

# Memorandum

Date: April 30, 2009  
Telephone: (916) 654-4894

To: Chairman Jeffrey D. Byron, Presiding Member  
Vice Chairman Arthur H. Rosenfeld, Associate Member  
Hearing Officer, Raul Renaud

From: California Energy Commission – Rod Jones  
1516 Ninth Street Project Manager  
Sacramento, CA 95814-5512

<b>DOCKET</b>	
<b>08-AFC-11</b>	
DATE	April 30 2009
RECD.	May 01 2009

Subject: **CPV VACA STATION PROJECT (08-AFC-11) STATUS REPORT 1**

Staff submits the following Status Report for the proposed CPV Vaca Station Project (CPVVS), pursuant to the Committee Scheduling Order dated March 23, 2009.

### Current Issues and Activities for Resolution

Staff has been working through the discovery and analysis phase of the proposed CPVVS project Application for Certification (AFC). Staff has issued one set of data requests and has conducted one data response and issue resolution workshop.

Staff and the applicant continue to work towards resolution of issues and acquisition of information in the areas of air quality, cultural resources, and transmission system engineering. Staff is preparing a second set of data requests in the areas of noise, visual resources, and transmission system engineering, and expects to issue these by May 5, 2009. Three technical areas (soils, water and hazardous materials) have recently been assigned staff and will likely require data requests.

### Background

During the March 12, 2009 site visit/informational hearing approximately 20 members of the public attended and opinion regarding the project appeared to be split. Some residents were against the project and some were in favor of it because of potential job creation.

At the April 22, 2009 data request and issue resolution workshop held at the Easterly Wastewater Treatment Plant in Elmira, California near the project site, discussion focused on cultural resources and air quality. Below is a synopsis of that event.

### Cultural Resources (Data Request #39)

Staff is requesting additional information regarding data request #39, historical geomorphology. Staff is proposing that the applicant implement a small trenching program to determine the geoarchaeological potential of the project site. The applicant has stated that they are considering an alternative method to trenching, and will discuss this matter internally before responding further to staff's request.

### Air Quality

The applicant is still working on finalizing its emissions offset credits package with the Yolo-Solano Air Quality Management District (YSAQMD) and expects this task to take possibly another two months. The applicant has submitted an emission reduction credit (ERC) package

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MS

to the YSAQMD which identifies credits from cessation of agricultural rice straw burning as a potential source for reducing emissions from the project. However, the YSAQMD would need to make a ruling change allowing agricultural credits for this purpose before accepting the ERC package as complete. The YSAQMD is expected to make a decision regarding the ERC matter on or before June 10, 2009. Assuming the ruling is in the applicant's favor, YSAQMD could issue a Notice of Preliminary Determination of Compliance sometime in July.

#### Start up time for Auxiliary Boiler

At the suggestion of Energy Commission air quality staff, the applicant will review the YSAQMD two hour start up rule (YSAQMD Rule 2.34) for stationary gas turbines. In addition, the applicant will compare their proposed start up times with similar combined-cycle projects (such as Palomar) that have been evaluated by the Energy Commission.

#### System Impact Study

Per the CPV Vaca Station (080-AFC-11) Response to CEC Staff Data Request 1 through 53, the applicant has requested additional time to complete the supplemental System Impact Study (request docketed March 25, 2009, Docket Log #50668).

#### Schedule

Staff anticipates schedule delays due to the events surrounding the ERC credits package submitted to the YSAQMD. As mentioned earlier, the YSAQMD is expected to make a ruling on CPV Vacaville, LLC's application next month which will impact the issuance of the Notice of Preliminary Determination of Compliance (PDOC) and completion of the Preliminary Staff Assessment (PSA).

Given this circumstance, staff anticipates the publication of the PSA will occur by August 15, 2009, reflecting a two month delay from the publication date identified in the March 23, 2009 Committee Scheduling Order. Enclosed is the revised project schedule.

<b>Committee's Schedule</b>	<b>Events or Filings</b>
1/28/09	AFC data adequate
3/12/09	Informational Hearing and Site Visit
3/5/09	Staff transmits Data Request, Set 1
4/6/09	Applicant provides Data Responses, Set 1
4/20/09	Local, state and federal agency draft determinations
4/22/09	Data Response and Issue Resolution Workshop 1
The week of 4/27/09	Parties file Status Report
5/4/09	Staff transmits Data Request, Set 2
6/4/09	Applicant provides Data Responses, Set 2
6/10/09	YSAQMD Makes determination on ERC package
7/10/09	YSAQMD files PDOC
8/15/09	Staff files Preliminary Staff Assessment (PSA)
8/31/09	Local, state and federal agency final determinations and Air District FDOC
9/7/09	PSA Workshop
9/30/09	Staff files Final Staff Assessment (FSA)
TBD	Evidentiary hearings*
TBD	Committee files proposed decision
TBD	Hearing on the proposed decision**
TBD	Committee files revised proposed decision*
TBD	Commission Decision*

TBD = To Be Determined

**Note:** This schedule assumes that there are no significant delays with completing the PDOC and other unforeseen circumstances.

Shaded items have been completed



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
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1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – [WWW.ENERGY.CA.GOV](http://WWW.ENERGY.CA.GOV)

**APPLICATION FOR CERTIFICATION  
FOR THE CPV VACA STATION  
BY THE CPV VACAVILLE, L.L.C.**

**Docket No. 08-AFC-11**

**PROOF OF SERVICE**

(Established 2/18/2009)

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**DECLARATION OF SERVICE**

I, Maria Santourdjian, declare that on May 01, 2009, I served and filed copies of the attached CPV Vaca Station (08-AFC-11) Status Report 1. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

**[<http://www.energy.ca.gov/sitingcases/vacastation/index.html>]**. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

***(Check all that Apply)***

**For service to all other parties:**

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

**AND**

**For filing with the Energy Commission:**

**sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);**

**OR**

depositing in the mail an original and 12 paper copies, as follows:

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 08-AFC-11

1516 Ninth Street, MS-4

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

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**Maria Santourdjian**