009. 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/sjsolar/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:

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

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:

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-12

1516 Ninth Street, MS-4

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

Originally Signed By
Mineka Foggie