

# Memorandum

Date: February 11, 2008

File: Walnut Creek Energy Park (05-AFC-2)

<b>DOCKET</b>	
<b>05-AFC-2</b>	
<b>DATE</b>	FEB 11 2008
<b>RECD.</b>	FEB 11 2008

To: Jackalyne Pfannenstiel, Presiding Member

From: California Energy Commission - Jack W. Caswell, Project Manager  
 1516 Ninth Street  
 Sacramento, CA 95814-5512

*R. Wood for JWC*

Subject: **STAFF'S COMMENTS ON THE REVISED PRESIDING MEMBER'S PROPOSED DECISION, THE AMENDED FINAL DETERMINATION OF COMPLIANCE, AND ON WALNUT CREEK ENERGY PARK'S COMMENTS ON THE REVISED PMPD FOR NOISE AND VIBRATION**

In response to revised information and an opportunity to provide comments after the Committee's Evidentiary Hearing for the Walnut Creek Energy Park, staff is providing additional information and comments for the evidentiary record in the following technical areas: Air Quality and Noise and Vibration. Staff's comments are provided in the form of supplemental testimony per the Committee order in its February 6, 2006 Notice of Hearing on Status of the Proceeding and Evidentiary Hearing. The suggested new text for Conditions of Certification is in underline format.

PROOF OF SERVICE (REVISED 10/16/07) FILED WITH ORIGINAL MAILED FROM SACRAMENTO ON 2/11/08

# AIR QUALITY

## Supplemental Testimony of Joseph M. Loyer

On January 22, 2008, the South Coast Air Quality Management District (AQMD) issued an Amended Final Determination of Compliance (AFDOC) for a 30-day public review. The AFDOC contains five new conditions, which staff proposes for incorporation into the Revised Presiding Member's Proposed Decision (PMPD). Revised language for staff's conditions of certification is identified by underline in the following information. Staff submits to the Committee for their consideration a revised AIR QUALITY Table 22, amended Conditions of Certification **AQ-3**, and **-7** and new Conditions of Certification **AQ-17**, **-18** and **-19**.

The modifications to **AQ-3** and **-7** are minor:

- **AQ-3** includes the requirement that the Walnut Creek project be completed and on-line within three years of the issuance of the Permit to Construct and,
- **AQ-7** includes the requirement that the annual source test include reporting of emissions in units of pounds per hour (lb/hr).

The new Conditions **AQ-17**, **-18** and **-19** incorporate three new major requirements from the AQMD as a result of the new provisions in Rule 1309.1 (The Priority Reserve Rule).

- **AQ-17** requires the one time testing of the Walnut Creek project to demonstrate compliance with the following performance criteria for NO<sub>x</sub> and PM<sub>10</sub> emissions for each turbine:
  - NO<sub>x</sub> emissions may not exceed 0.08 lbs/MW-hr.
  - PM<sub>10</sub> emissions may not exceed 0.06 lbs/MW-hr.
- **AQ-18** restricts the Walnut Creek project from operating more than 4,000 hours per year per turbine.
- **AQ-19** restricts the Walnut Creek project from delivering more than 500 MW of electric power to the grid.

The AFDOC contains a discussion of how the Walnut Creek Energy Park will comply with all the new provisions of AQMD Rule 1309.1 adopted in August of 2007. With the AFDOC, staff can make the recommendation to the Committee that the project complies with all Laws, Ordinances, Regulations and Standards. It is staff's opinion that the project's conformance with the AFDOC will not result in any significant adverse impacts to the environment. Additionally, it is staff opinion that this project will comply with the the Conditions of Certification. Therefore, staff can recommend that the project be approved with the adoption of the conditions of certification recommended in the Final Staff Assessment (dated April 11, 2007), and the Staff Comments on the PMPD and modified herein.

Additions to AIR QUALITY Table 22 and the following Conditions of Certification are shown in underline, while the deletions are shown in ~~strikethrough~~.

**AIR QUALITY Table 22**  
**AQMD Permit Conditions with Corresponding Commission**  
**Conditions of Certification**

SCAQMD Permit Conditions	CEC Condition of Certification	Condition Description
<b>LMS100PA CTGs</b>		
A63.1	AQ-1	Monthly contaminant emission limit (PM10, CO, SOx & VOC)
SCAQMD Rule 2004	AQ-2	Annual contaminant emission limit (NO <sub>2</sub> )
A99.1	AQ-3	Relief from 2.5ppm NOx limit during commissioning, startup and shut down. Commissioning, startup & shutdown time limits. Limit of number of startups per year.
A99.2	AQ-3	Relief from 6.0 ppm CO limit during commissioning, startup and shut down. Commissioning, startup & shutdown time limits. Limit of number of startups per year.
A99.3	AQ-3	NOx limit during the turbine commissioning, not to exceed 12 months.
A99.4	AQ-3	NOx limit for interim time period of end of commissioning to continuous emission monitoring system (CEMS) certification, not to exceed 12 months.
A99.5	AQ-3	Relief from 2.0 ppm VOC limit during commissioning, startup and shut down. Commissioning, startup & shutdown time limits. Limit of number of startups per year.
A195.1	AQ-4	CO emission limit of 6.0 ppm @ 15% O <sub>2</sub> averaged over 1-hour.
A195.2	AQ-4	NOx emission limit of 2.5 ppm @ 15% O <sub>2</sub> averaged over 1-hour.
A195.3	AQ-4	VOC emission limit of 2.0 ppm @ 15% O <sub>2</sub> averaged over 1-hour.
A327.1	AQ-5 Rescinding relief.	Relief from emission limits, under Rule 475; project may violate either the mass emission limit or concentration emission limit, but not both at the same time.
C1.1	AQ-6	Limits the fuel usage for each turbine to 393 mmcf per month.
<u>C1.4</u>	<u>AQ-18</u>	<u>Limits the operating time of each turbine train to no more than 4,000 hours.</u>

D12.1	AQ-6	Requires the installation of a fuel flow meter.
<u>D12.7</u>	<u>AQ-18</u>	<u>Requires the installation of a non-resettable time meter.</u>
D29.1	AQ-7	Requires source tests for specific pollutants (NOx, CO, SOx, VOC, PM10, NH <sub>3</sub> ) within 180 days of initial startup.
D29.2	AQ-8	Requires source tests for ammonia (NH <sub>3</sub> ); quarterly for the first year and annually thereafter.
D29.3	AQ-7 Requires annual source testing for (NOx, CO, SOx, VOC and PM10/PM2.5)	Requires source tests for specific pollutants (SOx, VOC, PM10) once every three years.
<u>D29.4</u>	<u>AQ-17</u>	<u>Initial source testing requirements from AQMD Rule 1309.1.</u>
D82.1	AQ-9	Requires the installation of CEMS for CO emissions.
D82.2	AQ-9	Requires the installation of CEMS for NOx emissions.
E193.1	AQ-SC10	Requires that the <i>turbines</i> be operated within the mitigation measures stipulated in the Commission Decision.
<u>E193.3</u>	<u>AQ-3</u>	<u>The facility shall be legally operational within three years of issuance of the SCAQMD Permit to Construct.</u>
<u>E193.4</u>	<u>AQ-19</u>	<u>Restricts the facility to delivering no more than 500 MW of power to the grid.</u>
<u>E193.5</u>	<u>AQ-17</u>	<u>Establishes PM10 and NOx emission rate limits for each turbine in units of lbs/MW-hr.</u>
I296.1	AQ-16	Prohibited from operation unless the operator hold sufficient RTCs for the CTGs.
K40.1	AQ-7, -8 & -9	Source test reporting requirements.
K67.1	AQ-10	Requires record keeping of fuel use during commissioning, prior to and after CEMs certification.
<b>SCR/CO Catalyst</b>		
A195.4	AQ-11	Establishes the 5 ppm ammonia slip limit.
D12.2	AQ-12	Requires a flow meter for the ammonia injection.
D12.3	AQ-13	Requires a temperature meter at the

		SCR inlet.
D12.4	AQ-14	Requires a pressure gauge to measure the differential pressure across the SCR grid.
E179.1	AQ-12 & -13	Defines "continuously record" for D12.2 and D12.3 as recording once an hour based on the average of continuous monitoring for that hour.
E179.2	AQ-14	Defines "continuously record" for D12.4 as recording once a month based on the average of continuous monitoring for that month.
E193.1	AQ-SC10	Requires that the <i>SCR/CO catalyst</i> be operated within the mitigation measures stipulated in the Commission Decision.
<b>Ammonia Storage Tank</b>		
C157.1	See Hazardous Material section	Requires the installation of a pressure relief valve.
E144.1	See Hazardous Material section	Requires venting of the storage tank during filling only to the vessel from which it is being filled.
E193.1	AQ-SC10	Requires that the <i>Ammonia Storage Tank</i> be operated within the mitigation measures stipulated in the Commission Decision.
<b>Emergency Firewater Pump</b>		
C1.3	AQ-15	Limited to 199.99 hours per year (for operation and ready test firing).
D12.5	AQ-15	Requires the installation of a non-resettable time meter.
D12.6	AQ-15	Requires the installation of a non-resettable fuel meter.
B61.1	AQ-15	Restricts the sulfur content of the diesel fuel to no more than 15 ppm by weight.
E193.2	AQ-15	Establishes the operational restrictions for the firewater pump, including a restriction of 50 hours/year for ready test firing.
I296.2	AQ-16	Prohibited from operation unless the operator holds sufficient RTCs for the firewater pump.
K67.2	AQ-15	Required record keeping for the firewater pump.

Portable Architectural Coating Equipment		
K67.3	NA	Required record keeping of thinners and no-thinners architectural applications (paint).

**AQ-3** The 2.5 ppm NOx emission limit, 2.0 ppm VOC emission limit and the 6.0 ppm CO emission limit shall not apply during turbine commissioning, start-up and shutdown. The commissioning period shall not exceed 134 operating hours per turbine from the initial start-up. Following commissioning, start-ups shall not exceed 60 minutes and the number of start-ups shall not exceed 350 per year. Following commissioning, shutdowns shall not exceed 10 minutes and the number of shutdowns shall not exceed one per day per turbine. Written records of commissioning, start-ups and shutdowns shall be kept and made available to AQMD and submitted to the CPM for approval.

The 123.46 lb/mmescf NOx emission limit(s) shall only apply during interim reporting period during initial turbine commissioning and the 10.29 lbs/mmescf shall apply only during the interim reporting period after the initial turbine commissioning period, to report RECLAIM emissions. The interim period shall not exceed 12 months from the initial start-up date.

All combustion turbines shall be fully operational within three years of the issuance of the Permit to Construct from the AQMD.

**Verification:** The project owner shall provide the AQMD and the CPM with the written notification of the initial start-up date no later than 60 days prior to the startup date. The project owner shall submit, commencing one month from the time of gas turbine first fire, a monthly commissioning status report throughout the duration of the commissioning phase that demonstrates compliance with this condition and the emission limits of Condition **AQ-13**. The monthly commissioning status report shall include criteria pollutant emission estimates for each commissioning activity and total commissioning emission estimates. The monthly commissioning status report shall be submitted to the CPM until the report includes the completion of the initial commissioning activities. The project owner shall provide start-up and shutdown occurrence and duration data as part as part of the Quarterly Operation Report (**AQ-SC10**). The project owner shall make the site available for inspection of the commissioning and startup/shutdown records by representatives of the AQMD, CARB and the Commission.

**AQ-7** The project owner shall conduct an initial source test and annually thereafter for NOx, CO and NH<sub>3</sub> and for SOx, VOC and PM10 of each gas turbine exhaust stack in accordance with the following requirements:

- The project owner shall submit a source test protocol to the AQMD and the CPM 45 days prior to the proposed source test date for approval. The protocol shall include the proposed operating conditions of the gas turbine, the identity of the testing lab, a statement from the lab certifying that it meets the criteria of AQMD Rule 304, and a description of all sampling and analytical procedures.

- The initial source test shall be conducted no later than 180 days following the date of first fire.
- The AQMD and CPM shall be notified at least 10 days prior to the date and time of the source test.
- The source test shall be conducted with the gas turbine operating under maximum, average and minimum loads.
- The source test shall be conducted to determine the oxygen levels in the exhaust.
- The source test shall measure the mass flow rate in lb/hr, fuel flow rate, the flue gas flow rate and the turbine generating output in MW.
- The source test shall be conducted for the pollutants listed using the methods, averaging times, and test locations indicated and as approved by the CPM:

Pollutant	Method	Averaging Time	Test Location
NOx	AQMD Method 100.1	1 hour	Outlet of SCR
CO	AQMD Method 100.1	1 hour	Outlet of SCR
SOx	AQMD approved method	AQMD approved averaging time	Fuel Sample
VOC	AQMD approved method	1 hour	Outlet of SCR
PM10 (and as a surrogate for PM2.5)	AQMD approved method	AQMD approved averaging time	Outlet of SCR
Ammonia	AQMD Methods 5.3 and 207.1 or EPA Method 17.	1 hour	Outlet of SCR

- The source test results shall be submitted to the AQMD and the CPM no later than 60 days after the source test was conducted.
- All emission data is to be expressed in the following units:
  1. ppmv corrected to 15% oxygen dry basis,
  2. pounds per hour,
  3. pounds per million cubic feet of fuel burned and
  4. additionally, for PM10 only, grains per dry standard cubic feet of fuel burned.
- Exhaust flow rate shall be expressed in terms of dry standard cubic feet per minute and dry actual cubic feet per minute.
- All moisture concentrations shall be expressed in terms of percent corrected to 15 percent oxygen.

**Verification:** The project owner shall submit the proposed protocol for the initial source tests at least 45 days prior to the proposed source test date to both the AQMD and CPM for approval. The project owner shall submit source test results no later than 60 days following the source test date to both the AQMD and CPM. The project owner shall notify the AQMD and CPM no later than 10 days prior to the proposed initial source test date and time.

**AQ-17** The project owner shall conduct one source test over the lifetime of the project for NOx and PM10 on each gas turbine exhaust stack in accordance with the following requirements:

- The project owner shall submit a source test protocol to the AQMD and the CPM 45 days prior to the proposed source test date for approval. The protocol shall include the proposed operating conditions of the gas turbine, the correction and degradation factors and documentation of their validity, the identity of the testing lab, a statement from the lab certifying that it meets the criteria of AQMD Rule 304, and a description of all sampling and analytical procedures.
- The initial source test shall be conducted no later than 180 days following the date of first fire.
- The AQMD and CPM shall be notified at least 10 days prior to the date and time of the source test.
- The source test shall be conducted with the gas turbine operating under maximum load.
- The test shall be conducted in accordance with AQMD approved test protocol. The source test shall be conducted for the pollutants listed using the methods, averaging times, and test locations indicated and as approved by the CPM:

<u>Pollutant</u>	<u>Method</u>	<u>Averaging Time</u>	<u>Test Location</u>
<u>NOx</u>	<u>AQMD Method 100.1</u>	<u>1 hour</u>	<u>Outlet of SCR</u>
<u>PM10</u>	<u>AQMD approved method</u>	<u>AQMD approved averaging time</u>	<u>Outlet of SCR</u>

- The source test results shall be submitted to the AQMD and the CPM no later than 60 days after the source test was conducted.
- The test results shall demonstrate compliance with the following emission limits as required by AQMD Rule 1309.1:
  - PM10 emission rates shall not exceed 0.060 lb/MW-hr.
  - NOx emission rates shall not exceed 0.080 lb/MW-hr.
- If the actual measurement is within the accuracy of the devices used for electrical power measurement, the result will be acceptable.
- The lb/MW-hr emission rate of each electrical generating unit for each pollutant (NOx and PM10) shall be determined by dividing (a) the lb/hr



emission rate measured at the location and in accordance with the test method specified above, by (b) the adjusted gross electrical output of each electrical generating unit.

- The adjusted gross electrical output of each electrical generating unit shall be determined by making the following adjustments to the measured gross electrical output:
  - Apply the manufacturer's standard correction factors to calculate gross electrical output at ISO conditions.
  - Apply the GE site-specific LMS100 power degradation curve to adjust measured gross electrical output, as corrected to ISO conditions, to undegraded electrical generating unit conditions as defined by the turbine manufacturer. The maximum power degradation adjustment shall not exceed 1 percent.

**Verification:** The project owner shall submit the proposed protocol for the initial source tests at least 45 days prior to the proposed source test date to both the AQMD and CPM for approval. The project owner shall submit source test results no later than 60 days following the source test date to both the AQMD and CPM. The project owner shall notify the AQMD and CPM no later than 10 days prior to the proposed initial source test date and time.

**AQ-18** The project owner shall limit the operating time for each combustion turbine to no more than 4,000 hours in any one year. For the purposes of this condition, operating time shall be defined as any time that fuel is being combusted for any purpose in the combustion turbine train. One year is defined as a period of twelve (12) consecutive months determined on a rolling basis with a new twelve month period beginning on the first day of each calendar month. The operator shall install and maintain a non-resettable elapsed time meter to accurately indicate the elapsed operating time of the engine. The measuring device or gauge shall be accurate to plus or minus 5 percent. The measuring device or gauge shall be calibrated once every 12 months.

**Verification:** The project owner shall submit to the CPM for review a record of the time of use for all fuel use on a quarterly basis as part of the quarterly emissions report of Condition of Certification **AQ-SC10**.

**AQ-19** The project owner shall restrict the total net cumulative electricity generated and delivered to the grid from all five gas combustion turbines to no more than 500 MW. The project owner shall use the methodology as prescribed by the AQMD in the AFDOC to demonstrate compliance with this limitation.

**Verification:** The project owner shall submit to the CPM for review all generation and generation calculations on a quarterly basis as part of the quarterly emissions report of Condition of Certification **AQ-SC10**.

## NOISE AND VIBRATION

### Supplemental Testimony of Shahab Khoshmashrab

Condition of Certification (Condition) **NOISE-7** requires that in the event a legitimate noise complaint under Condition of Certification **NOISE-2** is made and it is determined that the project was operating at the time the noise was heard by the complainant and the noise attributable to such operation was greater than 49 dBA at the complainant's residence, and if the complaint is not resolved, the project owner must limit operations during those hours of the nighttime so that noise attributable to the project is no greater than 49 dBA at the complainant's residence (p. 129 of the Revised PMPD). The Revised PMPD states that it must be determined through either monitoring or mathematical extrapolation of the 25-hour monitoring data obtained pursuant to Condition **NOISE-4** whether project noise exceeded 49 dBA (p. 127 of the Revised PMPD). Condition **NOISE-4** requires a 25-hour noise monitoring survey at M2 and M4, near the closest residential receptors. This survey is to occur when the project achieves 90 percent or greater of its rated capacity. This output can be reached when all five combustion turbine generators (CTGs) are operating simultaneously. If the project were operating with fewer CTGs on at the time the noise was heard at the complainant's residence, no data would be available to determine the project's noise contribution at that time. For Condition **NOISE-7** to be more effective, a more complete set of noise measurements should be performed. Thus, the noise survey described in Condition **NOISE-4** should be modified so that project noise levels with four, three, and two CTGs operating will be measured as well. Noise monitoring when only one CTG is operating will likely be unnecessary as project noise will likely be inaudible at the nearest residential receptors.

Staff recommends the following revisions to Condition **NOISE-4**.

**NOISE-4** The project design and implementation shall include appropriate noise mitigation measures adequate to ensure that operation of the project will not cause noise levels attributable to plant operation, during the four quietest consecutive hours of the nighttime, to exceed an average of 52 dBA measured near the intersection of Fieldgate Avenue and Folger Street (monitoring location M2) and near the intersection of Inyo Street and Roxham Avenue (monitoring location M4).

The measurement of power plant noise for the purposes of demonstrating compliance with this condition of certification may alternatively be made at a location, acceptable to the CPM, closer to the plant (e.g., 400 feet from the plant boundary) and this measured level then mathematically extrapolated to determine the plant noise contribution at the affected residence. However, notwithstanding the use of this alternative method for determining the noise level, the character of the plant noise shall be evaluated at the affected residential locations (M2 and M4) to determine the presence of pure tones or other dominant sources of plant noise.

No new pure-tone components may be introduced. No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints.

- A. When the project first achieves a sustained output of 90 percent or greater of rated capacity, the project owner shall conduct a 25-hour community noise survey at monitoring sites M2 and M4, or at a closer location acceptable to the CPM. During one of the four quietest consecutive hours of the nighttime, the project owner shall conduct the above measurement with all of the five combustion turbine generators (CTGs) operating simultaneously. The project's operating profile during the remainder of those four hours shall be according to the description below. This survey during power plant full load operation shall also include measurement of one-third octave band sound pressure levels to ensure that no new pure-tone noise components have been introduced.
  
- B. During the period of the above survey, the project owner shall perform the measurement described above at monitoring locations M2 and M4 (or at a closer location acceptable to the CPM, as described above) during one of the four quietest consecutive hours of the nighttime with only four of the CTGs operating simultaneously at 90 percent or greater of rated capacity. Also during the period of this survey, the project owner shall perform this measurement at M2 and M4 (or at a closer location acceptable to the CPM, as described above) during one of the four quietest consecutive hours of the nighttime with only three of the CTGs operating simultaneously at 90 percent or greater of rated capacity. Finally, during the period of this survey, the project owner shall perform this measurement at M2 and M4 (or at a closer location acceptable to the CPM, as described above) during one of the four quietest consecutive hours of the nighttime with only two of the CTGs operating simultaneously at 90 percent or greater of rated capacity.
  
- C. If the results from the noise survey indicate that the power plant average noise level at the affected receptor sites exceeds the above value during the four quietest consecutive hours of the nighttime, mitigation measures shall be implemented to reduce noise to a level of compliance with this limit.
  
- D. If the results from the noise survey indicate that pure tones are present, mitigation measures shall be implemented to eliminate the pure tones.

**Verification:** The survey shall take place within 30 days of the project first achieving a sustained output of 90 percent or greater of rated capacity. Within 15 days after completing the survey, the project owner shall submit a summary report of the survey to the CPM. Included in the survey report will be a description of any additional mitigation measures necessary to achieve compliance with the above listed noise limit, and a schedule, subject to CPM approval, for implementing these measures. When these measures are in place, the project owner shall repeat the noise survey.

Within 15 days of completion of the new survey, the project owner shall submit to the CPM a summary report of the new noise survey, performed as described above and showing compliance with this condition.


**DECLARATION OF  
SHAHAB KHOSHMAHRAB**

I, **SHAHAB KHOSHMAHRAB**, declare as follows:

1. I am presently employed by the California Energy Commission in the **ENGINEERING OFFICE** of the Facilities Siting Division as a **MECHANICAL ENGINEER**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I participated in the preparation of the staff testimonies on **NOISE AND VIBRATION**, for the **Walnut Creek Energy Park** project based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issues addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 2/8/08

Signed: 

At: Sacramento, California


**DECLARATION OF  
Joseph M. Loyer**

I, Joseph M. Loyer declare as follows:

1. I am presently employed by the California Energy Commission in the Environmental Office of the Systems Assessments and Facilities Siting Division as an Associate Mechanical Engineer.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the staff testimony on Air Quality, for the Walnut Creek Energy Park based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 2-6-08

Signed: 

At: Sacramento, California

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION  
OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION  
FOR THE WALNUT CREEK ENERGY PARK  
(WCEP)

DOCKET NO. 05-AFC-2

(Revised 10/16/07)

**INSTRUCTIONS:** All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

**CALIFORNIA ENERGY COMMISSION**

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**DECLARATION OF SERVICE**

I, Maria Sergoyan, declare that on 2/11/2008, I deposited copies of the attached Staff's Comments on the Revised Presiding Member's Proposed Decision, the Amended Final Determination of Compliance, and on Walnut Creek Energy Park's Comments on the Revised PMPD for Noise and Vibration in the United States mail at Sacramento with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

**OR**

Transmission via electronic mail was consistent with the requirements of the California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

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

  
\_\_\_\_\_  
**Maria Sergoyan**