State Of California

Memorandum

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The Resources Agency of California

Date : March 24, 2005
Telephone: (916) 653-1245

To : John L. Geesman, Presiding Commissioner
Arthur H. Rosenfield, Associate Member

File: PMPD Comments

From : **California Energy Commission -**
1516 Ninth Street
Sacramento, CA 95814-5512

James W. Reede, Jr., Ed.D
Energy Facility Siting Project Manager

Subject : **STAFF PMPD COMMENTS**
ROSEVILLE ENERGY PARK (03-AFC-01)

On March 11, 2005, the Committee assigned to review the Roseville Energy Park Project (REP) issued its Presiding Member's Proposed Decision, requesting comments for the record of this proceeding. Staff is providing comments on the topics of air quality, cultural resources, efficiency, noise, reliability, soil & water, and visual resources.

CC: Roseville POS

PROOF OF SERVICE (REVISED 2-9-04) FILED WITH
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AIR QUALITY

Staff observed that **Finding 8** of the Air Quality section of the Presiding Member's Proposed Decision for the Roseville Energy Park does not reflect the statements made on pages 105 through 108 of the PMPD. Staff therefore respectfully submits the following recommended modifications to **Finding 8** of the Air Quality section of the PMPD.

Finding 8: The evidence of record establishes that with the implementation of Condition of Certification AQ-51 the potential to cause a significant adverse impact from the project ammonia slip emissions is reduced to a level of insignificance. ~~does not persuasively establish that an ammonia slip level of 10 ppm will lead to the formation of secondary particulates, or result in significant adverse impacts.~~

CULTURAL RESOURCES

Page 226, 2nd paragraph: change "structures" to "cultural resources" as shown below:

The term "cultural resource" is used broadly to include the following categories of resources: buildings, sites, structures, objects, and historic districts. When a cultural resource is determined to be significant, it is eligible for inclusion in the California Register of Historic Resources (CRHR). (Pub. Resources Code, § 5024.1; Cal. Code of Regs., tit. 14 § 4850 et seq.) An archaeological resource that does not qualify as an historic resource may be considered a "unique" archaeological resource under CEQA. (*See* Pub. Resources Code, § 21083.2.) In addition, ~~structures~~ cultural resources older than 50 years (or less if the resource is deemed exceptional) can be considered for listing as significant historic ~~structures~~ resources. Since there is often a five year lag between resource evaluation and the date that eligibility is decided, cultural resources specialists may use 45 years as a criterion for considering potential eligibility.

Pages 232 and 233, Cul-3:
Numbering of sub items starts with number 2, should be number 1. Sub items 2, 3, 4, 5, 6, 7 and 8 needs to be changed. In item 7 the acronym should be **CRMMP**, not **CRMIMP**. Cul-3 should be as follows:

CUL- 3 Prior to the start of ground disturbance, the project owner shall submit the Cultural Resources Monitoring and Mitigation Plan (CRMMP), as prepared by or its preparation overseen by the CRS, to the CPM for approval. The CRMMP shall identify general and specific measures to minimize potential impacts to sensitive cultural resources. Implementation of the CRMMP shall be the responsibility of the CRS and the project owner. Copies of the CRMMP shall reside with the CRS, alternate CRS, each monitor, and the project owner's on-site manager. No ground disturbance shall occur prior to CPM approval of the CRMMP, unless specifically approved by the CPM.

The CRMMP shall include, but not be limited to, the following elements and

measures.

1. A proposed research design that includes a discussion of research questions and testable hypotheses applicable to the project area. A refined research design will be prepared for any resource where data recovery is required. A programmatic treatment plan may be included in the CRMMP for limited resources types.

2. The following statement shall be added to the Introduction: Any discussion, summary, or paraphrasing of the conditions in this CRMMP is intended as general guidance and as an aid to the user in understanding the conditions and their implementation. If there appears to be a discrepancy between the conditions and the way in which they have been summarized, described, or interpreted in the CRMMP, the conditions, as written in the Final Decision, supercede any interpretation of the conditions in the CRMMP. (The Cultural Resources Conditions of Certification shall be attached as an appendix.)

3. Specification of the implementation sequence and the estimated time frames needed to accomplish all project-related tasks during ground disturbance, construction, and post-construction analysis phases of the project.

4. Identification of the person(s) expected to perform each of the tasks, their responsibilities; and the reporting relationships between project construction management and the mitigation and monitoring team.

5. A discussion of the inclusion of Native American observers or monitors, the procedures to be used to select them, and their role and responsibilities.

6. A discussion of all avoidance measures (such as flagging or fencing), to prohibit or otherwise restrict access to sensitive resource areas that are to be avoided during construction and/or operation, and identification of areas where these measures are to be implemented. The discussion shall address how these measures would be implemented prior to the start of construction and how long they would be needed to protect the resources from project-related effects.

7. A discussion of the requirement that all cultural resources encountered shall be recorded on a DPR form 523 and mapped (may include photos). In addition, all archaeological materials collected as a result of the archaeological investigations (survey, testing, and data recovery) shall be curated as specified in the CRMMP and in accordance with The State Historical Resources Commission's "Guidelines for the Curation of Archaeological Collections," into a retrievable storage collection in a public repository or museum. The public repository or museum must meet the standards and requirements for the curation of cultural resources set forth at Title 36 of the Federal Code of Regulations, Part 79.

8. A discussion of any requirements, specifications, or funding needed for curation of the materials to be delivered for curation and how requirements, specifications and funding shall be met. If archaeological materials are to be curated, the name and phone number of the contact person at the institution. This shall include information indicating that the project owner will pay all curation fees and state that any agreements concerning curation will be retained and available for audit for the life of the project.

9. A discussion of the availability and the designated specialist's access to equipment and supplies necessary for site mapping, photographing, and recovering any cultural resource materials encountered during construction.

10. A discussion of the proposed Cultural Resource Report (CRR) which shall be prepared according to Archaeological Resource Management Report (ARMR) Guidelines.

Verification: The project owner shall submit the subject CRMMP at least 30 days prior to the start of ground disturbance. Per ARMR Guidelines the author's name shall appear on the title page of the CRMMP. Ground disturbance activities may not commence until the CRMMP is approved, unless specifically approved by the CPM. A letter shall be provided to the CPM indicating that the project owner would pay curation fees for any materials collected as a result of the archaeological investigations (survey, testing, and data recovery).

Page 235 and 236, Cul-6: Verification starts at the wrong paragraph, it should be at the beginning of the fourth paragraph from the end, not the last paragraph. Cul-6 should read as follows:

CUL-6 The project owner shall ensure that the CRS, alternate CRS, or CRMs shall monitor ground disturbance full time in the vicinity of the project site, linears and ground disturbance at laydown areas or other ancillary areas to ensure there are no impacts to undiscovered resources and to ensure that known resources are not impacted in an unanticipated manner. In the event that the CRS determines that full-time monitoring is not necessary in certain locations, a letter or e-mail providing a detailed justification for the decision to reduce the level of monitoring shall be provided to the CPM for review and approval prior to any reduction in monitoring.

CRMs shall keep a daily log of any monitoring or cultural resource activities and the CRS shall prepare a weekly summary report on the progress or status of cultural resources-related activities. The CRS may informally discuss cultural resource monitoring and mitigation activities with Energy Commission technical staff.

The CRS and the project owner shall notify the CPM by telephone or e-mail of any incidents of non-compliance with the conditions of certification and/or applicable LORS upon becoming aware of the situation. The CRS shall also

recommend corrective action to resolve the problem or achieve compliance with the conditions of certification.

Cultural resources monitoring activities are the responsibility of the CRS. Any interference with monitoring activities, removal of a monitor from duties assigned by the CRS or direction to a monitor to relocate monitoring activities by anyone other than the CRS shall be considered non-compliance with these conditions of certification.

A Native American monitor shall be obtained to monitor ground disturbance in areas where Native American artifacts may be discovered. Informational lists of concerned Native Americans and Guidelines for monitoring shall be obtained from the Native American Heritage Commission. Preference in selecting a monitor shall be given to Native Americans with traditional ties to the area that shall be monitored.

Verification: During the ground disturbance phases of the project, if the CRS wishes to reduce the level of monitoring occurring at the project, a letter or e-mail identifying the area(s) where the CRS recommends the reduction and justifying the reductions in monitoring shall be submitted to the CPM for review and approval. Documentation justifying a reduced level of monitoring shall be submitted to the CPM at least 24 hours prior to the date of planned reduction in monitoring.

During the ground disturbance phases of the project, the project owner shall include in the MCR to the CPM copies of the weekly summary reports prepared by the CRS regarding project-related cultural resources monitoring. Copies of daily logs shall be retained and made available for audit by the CPM.

Within 24 hours of recognition of a non-compliance issue with the conditions of certification and/or applicable LORS, the CRS and the project owner shall notify the CPM by telephone of the problem and of steps being taken to resolve the problem. The telephone call shall be followed by an e-mail or fax detailing the non-compliance issue and the measures necessary to achieve resolution of the issue. Daily logs shall include forms detailing any instances of non-compliance. In the event of any non-compliance issue, a report written no sooner than two weeks after resolution of the issue that describes the issue, resolution of the issue and the effectiveness or the resolution measures, shall be provided in the next MCR.

One week prior to ground disturbance in areas where there is a potential to discover Native American artifacts, the project owner shall send notification to the CPM identifying the person(s) retained to conduct Native American monitoring. The project owner shall also provide a plan identifying the proposed monitoring schedule and information explaining how Native Americans who wish to provide comments will be allowed to comment. If efforts to obtain the services of a qualified Native American monitor are unsuccessful, the project owner shall immediately inform the CPM. The CPM will either identify potential monitors or will allow ground disturbance to proceed without a Native American monitor.

EFFICIENCY

Page 70, 3rd paragraph, 2nd line: Change "per hour" to "per day".

Page 70, 3rd paragraph, 3rd line: Change "full load" to "maximum baseload".

Page 70, 3rd paragraph, 4th line: Add "with GE LM6000 gas turbines" after "heating value (LHV)".

Page 71, paragraph numbered 1. Line 2, change "in a one-on-one configuration rated at 59 MW with a 53 percent" to "in a two-on-one configuration rated at 120 MW with a 50.5 percent". **Line 3,** delete "at ISO conditions". **Line 4,** delete "nominally". **Lines 4 and 5,** change "rated at 59 MW with a 53 percent efficiency" to "rated at 125 MW with a 51.6 percent efficiency". **Line 5,** delete "at ISO conditions".

NOISE

Please make the following edits to the Noise section:

Page 326, first complete paragraph, second sentence: Delete the sentence, which begins "Construction noise is usually..." It is redundant.

Page 326, NOISE Table 2: After the table, add the following note: "*Does not include steam blows".

Page 327, first complete sentence: Revise the sentence to read, "Condition of Certification NOISE-8 ensures this mitigation occurs, and Conditions of Certification NOISE-1 and NOISE-2 establish an effective noise complaint resolution process."

Page 327, first **complete paragraph, last line:** Replace the words "such work" with "high pressure steam blows".

Page 330, Condition of Certification NOISE-2: The second paragraph, beginning "Use the Noise Complaint Resolution Form", should be bulleted, as are the following four paragraphs.

Page 331, third paragraph: To the beginning of this paragraph, add "**Verification:**".

Page 332, final paragraph that begins "The survey shall take place": To the beginning of this paragraph, add "**Verification**:".

Page 333, first complete paragraph: Delete "**Verification:**".

RELIABILITY

Page 74, second paragraph, line 2: after "system to which" add the word "it".

Page 75, last paragraph, after the 2nd sentence: add the following sentence: "RE's prediction seems reasonable compared to the NERC statistics which are based on various (mostly older) gas turbines."

Page 76, paragraph numbered 1: change "will ensure the project is adequately reliable" to "will ensure equipment availability".

Page 76. paragraph numbered 4: change "including reliability during seismic events" to "including those related to seismic events and flooding".

SOIL & WATER RESOURCES

Page 12, 2nd paragraph, revise 1st sentence as written:
Water required for potable uses would ~~initially~~ be provided from an existing well located on the REP site. **Delete remainder of paragraph.** REP does not intend to hookup to the City's potable water distribution system.)

Page 255, 1st paragraph, last sentence, add underlined:
The potential for exposure of the pipeline by stream erosion and scour can be minimized by locating the pipeline below the expected 100-year depth of scour at stream crossings and extending this depth of burial a sufficient distance away from the streambed to avoid anticipated lateral erosion. Condition of Certification **SOIL & WATER 9** requires an analysis (plan) prepared by a registered civil engineer that demonstrates that the proposed pipelines (natural gas and sanitary wastewater) will be below the expected 100-year depth of scour at all stream crossings. Installation of the natural gas pipeline will be required to conform with the City's trench cut ordinance.

Page 255, 2nd paragraph, change 70 acres to 40 acres to be consistent with all other text.
The REP site lies within the North American Subbasin where the principal drainages are the Sacramento, American, Feather, and Bear Rivers. The ~~7~~ 40 acre City owned parcel, which includes the REP site, is situated within the Pleasant Grove and Kaseberg Creek watersheds with the REP site located 0.25 mile south of Pleasant Grove Creek.

Page 258, 1st paragraph, revise last sentence as shown:
Condition of Certification **SOIL & WATER 6** requires the use of recycled water for all ~~major~~ REP construction activities, hydrostatic testing, landscape irrigation and all other nonpotable uses to ensure that no surface or groundwater suitable for potable use will be used in the construction or testing of any REP element in accordance with Section 14.17.010 of the City of Roseville Municipal Code.

Page 260, 1st paragraph, 1st & 2nd sentences please replace as shown:
~~As with the use of construction water, the use of recycled water for hydrostatic testing of the various pipelines is required in Condition of Certification **SOIL & WATER 6**. Recycled water used for hydrostatic testing will be chemically analyzed for contaminants and discharged into a dewatering structure.~~

As with the use of construction water, Condition of Certification **SOIL & WATER 6** requires the use of recycled water for hydrostatic testing in accordance with Section 14.17.010 of the City of Roseville Municipal Code. Hydrostatic test water will be chemically analyzed for contaminants and discharged into a dewatering structure.

Page 269, Please correct SOIL & WATER-9 Verification as shown in underline/strikethrough:

At least 30 days prior to site mobilization for the proposed sanitary wastewater pipeline~~s~~, the project owner shall submit to the CPM, an analysis (plan) prepared by a registered civil engineer. The analysis (plan) shall demonstrate that the proposed pipeline would be below the expected 100 year depth of scour at all creek crossings and will remain at that depth for a sufficient distance from the creek banks to avoid any lateral erosion that can be reasonably expected to occur during the life of the project. The CPM must approve the analysis (plan) prior to any site mobilization activity for th~~ese~~ sanitary wastewater pipeline~~s~~.

VISUAL RESOURCES

Page 308, third paragraph, first sentence, revise as follows: "In this ~~past~~ proceeding~~s~~, the Commission and the CEC staff have used a plume frequency of 20 percent of seasonal (October through March for this case) daylight, no rain/fog, high visual contrast (i.e. "clear") hours to determine potential plume impact significance."

Page 314, second paragraph, third sentence, revise as follows: "Alternatively, the project could be treated in a color scheme similar to that used at the PGWWTP, which has buildings painted/treated in a mix of gray and tan colors."

Page 321, Condition of Certification VIS-4: change and correct the lettering of items to be included in the treatment plan from "b) through f)" to "a) through e)."

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

APPLICATION FOR CERTIFICATION FOR THE ROSEVILLE ENERGY PARK BY THE CITY OF ROSEVILLE	**DOCKET NO. 03-AFC-1** **PROOF OF SERVICE LIST** **(*REVISED FEBRUARY 9, 2004)**

I, **Evelyn M Johnson** declare that on **March 24, 2005**, I deposited copies of the **Letter from the US Dept of the Army, re: response to consultants request for an approved jurisdictional determination**, in the United States mail at *Sacramento, CA* with first class postage thereon fully prepaid and addressed to the following:

DOCKET UNIT

Send the original signed document plus the required 12 copies to the address below:

CALIFORNIA ENERGY COMMISSION
DOCKET UNIT, MS-4
Attn: Docket No. 03-AFC-1
1516 Ninth Street
Sacramento, CA 95814-5512
docket@energy.state.ca.us

* * * *

In addition to the documents sent to the Commission Docket Unit, also send individual copies of any documents to

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

Evelyn M Johnson
[signature]

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