West Coast Power LLC

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November 17, 2004

California Energy Commission
Re: Docket No. 04-IEP-01–November 15 Workshop
Docket Unit, MS-4
1516 Ninth Street
Sacramento, CA 95814-5504

Re: 2005 Integrated Energy Policy Report – Environmental Performance Report; Comments to the November 15, 2004 Scoping and Data Collection Workshop

Dear Commissioners and Staff;

West Coast Power LLC ("WCP") appreciates the opportunity to comment on the Environmental Performance Report ("EPR") being developed as part of the California Energy Commission's ("CEC") 2005 Integrated Energy Policy Report. While WCP is willing to work with the CEC staff in providing the relevant data to be incorporated into the EPR, WCP believes CEC should implement changes to the EPR data acquisition procedures that substantially reduce and streamline the data collection activities for power generation facility operators. WCP recommends implementing these changes to reduce or eliminate what would otherwise be additional and often duplicative reporting requirements and a significant resource burden on many facility operators.

Power generation facilities owned by West Coast Power are required under federal, state, regional, and local regulations to provide a large quantity of environmental data to relevant environmental agencies by certain mandatory deadlines. WCP believes that most, if not all, of the data being requested in the 2005 EPR is already available in these existing reports. Below is a list of several of the primary reporting obligations that would most likely contain the key information CEC staff is seeking:

- Annual air emission inventory reports (generally due May – August, varying by air district);
- Annual waste discharge reports for NPDES permit holders (due by February 1st or March 1st depending on the region);
- California AB-2588 air toxic emission inventory reports (due every four years for specific sources exceeding a specific risk threshold);
- Federal Toxic Release Inventory reports (due by July 1st for facilities meeting specific reporting criteria);
- Energy Information Administration Form 767 reports (due by April 30th).

As listed above, these reports have varying regulatory deadlines ranging from February 1st to the end of August; with the differences occurring between programs (water vs. air requirements) and between regional/local agencies (by air district). Additionally, some environmental agencies operate on fiscal year reporting requirements (i.e. South Coast Air Quality Management District) with annual reports being generated in August of each year.

This reporting timeline presents several logistical problems with the data acquisition procedures being evaluated by CEC staff at this time. Primarily, the February 15th deadline contemplated by CEC staff would be well in advance of the other 2004 annual environmental report due dates. Therefore, there is a substantial disconnect between the CEC staff's contemplated schedule to collect 2004 data and that under which normal environmental reporting occurs. This will add an additional regulatory burden on the limited resources of facility operators by accelerating and duplicating these reports.

WCP believes the most streamlined and less impacting method of collecting this information is for CEC staff to directly collect the data from the relevant agencies as the facility operator produces the reports. That way report generation requirements will not be duplicated and there will more certainty that the data is complete and consistent with the information used by those relevant agencies. Further, since CEC is obligated to produce the 2005 EPR report early in the calendar year, it is clear that the only way to meet that requirement is for the 2005 EPR report to evaluate 2003 calendar year environmental information rather than 2004.

WCP appreciates the opportunity to provide comments on this proceeding. WCP respectfully requests the CEC staff follow the below procedure when collecting information for the 2005 EPR as a means to reduce and streamline the data collection process:

1. CEC staff should collect 2003 environmental information directly from the appropriate jurisdictional agencies;

2. CEC staff should populate the CEC reporting forms with the 2003 information collected from the jurisdictional agencies for each generating unit and facility;

3. CEC staff should submit the pre-completed data request forms to each facility operator for review of the CEC collected information;

4. Facility operator should be provided at least 60 days to review and respond. If this review period includes major holidays, then additional review days should be allowed;

5. Facility operator should respond back to CEC staff confirming the accuracy of the collected information or with any required corrections or updates to the data.

WCP thanks the CEC for considering our request. If you have any questions, please contact me at (760) 268-4037.

Sincerely,

By: West Coast Power LLC
Its Authorized Agent,

By: Tim E. Hemig
Director, Regional Environmental Services