

Bottle Rock Power Corporation

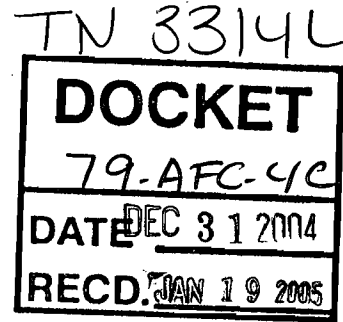
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JAN 18 2005

31 December 2004

Nancy Tronaas
Compliance Project Manager
California Energy Commission
1516 9th Street, MS-2000
Sacramento, CA 95814-5512



**RE: Bottle Rock Power Plant (79-AFC-4C) Petition for Extending
Environmental Monitoring Program**

Dear Ms. Tronaas:

The Bottle Rock Power Corporation (BRPC) recognizes it is required to comply with the terms and conditions as set forth in the California Energy Commission (CEC) Orders 01-0530-07 and 97-1203-1(a). Accordingly, BRPC is cognizant of its need to file a petition with the CEC pursuant to California Administrative Code Title 20 Section 1769(a). Hence, the BRPC herein submits this petition to the CEC so as to extend the environmental monitoring of the Bottle Rock Power Plant and Steamfield during suspended operations of the geothermal facility in accordance with the terms of Order 97-1203-1(a).

Said Order was initially granted to the Department of Water Resources (DWR). That Order was extended to DWR and that extension expired on 26 April 2001. On 30 May 2001, the CEC approved the transfer of ownership of the Bottle Rock facility from DWR to the BRPC (Order 01-0530-07). Since that time, BRPC assumed the responsibility for the environmental monitoring program and has maintained the program for calendar years 2001, 2002, and 2003. The BRPC has also submitted the requisite annual reports for those years to the CEC.

It has already been established with the CEC that a significant mitigating circumstance has hindered the BRPC's ability to comply with any of its compliance responsibilities and financial obligations since November 2003. As one consequence of that circumstance, no requisite monitoring occurred in 2004, and so no data will be reported for 2004. Resolution of this circumstance is actively being sought that will forge the ultimate course for the Bottle Rock facility.

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Such resolution notwithstanding, the BRPC, by means of this attached petition, now requests approval of the petition to extend the environmental monitoring program in all the terms and conditions of Order 97-1203-1(a) contained therein.

Please call me if you have any comments or questions concerning this petition at (707.541.0976).

Respectfully,



Ronald E. Suess, JD
President
Bottle Rock Power Corporation

Attachment

Cc w/o Attachment:

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**Bottle Rock Power Corporation
(79-AFC-4C)**

**Petition for Extension
Environmental Monitoring Program**

December 2004

Prepared by and for:

**Bottle Rock Power Corporation
1275 4th Street, No. 105
Santa Rosa, CA 95404**

Bottle Rock Power Corporation (79-AFC-4C)

Petition for Extension Environmental Monitoring Program

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Bottle Rock Power Plant (79-AFC-4C)

Petition for Extending the Environmental Monitoring Program

Purpose

This post-certification petition is prepared pursuant to California Administrative Code Title 20 Section 1769(a)(1)(A-I) whereby the applicant, the Bottle Rock Power Corporation (BRPC), shall file said petition for any modifications to the operation with the California Energy Commission (CEC). Therefore, the BRPC has prepared this petition for the CEC whereby to request extension of the environmental monitoring program for the Bottle Rock Power Plant and Steamfield during suspended operations of the geothermal facility.

Overview

Initially, the California Department of Water Resources (DWR) committed to build three 55 MW geothermal power plants. The power plant sites were situated in the Mayacama Mountains on the northern portion of the Known Geothermal Resources Area (KGRA) in Lake and Sonoma Counties of California, commonly referred to as The Geysers. The plants were earmarked to supply electricity to the State Water Project.

The first geothermal power plant built by DWR was the Bottle Rock Power Plant. The DWR received original approval (79-AFC-4C) from the CEC on 26 July 1979 for a 55 megawatt (MW) geothermal power plant locate entirely in Lake County, California. The CEC certified the DWR Bottle Rock Power Plant in November 1980.

Bottle Rock was completed in March 1985. The Power Plant consists of one 55 MW geothermal turbine-generator system supplied by Fuji Electric of Japan, an EccoAire condenser system, a Research-Cottrell counter flow cooling tower with five cells, a Peabody-designed Stretford system to abate hydrogen sulfide, and a developed Steamfield.

In 1990, DWR decided to shut down and mothball the facility and did so in early 1991. In April 1993, the CEC approved an amendment to the conditions of Certification that modified the monitoring and reporting requirements in consideration of the Plant's shutdown status, Order 93-0426-02 (*See Exhibit A*). This Order officially designated the facility as in "suspended status". Then again, In December 1997, another CEC Order extended the monitoring program, Order 97-1203-1(a) (*See Exhibit B*). That extension to DWR expired on 26 April 2001.

The BRPC purchased the Bottle Rock facility from DWR on 25 April 2001, and the CEC approved the transfer of ownership on 30 May 2001 (Order 01-0530-07). The terms and conditions of Order 97-1203-1(a) thereby became the obligation of the BRPC. Since that time, BRPC assumed the responsibility for the environmental monitoring program and has maintained the program for calendar years 2001, 2002, and 2003. The BRPC has also submitted the requisite annual reports for those years to the CEC.

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The CEC is aware that a significant mitigating circumstance impedes BRPC's ability to comply with any of its compliance responsibilities. This has been the case since November 2003. Consequently, no monitoring per Order 97-1203-1(a) occurred in 2004, and so no data will be reported for 2004. The BRPC, by means of this petition, seeks extension of the environmental monitoring program in all the terms and conditions of Order 97-1203-1(a) contained therein.

This petition for a post-certification extension to the environmental monitoring and reporting requirements as embodied in Order 97-1203-1(a) is prepared and submitted under the provisions of the California Administrative Code Title 20 Section 1769 et seq. (*CEC Rules of Practice and Procedure and Power Plant Site Certification Regulations*). The petition is organized to follow the series of information in the order that they appear in Section 1769(a)(1). The information requirement appears in ***bold italics*** and the pertinent information follows as a narrative statement.

Information Required by Section 1769(a)(1)

(A) A complete description of the proposed modifications, including new language for any conditions that will be affected;

The Bottle Rock Power Corporation is a California "C" corporation headquartered in Santa Rosa, California. BRPC owns the Bottle Rock geothermal electricity generating facility that is located on High Valley Road near Cobb in Lake County, California.

The leasehold within which the Bottle Rock facility is located encompasses approximately 370 acres that is called the Francisco Lease. The Coleman family owns the leasehold in fee simple. BRPC holds the transferable leasehold interest by means of assignment and owns title to all of the surface improvements and appurtenances on and the easements leading to the leasehold.

The Plant was mothballed in a manner that allows Plant rehabilitation to occur within a time frame concurrent and consistent with Steamfield rehabilitation. There are fourteen production wells that include two re-injection wells. All steam production wells and one injection well have been temporarily suspended by installing a bridge plug at some depth in each well. Removal of the plugs requires the workover of the wells to allow the resumption of steam production.

The Bottle Rock Power Plant and Steamfield have not generated electricity since 1991. No operations of any kind have occurred at the facility that would affect water quality, biological monitoring, air quality, erosion, hazardous materials

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storage, or cultural resources. The effects of nature, such as storm water runoff and wind, can potentially impact the facility. Accumulated storm water is captured within specific bermed areas and then pumped to the injection well or allowed to evaporate in sumps with sufficient freeboard (e.g., well pad sumps). This accumulated water management program as performed well so as to prevent any known releases.

This situation has not materially changed since CEC Order 97-1203-1(a) was granted to DWR in 1997. The annual monitoring reports submitted by the BRPC reflect no material environmental changes have occurred at the facility since BRPC assumed the responsibility for the monitoring program.

The BRPC stakeholders seek the solution that will forge the ultimate course for the Bottle Rock facility. Such solution should be soon forthcoming as a result of necessity. During the interim period, the BRPC proposes no language changes to the requested extension of the environmental monitoring program in all the terms and conditions of Order 97-1203-1(a) contained therein.

The BRPC does propose to extend the time period for the extant environmental monitoring program for a minimum of eighteen (18) months, reckoning from the date this petition is approved. This time period allows BRPC to facilitate implementation of the solution, to petition for restarting the Plant and Steamfield, and to rehabilitate the Plant and Steamfield. At the same time, it is presumed that the BRPC will fulfill all of its responsibilities, obligations according to the terms and conditions as contained in the CEC Final Decision (November 1980) and the Purchase Agreement with DWR (April 2001) as well as CEC Order 97-1203-1a.

(B) *A discussion of the necessity for the proposed modification;*

The extension of the environmental monitoring program during suspended operations is necessary in order to allow BRPC to secure solution to its mitigating circumstance, to implement the solution, to petition the CEC for restarting the facility, and, ultimately, to rehabilitate the Plant and Steamfield.

(C) *If the modification is based upon information that was known by the petitioner during the certification proceeding, an explanation why the issue was not raised at that time;*

The information that now affects the purpose of this petition could not have been known at the time of the original certification proceeding (November 1980). DWR was the originating petitioner of that proceeding. Ownership of the Bottle Rock facility (Order 01-0530-0) and the obligation to fulfill the terms and conditions of Order 97-1203-1a were transferred from DWR to the BRPC in May 2001. Hence, BRPC's petition for extension of the environmental monitoring program

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during suspended operation of the Bottle Rock facility is separate and apart from that original proceeding.

It was anticipated that the BRPC would file a petition to restart the Power Plant within six to nine months after the transfer of ownership was approved by the CEC. Filing the petition to restart the Plant and Steamfield did not occur and has not yet occurred because the influence of the California energy crisis and related factors affected the ultimate financing of the Bottle Rock project. These factors impeded and continue to impede the capability of BRPC to submit the restart petition.

When ownership transferred in May 2001, there was no reasonable means by which to foresee that these factors would combine to protract the length of time that has transpired. The petition for extension (modification) is based upon information that was not known by the original petitioner during the certification proceeding. Hence, this issue could not have been raised at the time of the original proceeding.

(D) If the modification is based on new information that changes or undermines the assumptions, rationale, findings, or other bases of the final decision, an explanation of why the change should be permitted;

BRPC's petition to extend the environmental monitoring program is indeed based upon new information relevant to the final decision. The subsequent shutdown (1991) and sale (2001) of the Bottle Rock facility by DWR changed the underlying assumption of the overall environmental monitoring program incorporated into the final decision. Moreover, Orders 93-0426-02, 97-1203-1(a), and 01-0530-07 were approved by the CEC in view of changing circumstances not anticipated during the original proceedings.

The DWR could not reasonably have foreseen these events at the time the final decision was approved by the CEC in 1980. These events constitute new information and affect a change in the assumptions incorporated into the final decision.

Furthermore, the fact that the terms and conditions for monitoring contained in Order 97-1203-1a have been fulfilled by DWR and BRPC through 2003 provides additional support to extend those terms and conditions as petitioned by BRPC. Continuation of the monitoring program is especially applicable for the time interval during which the final solution for the Bottle Rock facility is implemented and a new petition is filed with the CEC whereby to implement that solution. Therefore, the petitioned extension should be permitted.

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(E) *An analysis of the impacts the modification may have on the environment and proposed measures to mitigate any significant adverse impacts;*

An analysis of the impacts imposed by the petition to extend the environmental monitoring program during suspended operation of the Bottle Rock geothermal facility demonstrates that the program should continue.

- The monitoring program has been conducted since the inception of the project as per the terms and conditions of the final decision for 79-AFC-4C (November 1980). This phase of the monitoring program established a continuous database during Plant operating conditions.
- When the Plant shut down in 1991, it was not formally retired. Alternatively, in 1993, the CEC placed the facility in "suspended status" when it approved an amendment to the conditions of Certification that modified the monitoring and reporting requirements in consideration of the Plant's shutdown status (Order 93-0426-02). The data collected by DWR established the baseline data for this non-operational period.
- Then again, in 1997, another CEC Order extended the monitoring program (Order 97-1203-1(a)). That extension to DWR expired on 26 April 2001 after BRPC purchased the Bottle Rock facility from DWR. The data collected by DWR under the terms and conditions of this Order sustained the continuity of the environmental monitoring database for the Bottle Rock facility.
- BRPC continued the monitoring program through 2003 and thereby maintained the continuity of data for the non-operational state. No reportable environmental events occurred during this time period.
- BRPC did not collect any environmental data during 2004. A mitigating circumstance encumbered BRPC's capability to engage the monitoring program. Nevertheless, this gap in the data base can be overcome by extrapolating data collected from the monitoring program extended by approving this petition with data collected prior to 2004. This is a valid approach given that no operational activity has occurred at the facility since operation ceased in 1991.
- Extending the monitoring program should not pose significantly adverse impacts upon the environment. Conversely, extending the monitoring program would contribute to protecting the environment by detecting any anomaly affecting the monitoring program parameters that might occur during the non-operational period.

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(F) *A discussion of the impacts of the modification on the facility's ability to comply with applicable laws, ordinances, regulations, and standards;*

The proposed extension of the environmental monitoring program for BRPC will comply with all applicable laws, ordinances, regulations, rules, and standards affected by the monitoring parameters contained in the extant program.

BRPC's compliance record, heretofore, has demonstrated BRPC's ability to comply with all the requirements of the Certification and the Purchase Agreement as well as the applicable laws, ordinances, regulations, rules, and standards stated therein. The lone exception to this compliance record is the calendar year 2004. The reason for this exception has already been addressed.

The BRPC compliance ability is directly dependent upon the funding solution now pending. Approval of this petition will enable BRPC to secure the solution so as to maintain full compliance with all applicable laws, ordinances, regulations, rules, and standards. During the same time, BRPC will set aside sufficient funds to specifically support the monitoring program for the requested period of time.

(G) *A discussion of how the modification affects the public;*

The proposed extension will not have any significant adverse impact on the public since the purpose of BRPC's petition is to maintain the environmental monitoring program for the public benefit. The very reason the program has been operative since 1993 is to provide data that provides an alert if an adverse environmental impact is occurring at the Bottle Rock facility. Furthermore, the non-operational status of the facility addressed by the petition further minimizes the potential for adverse impacts that can affect the public.

(H) *A list of property owners potentially affected by the modification*

Since BRPC does not own the leasehold upon which the facility sets, there is only one property owner that has any potential to be affected by the proposed extension to the monitoring program. Even so, the proposed extension will not have an adverse impact on that owner.

The property owner is, in fact, a family partnership that owns the 370 acre leasehold, more or less, in fee simple. The actual physical location of the property is 5772 High Valley Road, Cobb, California. The applicable contact information for the partnership is provided as follows:

Property Owner
V. V. & J. Coleman Partnership
C/o Dianne Hill

Mailing Address
256 Autumn Eve Street
Henderson, NV 89074-7105

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(I) A discussion of the potential effect on nearby property owners, the public, and the parties in the application proceedings.

There are property owners who own parcels adjacent to or nearby the leasehold, but the extension of the monitoring program will not have an adverse impact on these owners. There have been no environmental events reported or recorded by any of these property owners. Since these owners have not been directly affected by the monitoring program in the past, and since they will not be directly affected by the extension of the program, they are not listed in this document.

Correspondingly, the result of extending the environmental monitoring program should not have any effect upon the public. Likewise, it is reasonable to assume that the same would also hold true to parties in the application proceedings.

Summary

CEC Order 97-1203-1(a), granted to DWR, specified the requirements for periodic monitoring of air quality, biological resources, hazardous materials, and water quality during the suspended operations at the Bottle Rock Power Plant and Steamfield. An annual compliance report that details the results of the monitoring activities has been required. This Order expired on 26 April 2001 after the BRPC purchased the Bottle Rock geothermal facility from DWR.

The monitoring program described above is relatively benign with respect to imposing any adverse impact upon the environment, the property, and the public. Conversely, the impact of the program should benefit all three entities because it is intended to uncover any adverse anomalies within the monitored parameters.

BRPC has demonstrated its ability to fully comply with the terms and conditions of this Order even though it did not officially apply to the BRPC. BRPC did this for 2001, 2002, and 2003. These three annual compliance reports are herein incorporated by reference as part of this petition. Only for calendar year 2004 was the BRPC unable to comply with the Order because of a mitigating circumstance. Documentation of this circumstance is available at www.IPICReceiver.com.

The BRPC is filing this petition in order to extend the environmental monitoring program at the Bottle Rock geothermal facility and to formally bring the BRPC into full compliance with the pertinent elements of the CEC Administrative Code. BRPC believes that extending this program is imperative as the BRPC seeks final solution to the mitigating circumstance and moves toward petitioning to restart the Plant.

Approving this petition will, therefore, benefit the environment, the property, and the public and not undermine or adversely impact relevant portions of the original final decision.

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(79-AFC-4C)**

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Exhibit A

CEC Order 93-0426-02

CALIFORNIA ENERGY COMMISSION

ORDER NO. 93-0426-02

3 NINTH STREET
CRAMENTO, CA 95814-5512

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission**DOCKET**
79-AFC-4CDATE: _____
RECD: APR 30 1993

In the Matter of:)

Docket No. 79-AFC-4
(P800-80-013)Department of Water)
Resources Bottle Rock)
Geothermal Power Plant)Order Approving Modified
and Reduced Environmental
Monitoring During the
Suspension of Operations

The Department of Water Resources (DWR) has submitted a request to the California Energy Commission (CEC) to temporarily amend the environmental monitoring requirements in the November 5, 1980 Commission Decision for the DWR Bottle Rock Geothermal Power Plant (Bottle Rock). The amendment will temporarily reduce and/or modify the environmental monitoring requirements contained in the Conditions of Certification (Conditions).

The Bottle Rock facility, certified with an expected generating capacity of 55 megawatts, has rarely attained an output of 40 megawatts during nearly six years of operation. Therefore, DWR has decided to suspend all operations, up to five years, to determine whether it is economically feasible to resume operations.

STAFF RECOMMENDATION

Staff has analyzed the amendment request and based on its analysis, recommends that the Commission adopt this order. No potential new or additional unmitigated significant impacts are anticipated as a result of the reduced and/or modified environmental monitoring requirements.

Based upon staff's analysis and recommendation, the Commission finds:

- The proposed modifications and reductions in environmental monitoring are consistent with the intent of the Conditions adopted in the Bottle Rock Commission Decision;
- The proposed modifications and reductions in environmental monitoring do not appear to harm the public or the interest of any previous parties to the certification proceeding;
- DWR, Department of Fish and Game, Lake County Planning Department, Central Valley Regional Water Quality Control Board and the Lake County Air Quality Management District are in agreement with the proposed modifications and reductions in monitoring;

- The proposed modifications and reductions are based on information that was not available to the parties prior to Commission certification;
- DWR has submitted a satisfactory plan to maintain the power plant during the suspension; and
- There will be no new or additional environmental impacts associated with the proposed modifications and reductions in monitoring.

CONCLUSION AND ORDER

The California Energy Commission (CEC) hereby adopts staff's recommendations and findings as its own, and based upon DWR's request to reduce and/or modify environmental monitoring during the temporary suspension of operations at its Bottle Rock facility, orders that the Conditions as contained in the November 5, 1980 Commission Decision for Bottle Rock be temporarily amended as set forth herein.

The General Provisions listed in the Commission Decision shall remain in force.

DWR shall notify the CEC Compliance Project Manager (CEC CPM) three months prior to resuming operations pursuant to the Conditions in effect prior to the date of this Order. Staff will review said Conditions to assure that no new circumstances have arisen which may affect public health or safety. The public will be notified when DWR notifies the CEC CPM that they intend to resume operations.

The operator shall provide a statement acknowledging that they have read and reviewed the Conditions, that they understand the Conditions, and that they agree to abide by those duties and obligations as described.

DWR shall also notify the CEC CPM one year prior to facility closure to ensure that an approved Facility Closure Plan is in place.

The suspension period is herein defined as five years from the date of the Commission Order approving the amendment to modify the Conditions for Bottle Rock. If DWR wishes to request an extension, they must notify the CEC CPM six months prior to the end of the suspension period.

The following specific Conditions apply during the temporary suspension of operations at Bottle Rock:

Air Quality

Suspend original Conditions 1-1 through 1-6. Issue Conditions 1-7 and 1-8.

- 1-7. DWR shall participate in Geysers' Air Monitoring Program (GAMP) III for the life of the program.

Verification: DWR shall submit in the Annual Compliance Report a statement describing DWR's participation in GAMP.

- 1-8. During the suspension period, DWR shall maintain all existing Authorities to Construct (ATCs) and Permits to Operate (PTOs) required under Lake County Air Quality Management District (LCAQMD) regulations.

Verification: DWR shall submit in the Annual Compliance Report to the CEC CPM appropriate confirmation from the LCAQMD that all ATCs and PTOs are current and active under the terms and Conditions of LCAQMD Rules and Regulations.

DWR shall also include in this report a statement regarding any complaints and actions of resolution for air quality for the DWR Bottle Rock facility.

For the duration of the suspension and any time when the plant is operating, DWR shall submit an Annual Compliance Report for each calendar year no later than February 15th, of the year following the reporting year.

Public Health

Suspend original Conditions 2-1 through 2-9. No new Conditions issued.

Socioeconomic/Aesthetics

Suspend original Condition 3-1. Original Condition 3-2 shall remain in effect.

Cultural Resources

Suspend original Conditions 4-1 through 4-4. Modify Condition 4-5 to read as follows:

- 4-5. DWR shall ensure that the existing fence on the north side of site CA-LAK-609 is maintained.

Verification: A statement verifying compliance shall be provided in each Annual Compliance Report filed with the CEC CPM.

Biological Resources

5.B - Requirements

Original Condition 5.1.a. through 5.1.h. are suspended, original Condition 5.2 remains in effect. The new Conditions, 5-3.a. through 5-3.i. and 5-4, as set forth below, shall substitute for the original Conditions 5.1.a. through 5.1.h. and for the requirements contained in the original Biological Resources Mitigation and Implementation Plan.

- 5-3.a. The DWR shall continue annual soil/duff monitoring and leaf tissue analysis to determine boron levels until the DWR and CEC CPM determine that no further contamination or cumulative impacts remain.

Verification: The DWR shall submit to the CEC CPM by December 15, 1993, and of each subsequent year, an annual monitoring report which contains the results and a discussion of the year's monitoring and verifies compliance with the condition.

- 5-3.b. The DWR shall continue surface water sampling at the following 5 sites: Kelsey Creek immediately upstream of the confluence with Alder Creek; Kelsey Creek 500 feet downstream of its confluence with High Valley Creek; Alder Creek immediately upstream of its confluence with Kelsey Creek; High Valley Creek immediately upstream of its confluence with Kelsey Creek; and Kelsey Creek near Kelseyville.

Sampling shall be conducted four times a year, in January, April, July, and October.

Protocol: Each surface water sample shall be analyzed for boron, sodium, sulfate, calcium-magnesium hardness, Ph, alkalinity, settleable solids, non-filterable residue, turbidity and specific electrical conductivity.

Additionally, during April, July and October, the DWR will collect and identify bottom-dwelling organisms from at least one square meter of stream-bed at each site and make special trace metal determinations for copper, iron, manganese, lead and zinc.

Verification: The DWR shall submit to the CEC CPM by December 15, 1993 and each subsequent year, an annual

monitoring report which contains the results and a discussion of the year's monitoring and verifies compliance with the condition.

- 5-3.c. The DWR shall continue groundwater sampling at the following five sites: Nance Spring, Union Oil Spring, Coleman Well, Jadiker Spring and Francisco well.

Sampling shall be conducted four times a year, in January, April, July and October.

Protocol: Each groundwater sample shall be analyzed for boron, sodium, sulfate, calcium-magnesium hardness, pH, alkalinity, non-filterable residue, specific electrical conductivity, copper, iron, manganese, lead and zinc.

Verification: The DWR shall submit to the CEC CPM by December 15, 1993, and each subsequent year, an annual monitoring report which contains the results and a discussion of the year's monitoring and verifies compliance with the condition.

- 5-3.d. The DWR shall maintain the nest boxes and wildlife water basins in working condition. Wildlife use of these habitat improvement projects will be monitored annually using the same methodology that has been used in the past. (See 5-3.i. below)

Verification: The DWR shall submit to the CEC CPM by December 15, 1993, and each subsequent year, an annual monitoring report which contains the results and a discussion of the year's monitoring and verifies compliance with the condition.

- 5-3.e. Deer pellet group counts shall be sampled by the DWR every 6 months, using the same methodology as in past sampling. (See 5-3.i. below)

Verification: The DWR shall submit to the CEC CPM by December 15, 1993, and each subsequent year, a report which contains the results and a discussion of the monitoring and verifies compliance with the condition.

- 5-3.f. Vegetation (quantity and species composition) monitoring shall be continued by the DWR on the two 25 acre study plots twice in the next ten years.

Protocol: Once during the first five year interval and once during the second five year interval. The same methodology will be used as in the past for monitoring of these plots. (See 5-3.i. below)

Verification: The DWR shall submit a report to the CEC CPM by December 15th of the year of the monitoring action, which contains the results and a discussion of the monitoring and verifies compliance with the condition.

- 5-3.g. Bird monitoring in the black oak and chaparral study areas shall be conducted three times in the next 10 years by the DWR. This monitoring will use the same methodology (See 5-3.i. below) as past monitoring of these study areas. Monitoring will be spread over the ten year period.

Verification: The DWR shall submit to the CEC CPM by December 15th of the year of the monitoring action, a report which contains the results and a discussion of the monitoring and verifies compliance with the condition.

- 5-3.h. DWR shall monitor erosion on an on-going basis during the rainy season. Inspections shall include all cut and fill slopes and other disturbed areas. Erosion problems shall be immediately repaired.

If temporary repairs are necessary during the rainy season, DWR shall complete permanent repairs to those erosion problems by October 10th of each year.

Verification: The DWR shall submit to the CEC CPM by August 15th of each year an annual report which includes results of erosion monitoring when erosion problems are discovered. This report will describe the problems discussed and action taken to correct the problems.

During years when no erosion problems occur, and no corrective action is required, a brief discussion may be included and submitted in the December 15th annual report.

- 5-3.i. A Biological Resources Monitoring and Mitigation Report (BRMMR) shall be prepared to provide the results of the previous year's monitoring. This report will be submitted by December 15th each year. The 1993 report will collate and summarize all methodologies used to satisfy conditions 5-3.a. through 5-3.h.

Verification: The DWR shall submit to the CEC CPM by December 15, 1993, and of each subsequent year, annual BRMMR which verifies compliance with the Biological Resource Conditions.

Upon reasonable notice the CEC CPM, Lake County staff, the Regional Water Quality Control Board staff, and the California Department of Fish and Game (CDFG) staff, shall be granted access for inspections.

- 5-3.j. If any specific mitigation measure or monitoring program is determined to be ineffective, or if the CEC staff receives any submittal, complaints, or other information from the DWR, other agencies, or the public, that indicates one or more significant impacts are occurring on the leasehold subject to CEC jurisdiction, DWR and the CEC staff shall meet to determine what further measures shall be taken to correct or reverse these impacts.

Verification: The DWR in consultation with CEC will take action to correct the problem. If the problem cannot be resolved by staff, the compliance monitoring dispute resolution process will be utilized.

- 5-4. Monitoring of wildlife use of the revegetated cut and fill slopes shall be initiated and conducted by the DWR three times, spread throughout the next 10 years. This effort will include: birds; deer; reptiles; small mammals; and rabbits/hares. DWR shall develop a methodology and a proposed schedule for these monitoring studies.

Verification: DWR shall submit the methodology and a proposed schedule for these monitoring studies to the CEC CPM for acceptability, 60 days prior to the start of monitoring during the first monitoring year.

The CEC CPM will respond as to the acceptability of the methodology and the monitoring schedule within 30 days of receipt of the submittal.

Filing of the subsequent three reports and all status reports will be included in the December 15 annual BRMMR (5-3.i.).

Water Quality/Water Resources

Issue Conditions 6-5 and 6-6. Modify Conditions 6-1 through 6-4 to read as follows:

- 6-1. DWR shall, during the period of suspension, utilize no new surface water as the source for any maintenance or other necessary activity without first notifying and obtaining the required authorization from the appropriate federal, state, county or local agencies.

Verification: 90 days prior to proposed use of surface water, DWR shall file statements with the CEC CPM, the Water Resources Control Board, the Central Valley Regional Water Quality Control Board (CVRWQCB), and all other agencies having regulating jurisdiction over such water

use, identifying the source(s), estimated amounts of use, and the method of obtaining such water.

Additionally, DWR shall provide the CEC CPM copies of all agency responses and permits necessary for surface water use requests.

- 6-2. DWR shall maintain on file the Spill Contingency and Containment Plan (SCCP) originally required by the CVRWQCB.

Verification: DWR shall notify the CEC CPM of the file location of the SCCP. DWR shall comply with all applicable monitoring conditions described in CVRWQCB's Waste Discharge Requirement Order No. 76-202 and any amendments thereto.

- 6-3. DWR shall adequately maintain the previously constructed impermeable spill collection-containment system to preclude discharges of toxic-hazardous waste and materials from the power plant pad.

Verification: DWR shall submit annually to the CVRWQCB and to the CEC CPM, via the Annual Compliance Report, a record of maintenance and corrective measures to the spill containment system.

- 6-4. DWR shall during the period of suspension, maintain and operate the domestic waste water septic tank, holding tank, pumps and control system as originally designed to discharge the limited amounts of effluent into the steam suppliers condensate reinjection system.

Verification: DWR shall submit annually to the CVRWQCB and to the CEC CPM via the Annual Compliance Report, a record of maintenance and operation of the domestic waste water disposal system.

- 6-5. DWR shall maintain quarterly records of the volume of water pumped from the on-site supply well.

Verification: DWR shall maintain on site for the CEC CPM to review upon request, supply records of water pumpage from the on-site water well.

- 6-6. To minimize the effects of contaminated storm water runoff discharges from the paved plant site areas to surface waters, DWR shall discharge all such waters to the condensate reinjection well(s), limited only by the capacity of the existing sump pumps or the capacity of the reinjection well(s) to accept such discharges.

Note: During high rainfall periods when the runoff from the paved plant area is discharging to the High Valley Creek watershed, the impacts of such discharges will be minimized due to the diluting effects of runoff from the remainder of the watershed.

Verification: DWR shall submit annually to the CEC CPM a record of maintenance and operation of the drainage sump pump discharge to the injection well(s).

Geotechnical/Seismic Hazards

Suspend original Conditions 7-1 through 7-3. No new Conditions issued.

Soils

Suspend original Conditions 8-1, 8-2, and 8-3. Original Condition 8-4 shall remain in effect. Condition 5-3.h. in the Biological Resources Section, addresses soil erosion issues.

Civil Engineering

Suspend original Conditions 9-1 through 9-4. Original Condition 9-5 remains in effect. No new Conditions issued.

Structural Engineering

Suspend original Conditions 10-1 through 10-6. No new Conditions issued.

Solid Waste Management

Suspend original Conditions 11-2, 11-4, and 11-6. Conditions 11-1, 11-3 and 11-5 remain in effect.

Safety

Suspend original Conditions 12-1 through 12-7. Modify original Conditions 12-8, 12-9 and add new Condition 12-10 to read as follows:

12-8. DWR shall continue to abide by an approved accident prevention program in accordance with the provisions of Section 3203 et seq. of Title 8, CCR. (These sections

include chemical handling & storage and provisions for hazardous materials and airborne contaminant exposure based on Section 5155, Title 8, CCR.)

Verification: DWR shall notify the CEC CPM of any changes to the approved accident prevention program and provide verification of California Occupational Safety and Health Administration's (Cal/OSHA) approval of said changes.

- 12-9. DWR shall request California Department of Occupational Safety and Health Administration (Cal/DOSHA) to conduct on-site safety inspections during the suspension of operations immediately following any complaint.

Verification: During the suspension, DWR shall notify the CEC CPM in writing in the event of a violation that could involve DOSHA action, and the necessary corrective action.

- 12-10. During the suspension period, DWR shall remove from the plant site, all chemicals, solvents and lubricants, except those essential to maintain the plant, and those only in reasonably required quantities.

Verification: Within 90 days of the Commission Order Approving Modified and Reduced Environmental Monitoring, DWR shall submit the following to the CEC CPM:

- 1) a list of all hazardous chemicals and the quantities that are to remain on site during the suspension period, and
- 2) the signature of the responsible Plant Manager certifying compliance with this condition.

Within 90 days of receipt of the list and the Plant Manager's verification, the CEC staff will conduct a site visit.

Noise

Suspend original Conditions 16-2 and 16-3, modify Condition 16-1 to read as follows:

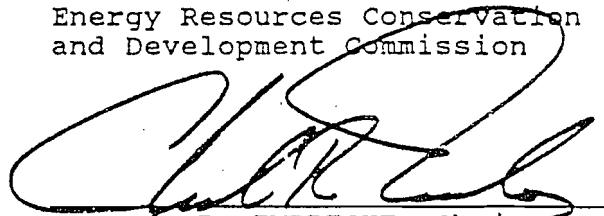
- 16-1. DWR shall comply with Lake County's noise ordinance, which is 55 dBA Ld and 45 dBA Ln at any point beyond the property line of the source. In the event the Lake County Air Quality Management District (LCAQMD) or DWR receives public complaints of any noise, DWR and the LCAQMD (if requested by the complainant) agree to promptly conduct an investigation to determine the extent of the problem. DWR shall take reasonable measures to resolve the complaints.

Protocol: Within 10 days of a request by the LCAQMD or the CEC, DWR shall conduct noise surveys at the sensitive receptors registering complaints and at the facility property line nearest the complaining receptors. Surveys shall be conducted, when possible, under circumstances similar to those when the complaints were perceived. The survey should be reported in terms of L_{eq} and L_x at levels $x=10, 50, \text{ and } 90$.

Verification: DWR shall promptly forward to the LCAQMD the survey results, the mitigation measures applied to resolve the problem and the results of these efforts. LCAQMD shall advise the CEC of any continuing noncompliance conditions.

Date: April 26, 1993

Energy Resources Conservation
and Development Commission



CHARLES R. IMBRECHT, Chairman

**Bottle Rock Power Corporation
(79-AFC-4C)**

**Petition for Extension
Environmental Monitoring Program**

Exhibit B

CEC Order 97-1203-1(a)

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:)	Docket No. 79-AFC-4C
)	(P800-80-013)
)	Order No. 97-1203-1(a)
CALIFORNIA DEPARTMENT OF)	COMMISSION ORDER
WATER RESOURCES, BOTTLE ROCK)	APPROVING EXTENSION OF
GEOTHERMAL POWER PLANT)	REDUCED MONITORING DURING
)	SUSPENDED OPERATIONS

The California Department of Water Resources (DWR) submitted to the California Energy Commission (Energy Commission) a request for a three year extension of Energy Commission Order 93-0426-02 (approved on April 26, 1993) which modified and reduced environmental monitoring during suspension of operations for a five year period. The order also stated that if DWR wished to extend the period of suspended operations, they must submit a request to the Compliance Project Manager six months prior to the end of the five year suspension period (the end of the period would be April 26, 1998).

STAFF RECOMMENDATION

Based on the findings below, staff recommend approval of the three year extension of modified and reduced monitoring during suspended operations. All provisions of Energy Commission Order 93-0426-02 will remain in effect.


- The proposed extension is consistent with the overall intent of the conditions adopted in the Bottle Rock AFC Commission Decision and with Commission Order 93-0426-02.
- There will be no new or additional significant environmental impacts associated with the proposed extension.
- The facilities will remain in compliance with all applicable laws, ordinances, regulations, and standards.

CONCLUSION AND ORDER

The California Energy Commission hereby adopts staff's recommendation and findings as its own and orders that Energy Commission Order 93-0426-02 be extended for a period of three years beginning on April 26, 1998.

Date: December 3, 1997

Energy Resources Conservation
and Development Commission


WILLIAM J. KEESE
Chairman