



<b>DOCKET</b>	
<b>09-AFC-3</b>	
DATE	OCT 01 2009
RECD	OCT 05 2009

# Mariposa Energy

Application for Certification  
Docket # 09-AFC-3

Informational Hearing & Site Visit

Craig Hoffman – Project Manager

October 1, 2009



## Energy Commission's Role

- **Energy Commission (CEC) Permitting Authority**
  - Thermal power plants “50 Megawatts or Greater”
  - Related facilities:
    - electric transmission lines to first point of interconnection
    - water supply pipelines
    - natural gas pipelines
    - access roads
- **Lead state agency for California Environmental Quality Act (CEQA)**



## Overview of Licensing Process

### 1. Data Adequacy

- Minimum requirements to accept application

### 2. Staff Discovery and Analyses

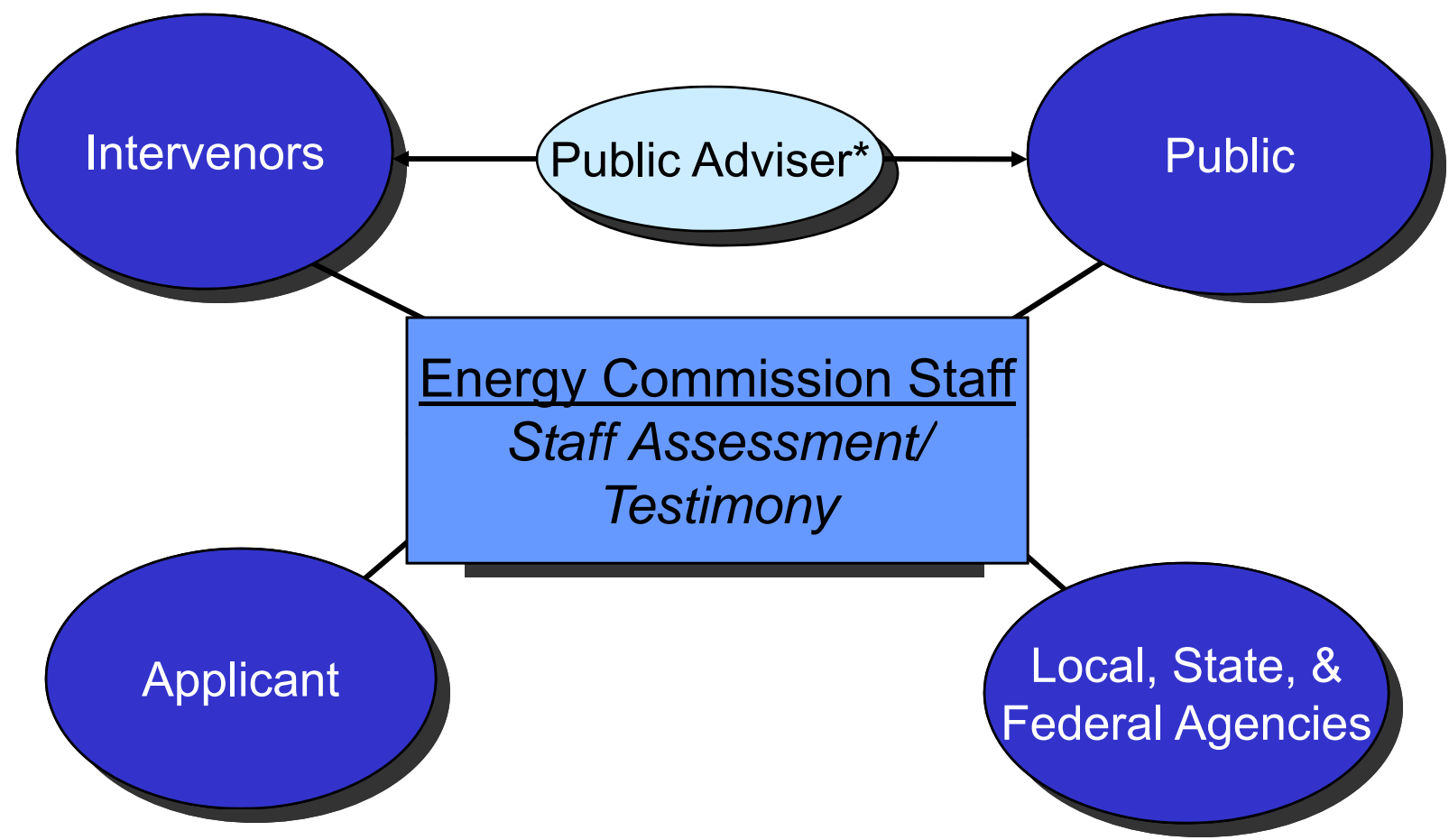
- Issues Identification
- Data requests
- Public Workshops
- Preliminary and Final Staff Assessments (PSA & FSA)

### 3. Committee Evidentiary Hearing and Decision

- Evidentiary Hearings on FSA and other information
- Presiding Member's Proposed Decision (PMPD)
- PMPD hearing and Commission decision



# Discovery & Analysis Process



\* The Public Adviser provides assistance on how to participate in the CEC's public process.

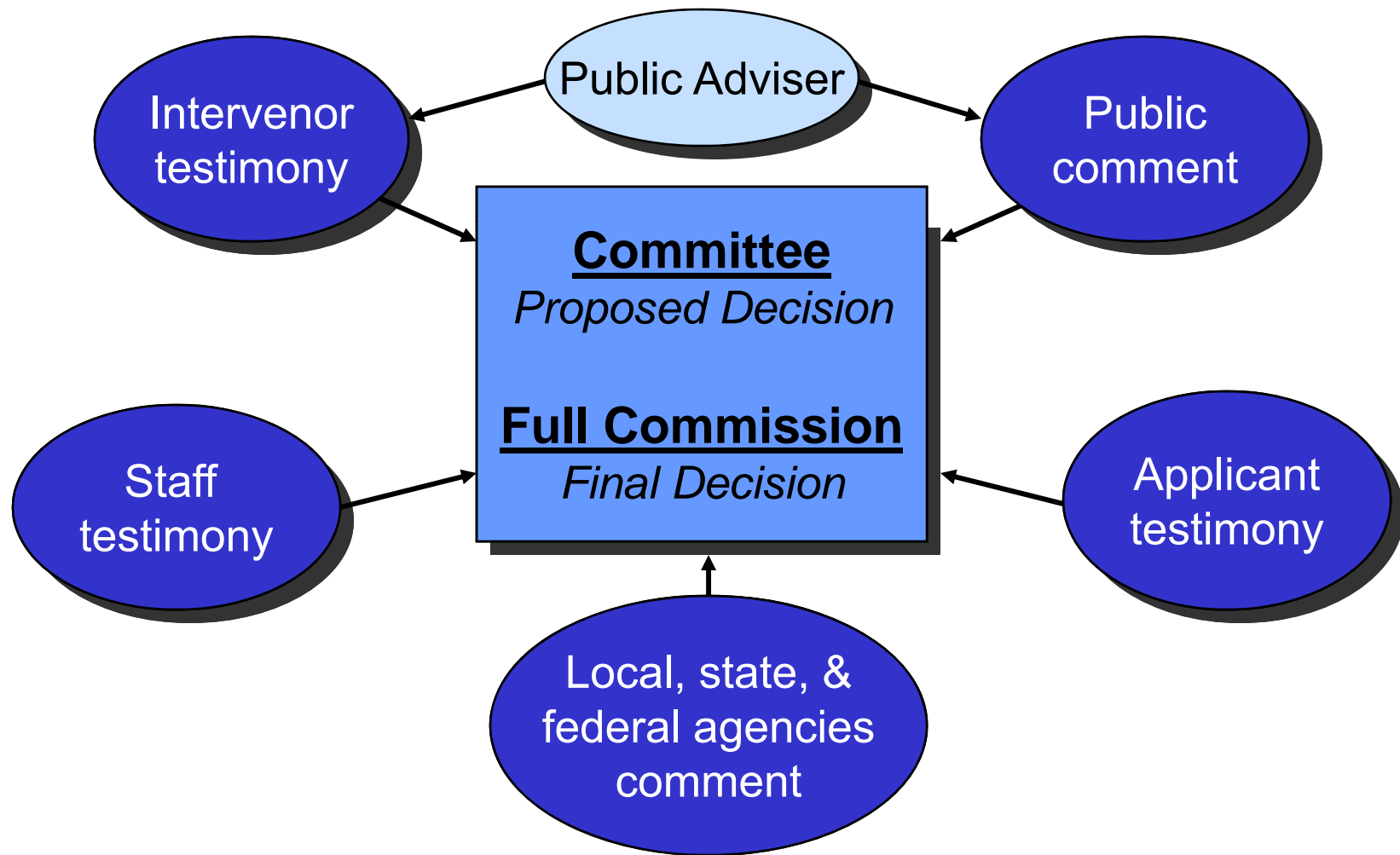


# Discovery and Analysis Process

- **Determine if proposal complies with Laws, Ordinances, Regulations, Standards (LORS)**
- **Conduct engineering and environmental analysis**
  - Identify issues
  - Evaluate alternatives
  - Identify mitigation measures
  - Recommend Conditions of Certification
- **Facilitate public and agency participation**
- **Staff products: Preliminary Staff Assessment (PSA) and Final Staff Assessment (FSA)**
- **Make recommendations to the Committee**



# Evidentiary Hearing & Decision Process





# Evidentiary Hearing & Decision Process

- **Committee conducts evidentiary hearings**
  - **Issues Presiding Member's Proposed Decision (PMPD)**
  - **PMPD contains:**
    - **Findings regarding environmental impacts, public health, engineering**
    - **Findings regarding project's compliance with LORS**
    - **Conditions of certification**
    - **Discussion regarding agency/public comments**
    - **Recommends whether or not to approve the project**
- **Full Commission makes decision**
- **Energy Commission monitors compliance with all conditions of certification, for the life of the project and closure**



## Local, State and Federal Agencies

- **Staff works closely with local, state and federal agencies, for example:**
  - **Local/Regional**
    - **City of Brentwood - City of Tracy - Alameda County – San Joaquin County - Contra Costa County : Planning, Health, Public Works**
    - **Bay Area Air Quality Management District**
  - **State**
    - **California Department of Fish & Game**
    - **Central Valley Regional Water Quality Control Board**
  - **Federal**
    - **U.S. Fish & Wildlife Service**
    - **U.S. Army Corps of Engineers**





## Public Participation Information

### ■ Open Public Process

- Workshops and Hearings noticed at least 10 days in advance
- Mailing lists: Energy Commission  
1516 9th Street, MS - 4  
Sacramento, CA 95814-5512
- List Server: [www.energy.ca.gov/listservers](http://www.energy.ca.gov/listservers)
- Energy Commission Web site:  
[www.energy.ca.gov/sitingcases/mariposa/index.html](http://www.energy.ca.gov/sitingcases/mariposa/index.html)



## Public Participation Information

- **Documents are available for public review at:**
  - **Mountain House Branch Library – Tracy Public Library – Livermore Public Library – Brentwood Library – San Joaquin County Library – Fremont Main Library**
  - **Energy Commission Library in Sacramento**
  - **Dockets Unit at the Energy Commission  
1516 9th Street, MS - 4  
Sacramento, CA 95814-5512  
(916) 654-5076**



## Mariposa Project Contacts

### **California Energy Commission's Committee**

**Commissioner - Julia Levin - Presiding Member**

**Commissioner – Jeffrey Byron - Associate Member**

**Ken Celli – Energy Commission's Hearing Officer**

(916) 651-8893, email: [kcelli@energy.state.ca.us](mailto:kcelli@energy.state.ca.us)

### **California Energy Commission Staff**

**Craig Hoffman - Project Manager**

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**Kerry Willis - Staff Counsel**

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**Public Adviser**

(916) 654-4489 or (800) 822-6228, email:  
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### **Mariposa Energy Project**

**Bohdan “Bo” Buchynsky - Diamond Generating Corp**

**Doug Urry – CH2M Hill - Project Manager**



# Staff's Issues Identification Report

## Purpose

- Inform participants of potential issues
- Early focus on important topics

## Criteria

- Significant impacts that may be difficult to mitigate
- Potential non-compliance with LORS
- Potential conflicts between parties that could delay schedule

## Potential Issues

- Air Quality
- Biological Resources



## POTENTIAL ISSUE: Air Quality

- A complete package of proposed mitigation has not yet been presented by the applicant.
- The BAAQMD faces issues that are likely to result in an extended review period and delays in the issuance of BAAQMD's Preliminary and Final Determinations of Compliance.
- This has the potential to delay the AFC process.



## POTENTIAL ISSUE: Biological Resources

- Applications for biological permits need to be prepared and submitted to appropriate agencies as the staff biological assessment is being prepared.
- Staff requires a full understanding of the conditions of approval that would be required for permits that state and federal agencies typically grant.

The CEC will issue the permits, but needs to understand agency comments and conditions.



## Staff's Proposed Schedule

- **Meeting this schedule will depend on:**
  - **Applicant's timely response to staff's data requests.**
  - **Required actions by other local, state, and federal agencies.**
  - **Resolution of the identified issues.**
  - **The proposed Mariposa Energy project, qualifies for the 12-month licensing process. The applicant and the Commission may mutually agree to extend the schedule as needed.**



# Staff's Proposed Schedule

	ACTIVITY	DATE
1	Applicant files Application for Certification (AFC)	6/15/09
2	Commission's determination that AFC is complete	8/26/09
3	Staff files Issues Identification Report	9/21/09
4	Staff files data requests	9/30/09
5	Informational Hearing and Site Visit	10/1/09
6	Applicant provides data responses	10/21/09
7	Data response and issue resolution workshop	11/5/09
8	Staff files data request set 2 (if necessary)	11/24/09
9	Local, state and federal agency draft determinations BAAQMD files PDOC	11/25/09
10	Applicant provides data responses set 2	12/23/09
11	Staff files Preliminary Staff Assessment (PSA)	1/25/10
12	PSA workshop	2/16/10
13	Local, state and federal agency final determinations BAAQMD files FDOC	2/22/10
14	Staff files Final Staff Assessment (FSA)	3/24/10
15	FSA workshop	4/8/10
16	Prehearing Conference*	TBD
17	Evidentiary hearings*	TBD
18	Presiding Members Proposed Decision (PMPD)*	TBD
19	Committee Hearing on PMPD*	TBD
20	Close of public comment period on PMPD	TBD
21	Addendum/Revised PMPD	TBD
22	Energy Commission Decision*	TBD





## Post-Licensing Project Compliance Oversight

- **If the project is approved:**
  - **The Compliance phase would apply during construction, operation & decommissioning**
  - **Purpose: To assure compliance with all Conditions of Certification and applicable LORS**
  - **Compliance Project Manager (CPM) – provides oversight of construction and operation.**