

DOCKETED

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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**APPLICATION FOR CERTIFICATION FOR THE
WILLOW PASS GENERATING STATION**

Docket No. 08-AFC-06

ENERGY COMMISSION STAFF MOTION TO TERMINATE PROCEEDING

BACKGROUND

On June 30, 2008, Mirant Willow Pass, LLC¹, a wholly-owned subsidiary of NRG, filed an Application for Certification (AFC) with the California Energy Commission and was determined to be data adequate on October 8, 2008. Willow Pass Generating Station (Willow Pass) would be a new, 550-megawatt (MW) dry-cooled, natural gas-fired combined-cycle electric power facility located in the city of Pittsburg in Contra Costa County, California. Willow Pass would be located two miles west of the Pittsburg city center within the existing Pittsburg Power Plant. Currently, the Pittsburg Power Plant site is occupied by seven generating units, three of which are still in operation. Willow Pass would occupy a 26-acre parcel adjacent to the existing generating units.

The Committee conducted a public Informational Hearing on December 18, 2008, to discuss the schedule and other issues of concern. In September 2012, the Committee issued a Revised Committee Scheduling Order indicating that the Preliminary Staff Assessment would be filed after the applicant completed certain soil and water sampling and prepared a health risk assessment requested by the staff.

In May 2014, Applicant requested and received a 12-month suspension. Applicant stated that it remained committed to developing the Willow Pass Project but was not in a position to pursue active certification at the time.

THE WILLOW PASS PROJECT APPLICATION SHOULD BE TERMINATED

After seven years, Applicant has been unable to pursue the Willow Pass Project application with due diligence. Commission regulations provide that “any party may, based on the applicant’s failure to pursue an application or notice with due diligence, file a motion to terminate the . . . application proceeding.” (Cal. Code Regs., tit. 20, §1720.2, subd. (a).) It follows that the full Commission should terminate the Willow

¹ Currently NRG Willow Pass, LLC

Pass Project proceeding. (Cal. Code Regs., tit. 20, § 1720.2, subd. (b) [requiring action to terminate a proceeding to be by “full commission”].)

THE APPLICATION IS STALE AND A NEW APPLICATION IS WARRANTED

Applicant’s application was filed seven years ago when the environmental baseline was described. Much has changed in seven years, and virtually all the information and data relied upon to determine the environmental assessment is stale and needs to be refreshed. Applicable laws, ordinances, regulations and standards must also be reevaluated for consistency. Supplementing the original application would not be in the interest of staff, agencies and the public. A new Application for Certification would be the best way to restart an application proceeding when all the project details are known and the applicant is able to diligently pursue project certification.

Date: June 30, 2015

Respectfully Submitted,

Originally Signed By
Roger E. Johnson, Deputy Director
Siting, Transmission and
Environmental Protection Division