


**CALIFORNIA ENERGY COMMISSION**

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512  
www.energy.ca.gov

**NOTICE OF AVAILABILITY**

**PRELIMINARY STAFF ASSESSMENT  
FOR THE CHULA VISTA ENERGY UPGRADE PROJECT  
APPLICATION FOR CERTIFICATION (07-AFC-4)**

This notice is to inform you of the availability of the Preliminary Staff Assessment (PSA) for MMC Energy, Inc.'s (MMC's) proposed Chula Vista Energy Upgrade Project (CVEUP) Application for Certification (07-AFC-4). The PSA was published electronically on April 29, 2008. The PSA contains the California Energy Commission staff's initial engineering and environmental evaluation of the CVEUP, and staff's findings are summarized as follows:

- The map boundaries of the City of Chula Vista Multi-Species Conservation Plan Subarea Plan 75 – 99 percent Conservation Area – Habitat Preserve include the proposed equipment and material laydown areas for the CVEUP. The two proposed laydown areas are disturbed areas previously and/or currently used as construction laydown areas. After review of the proposed CVEUP and Section 5.4.1 of the City of Chula Vista's Multi-Species Conservation Plan Subarea Plan, staff and U.S. Fish and Wildlife Service recommend that the map boundaries of the Subarea Plan are corrected to reflect the actual boundaries of the preserve. With correction of this mapping conflict, the CVEUP will be in compliance with all biological resource Laws, Ordinances, Regulations and Standards (LORS).
- The City of Chula Vista General Plan was revised after the City of Chula Vista permitted the existing 44.5 MW Chula Vista Power Plant. General Plan Policy E 6.4 states that the Agency [Chula Vista Redevelopment Agency] should "*avoid siting new or re-powered energy facilities or other major toxic emitters within 1,000 feet of a sensitive receptor*". The project as proposed is inconsistent with the revised general plan and would require a Conditional Use Permit if licensed by the City of Chula Vista. Staff has reviewed the City of Chula Vista General Plan and the Special Use Permit issued for the Chula Vista Power Plant in 2000 and has proposed mitigation to address the inconsistency. With staff proposed Condition of Certification **LAND-1**, the CVEUP would be in compliance with all land use LORS. This issue will be further addressed in the Final Staff Assessment.
- The proposed CVEUP has only one access point and the AFC makes no mention of a secondary access point through the perimeter fence. Both the California Fire Code (24 CCR Part 9, chapter 5, section 503.1.2) and the Uniform Fire Code (sections 901 and 902) require that access to the site be reviewed and approved by the fire department. All power plants licensed by the Energy Commission have more than one access point to the power plant site and with the secondary access point proposed by staff, the CVEUP will be in compliance with all fire protection LORS.
- The San Diego Air Pollution Control District has determined that the project complies with the appropriate rules and requirements of the District and will not contribute to

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the degradation of the air quality. The applicant has identified all required emissions reductions credits needed for operation of the proposed project.

- Staff evaluated the greenhouse gas (GHG) emissions from the proposed project and recommends reporting of the GHG emissions as the Air Resources Board develops greenhouse gas regulations and/or trading markets. Prior to the finalization of the Presiding Members Proposed Decision, the project may be subject to additional reporting requirements and GHG reductions not discussed here.
- Transmission system impacts and appropriate mitigation have been fully identified at this point and are acceptable and would comply with all applicable laws, ordinances, regulations, and standards. The project interconnection to the grid would not require additional downstream transmission facilities other than those Special Protection Schemes proposed by the applicant.

The Energy Commission conducted a publicly noticed workshop in Chula Vista to discuss the PSA on May 12, 2008. Based on the workshop, written comments received on the PSA, and additional information that will be gathered, the Energy Commission staff will revise the PSA and issue a Final Staff Assessment, which will become staff's testimony for the evidentiary hearings. The Energy Commission's Siting Committee, made up of two Energy Commissioners, will be noticing the hearings, likely to be scheduled in July. The hearings will provide an opportunity for community members, and other interested parties, to present their views to the decision makers. Agencies and members of the public are encouraged to participate in the PSA review process. Written comments are appreciated by June 13, 2008.

The PSA is available for review at the following local libraries:

San Diego County Library  
El Cajon Branch  
201 E. Douglas Avenue  
El Cajon, CA 92020

San Diego County Library  
Vista Branch  
700 Eucalyptus Avenue  
Vista, CA 92084

San Diego County Library  
Bonita Branch  
4375 Bonita Road  
Bonita, CA 91902

San Diego State Univ.  
Library  
5500 Campanile Drive  
San Diego, CA 92182

Chula Vista Public Library  
Civic Center Branch  
365 F Street  
Chula Vista, CA 91910

National City Public Library  
1401 National City Blvd.  
National City CA 91950

The PSA is also available on the Internet at [www.energy.ca.gov/sitingcases/chulavista](http://www.energy.ca.gov/sitingcases/chulavista). However, if you would like a paper copy or CD of the PSA, please fill out the enclosed form and return it to the California Energy Commission, Attention: Maria Sergoyan, Siting Project Secretary, or by phone at (916) 651-9410, or by e-mail at [msergoya@energy.state.ca.us](mailto:msergoya@energy.state.ca.us).

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If you desire information on how to participate in the Energy Commission's review of the project, please contact the Energy Commission Public Adviser's Office, at (916) 654-4489 or toll free in California at (800) 822-6228. Technical or project schedule questions should be directed to Christopher Meyer, Energy Commission Project Manager, at (916) 653-1639 or at [cmeyer@energy.state.ca.us](mailto:cmeyer@energy.state.ca.us). The status of the project, an electronic copy of the Application for Certification, the PSA, copies of notices, and other relevant documents are also available on the Energy Commission's web site at [www.energy.ca.gov/sitingcases/chulavista](http://www.energy.ca.gov/sitingcases/chulavista).

If you need reasonable accommodation in terms of American Disabilities Act assistance or for language translation, please contact Lourdes Quiroz of the Administrative Services Division at (916) 654-5146, or e-mail Lourdes at [lquiroz@energy.state.ca.us](mailto:lquiroz@energy.state.ca.us). News media inquiries should be directed to the Energy Commission's Media and Public Communications Office at (916) 654-4989 or email [mediaoffice@energy.state.ca.us](mailto:mediaoffice@energy.state.ca.us).

Sincerely,

5/22/08  
Date



Eileen Allen  
Siting and Compliance Office Manager

Enclosure  
Mailed to List 7251 – Property Owners

**Please send me a paper copy / CD (circle one) of the California Energy Commission staff's Preliminary Staff Assessment for the Chula Vista Energy Upgrade Project (CVEUP) Application for Certification (07-AFC-4).**

**Name:**

**Address:**

**City/State/Zip:**

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California Energy Commission  
**Attention:** Maria Sergoyan  
1516 Ninth Street, MS-15  
Sacramento, CA 95814-5512

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