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December 14, 2006

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BY E-MAIL AND HAND DELIVERY

Mr. Christopher Meyer
Compliance Project Manager
California Energy Commission
1516 9th Street, MS-2000
Sacramento, CA 95814

**Re: Bottle Rock Power Plant (79-AFC-4C)
Construction and Start-Up Plan**

Dear Mr. Meyer:

At the December 13, 2006, Business Meeting of the California Energy Commission, the Commission unanimously approved amendments to the Bottle Rock Power Plant ("BRPP") Decision (79-AFC-4) to allow the restart of BRPP. That approval initiates the task of effectively managing compliance for the project as construction activities are completed and the plant is re-started. This, in turn, requires determining which pre-construction, construction, and pre-operation conditions of certification ("COC") are applicable to this limited construction re-start of BRPP. Bottle Rock Power, LLC ("Bottle Rock Power") has carefully evaluated the COCs and proposes the following submittals regarding pre-construction, construction, and pre-operation submittal and compliance. Once BRPP is operating, obviously the standard operational compliance requirements will apply.

Pre-Construction Compliance and Submittals

The following pre-construction conditions were evaluated and determined to require compliance for the re-start activities.

- **4-4 (Cultural):** *Pre-Construction Cultural Resources Briefing.* This condition requires the project owner to report to the Compliance Project Manager ("CPM") that pre-construction on-site training regarding cultural resources is given to all employees. This condition is applicable in view of the fact that even limited construction activities could impact historical or other cultural resources.

Oregon
Washington
California
Utah
Idaho



Mr. Christopher Meyer
December 14, 2006
Page 2

- **10-5 (Structural Engineering):** *Submit Substantial Design Changes to CPM.* This condition clearly should be applicable to those changes being made that are substantial in nature. Upon review of the 11 approved design changes/improvements, the following changes appear to be both design in nature and also substantial:
 - Installation of distributive control system;
 - Installation of vacuum pumps for condenser vacuum;
 - Changes to the Stretford H₂S abatement system; and,
 - Changes to the design of the secondary H₂S abatement system.
- **11-1 (Solid Waste Management):** *Obtain Hazardous Waste Generator Number from DTSC; Report in Monthly Compliance Report.* This condition is applicable and compliance with the condition has been completed. The hazardous waste generator number is CAL-000307976.

The following conditions were evaluated and determined to **not** require any submittals for the limited construction activities taking place.

- **9-1, 2 and 4 (Civil Engineering):** These conditions are not applicable since no civil engineering changes are taking place.
- **10-1 (Structural Engineering):** No structural changes are being made, thus this condition's submittals are not required.
- **11-2 (Waste Management):** No changes have been made to the sulfur cake storage containers requiring new approvals.
- **13-1, 2, 3, and 5 (TLSN):** No changes have been made to the transmission line system and it has remained energized throughout the shut down period.

Construction Compliance and Submittals

Bottle Rock Power determined that the following construction submittals should be made during completion of the construction of the design changes. These submittals are presented in general chronological order.

- **9-3 (Civil Engineering):** *Submit Monthly Construction Status Report*
- **10-3 (Structural Engineering):** *Submit Monthly Construction Status Report*



Mr. Christopher Meyer
December 14, 2006
Page 3

- **10-4 (Structural Engineering):** *Report Completion of Major Components*
- **10-6 (Structural Engineering):** *Certify Conformity of Completed Work*
- **8-1 (Soils):** *Report Basin Plan Compliance to CVRWQCB Immediately Following Construction Activities*

Bottle Rock Power will make the requisite submittals.

Pre-Operation Compliance and Submittals

The following pre-operation conditions were evaluated and determined to require compliance for the re-start activities.

- **2-10 (Public Health):** *Submit Cooling Water Management Plan to CPM.* This is a new condition of certification and clearly intended to be complied with prior to commencement of operation.
- **5-1.b. (Biology):** *Submit Biological Resources Mitigation and Monitoring Plan.* While a Biological Resources Mitigation and Monitoring Plan (“BRMMP”) must have been completed by the Department of Water Resources before BRPP first commenced operation, Bottle Rock Power does not have this original document. Further, the passage of time and changed standards and science clearly require an updated BRMMP. For these reasons, Bottle Rock Power will submit a BRMMP pursuant to this condition.
- **10-2 (Structural Engineering):** *Report Location and Availability of Drawings, Plans, Test Reports and Other Construction/Design Documents.* With the re-start of BRPP, the document location should be re-established. Bottle Rock Power will report this location pursuant to this condition.
- **11-4 (Solid Waste Management):** *Submit Secondary Abatement Waste Disposal Plan to CPM.* Bottle Rock Power will prepare and submit a new secondary abatement waste disposal plan.
- **12-7 (Safety):** *Submit Certification from Fire Safety Engineer or Insurance Company that Facility is in Reasonable Compliance with Fire Safety Codes and Standards.* Because of the passage of time and because proper power engineering practices require that compliance with fire code requirements, Bottle Rock will obtain the required certification.



Mr. Christopher Meyer
 December 14, 2006
 Page 4

- **13-8 (TLSN):** *Report Pre-Synchronization with CA-ISO to CPM.* The project owner is required to report such information one business day prior to synchronization. When BRPP is prepared for pre-synchronization, Bottle Rock Power will report as required in this condition.

The following possibly applicable conditions were evaluated and determined to not be triggered by the limited changes and re-start activities.

- **12-1, 2, 3, 4, 5, and 6 (Safety):** These conditions relate to systems or equipment that remains unchanged at BRPP. For that reason, engineer certifications are not required.

Summary Schedule of Planned Submittals

COC #	Submittal	Planned Submittal Date
Pre-Construction		
4-4	Report of cultural resources worker training	12/14/06
10-5	Submit substantial design changes	12/14/06
Construction		
11-1	Hazardous Waste Generator Number	12/14/06
9-3	Submit Monthly Construction Status Report	01/03/07
10-3	Submit Monthly Construction Status Report	01/03/07
10-4	Report Completion of Major Components	01/10/07
10-6	Certify Conformity of Completed Work	01/10/07
8-1	Report Basin Plan Compliance to CVRWQCB Immediately Following Construction Activities	01/15/07
Pre-Operation		
2-10	Submit Cooling Water Management Plan to CPM.	12/20/06
5-1.b	Submit Biological Resources Mitigation and Monitoring Plan	12/20/06
10-2	Report Location and Availability of Drawings, Plans	12/20/06
11-4	Submit Secondary Abatement Waste Disposal Plan	12/20/06
12-7	Submit Fire Safety Certification	12/20/06
13-8	Report Pre-Synchronization	01/15/07



Mr. Christopher Meyer
December 14, 2006
Page 5

Conclusion

Bottle Rock Power proposes the above pre-construction, construction, and pre-operation compliance plan. Your prompt review, comment and approval of the compliance plan will significantly assist Bottle Rock Power's re-start of BRPP as soon as possible, allowing renewable geothermal power to serve loads in California under its power purchase agreement with Pacific Gas and Electric Company. To that end, Bottle Rock Power is concurrently, but separately, submitting two of the three previously identified, pre-construction submittals (the third, COC 11-1, is included herein). With prompt review of submittals, Bottle Rock Power anticipates beginning steam operations and electricity generation at the plant in mid-January.

If you have any questions at all regarding this submittal, please do not hesitate to contact me.

Very truly yours,


John A. McKinsey

JAM:kjh

cc: Ronald E. Suess, JD, President, Bottle Rock Power, LLC