HEARING
BEFORE A COMMITTEE OF THE
CALIFORNIA ENERGY COMMISSION

In the Matter of:
APPLICATION FOR CERTIFICATION
OF PACIFIC GAS AND ELECTRIC
COMPANY FOR GEYSERS UNIT 17.

Docket No. 79-AFC-1

1111 HOWE AVENUE
SACRAMENTO, CALIFORNIA

THURSDAY, AUGUST 16, 1979
10:00 A.M.

Cathleen Slocum, C.S.R.
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PROCEEDINGS

PRESIDING MEMBER REED: This is an evidentiary hearing before the Committee of the California Energy Commission presiding over the Geysers Unit 17 AFC submitted by Pacific Gas and Electric Company.

We're operating under the Order of 7/19/79 issued by myself, Suzanne Reed, Presiding Member, and the Orders of August 8th and August 10th issued under my authorization by the Hearing Officer, Garret Shean.

The purpose of today's hearing is to receive into evidence position papers, supporting affidavits, and joint and separate Findings and Conclusions of the staff and the Applicant on issues as specified in the July 17th Order.

Before we proceed, there's a number of procedural matters that should be discussed and some scheduling matters that were discussed off the record which I wish to place into the record at this time.

The Order of July 17 asked parties to identify scheduling difficulties for the presentation of witnesses. As a result of the availability of witnesses, the following scheduling modifications are made. PG&E will present no witnesses today, August 16, but will present two witnesses tomorrow, Carl Weinberg and --
MR. SAMSON: Norm Ziomek.

PRESIDING MEMBER REED: -- Norm Ziomek, dealing with the issues of air quality.

Staff has modified its list of witnesses to be presented today to include Mr. Schwartztrauber, Mr. Brownell, Mr. Deckman, Mr. Nielsen, Mr. Buell, Mr. Larson, Mr. Homec, Mr. Juncker, Mr. Klein, and McCuen, and if there's no objection from the Applicant or any other party, presenting Miss Post today to testify on public health.

Is there any objection?

MR. SAMSON: No.

PRESIDING MEMBER REED: Okay. In addition, staff wishes to present Miss Perry to testify on the EIR. Is there any objection from any party?

No, okay.

On the 17th, staff will present as witnesses, Mr. Woo, Mr. Heath, Mr. Tolmasoff, Mr. Anderson, Mr. Fong, and Mr. Lee.

In addition, the parties preliminarily discussed the presentation of witnesses for the hearing days August 27th through August 30th. Based on availability of witnesses and in accordance with the July 19 Order, the staff on the 27th will be presenting Mr. Tolmasoff and Mr. Knuth to testify on the likelihood of compliance of Geysers Unit 17 with Northern Sonoma County Air Pollution.
Control District Rule 230.

PG&E at that time plans to rely on Findings and Conclusions and supporting affidavits unless there is a request by any party or the Committee for cross-examination. Also on the 27th staff will present Mr. Tolmasoff to testify on the likelihood of compliance of Geysers Unit 17 steam field with Northern Sonoma County Air Pollution Control District Rule 455(b). Applicant intends to rely on Findings and Conclusions and supporting affidavits unless any party desires to cross-examine.

The staff's witness, Mr. Tolmasoff, will be asked to also be available on August 28th if cross-examination requires us to go over to that date on that issue. Also, on the 27th and possibly continuing to the 28th, staff will present Mr. Tolmasoff to testify on the likelihood of compliance of Geysers 17 steam field with Northern Sonoma County Air Pollution Control District Rule 230.

Committee is exploring the possibility of sponsoring a representative from the Union Oil Company, the operator for the steam field, as a witness on one of those days. Also on the 27th, possibly continuing to the 28th, staff will present testimony in compliance with Geysers Unit 17 and associated steam field with Federal PSD regulations. PG&E intends to rely on Proposed Findings and Conclusions and supporting affidavits unless any party
wishes to cross-examine. The Committee is currently exploring the possibility of sponsoring witnesses from the Environmental Protection Agency to testify on those subjects on one of those days.

With respect to civil engineering, quality assurance plan, the adequacy thereof, staff is tentatively considering presenting a witness and will report on the record tomorrow, August 17th, as to whether they will have a witness.

I assume that Applicant will also report as to whether they will be offering a witness on that subject at that time.

MR. RUSSELL: Which subject?

PRESIDING MEMBER REED: Adequacy of the Applicant's quality assurance program.

Okay. On August 28th, staff will be presenting Mr. Chittenden and a second witness to be named tomorrow on the adequacy of design and performance criteria as applied to Geysers Unit 17. Applicant will be offering on that subject Mr. Kew, Mr. Kho and possibly Mr. Stewart of the Keith Fibush firm.

We will review these scheduling matters tomorrow when testimony and witness identification forms are filed.

As another procedural matter, staff this morning filed a motion asking for modification of the July 19, 1979
Hearing Order. I'd like to take that up at this time.

Mr. Burger, -- I forgot to identify the parties
again. Before we go on to discussion of this matter, I'd
like to identify for the record the parties present. The
applicant is present and represented by Ivor Samson. The
California Energy Commission staff is represented by
Mr. Steve Burger. Are there any other parties present?

Okay.

I'd also like to note that the Commission's
Public Adviser's Office is represented by Mr. Dan Parker.

Mr. Burger, would you summarize your motion
here, please?

MR. BURGER: Yes. We requested two modifications
to the July 19th Hearing Order. The first requested
modification is with respect to a request for testimony on
compliance of Geysers Unit 17 or the compliance and the
monitoring program. I believe it is found on page 14 of
the Hearing Order.

As noted in our request, the specific requirements
which staff is advancing for monitoring and compliance are
contained within the Findings and Conclusions and have been
served on the parties. The other aspects of the June 18th
Order with the exception of the question regarding public
access to reports submitted, we believe relate to internal
administrative matters within the Commission and do not
believe are appropriate for service and comment upon all parties in this proceeding. We will, however, submit a summary for the Committee's information and will submit that to PG&E for their information following the conclusion of hearings. The summary will contain the extractions from the Findings and Conclusions and will also for the Committee's information include the administrative procedure which the Commission staff will employ in receiving and reviewing the various submittals.

With respect to public access, as stated in the request itself, we believe that the Commission's present procedures are adequate to ensure public access to all records which are submitted to the Commission pursuant to the monitoring and compliance program. The Secretariat's Office maintains a master list of all documents submitted and the documents as well as the listing are available for review in the Secretariat's Office at any time.

We've made a suggestion for the Committee's consideration that in order to facilitate public comments, the Commission may as part of its decision direct the Secretariat to compile and mail that listing of submitted documents on a monthly or any other basis deemed appropriate by the Commission.

The second aspect of our request goes to a cart-and-horse sort of situation. We're requesting leave to file
Findings and Conclusions on structural engineering and reliability following the conclusion of the evidentiary record because we believe that the Findings and Conclusions will in fact be based on that evidentiary record and would seek to file them at that time rather than prior to hearings.

We will be submitting testimony, of course, on both reliability and structural engineering pursuant to the Hearing Order tomorrow.

PRESIDING MEMBER REED: Fine. Do you have a response?

MR. SAMSON: With respect to the first part of the request, Mr. Burger had mentioned that to me by telephone yesterday. I don't find that particularly objectionable if we are allowed to comment on the procedures for reporting, recommended by staff that would be contained in their document to be filed after the hearings. I think that would be necessary to iron out any problems and to ensure smooth operation later on.

I think if we're given that opportunity, then I don't see any objection.

PRESIDING MEMBER REED: Where do you see the form of those comments taking? For instance, if you disagree with the procedure, how would you propose that idea with any disagreement as to what is appropriate between the staff and the Applicant?
MR. SAMSON: Then I think we would have to articulate our disagreement to you and let you decide, if you will, or we could submit a counterproposal, if you will, indicating the way that we think the monitoring program should be checked or reported.

PRESIDING MEMBER REED: Well, I mean, if we're going to get into that, I would just as soon handle it within the time frame of the evidentiary hearing.

MR. BURGER: Well, we don't believe that these are issues subject to dispute. I have no objection to PG&E commenting. But as a matter of course and policy, these are internal administrative matters just as the management of any other staff activity.

PRESIDING MEMBER REED: What I'm confused here is you're talking about internal things and I can agree with your argument that what we anticipate in terms of number of staff required and who that staff reports to is another thing. But insofar as you're talking about the Applicant submitting things and the time frame within which they submit them, --

MR. BURGER: Those are all in the Findings and Conclusions and agreed upon already.

PRESIDING MEMBER REED: So what additional procedural aspects would you --

MR. SAMSON: I'm not sure. If there's nothing
more than what's already contained in the Findings and
Conclusions, then obviously we're not going to have anything
to say. When Mr. Burger mentioned the fact that the
administrative procedure would be contained in their
Findings and Conclusions filed after the evidentiary
hearings --

MR. BURGER: Perhaps I'd better clarify that.
PRESIDING MEMBER REED: Yes.
MR. SAMSON: To the extent by administrative
procedure you mean the internal flow of paper work within
the Commission, that's your business. To the extent that
it affects the amount of paper that we are going to have
to supply and when, then we have a concern.

MR. BURGER: That's acceptable to staff. By
administrative procedure, I meant exactly that, the internal
who gets it and whose desk it ends up on and where it goes
from there, what the budgetary requirements are going to be
attendant, what staffing requirements will be attendant on
this and we feel that those are internal matters and not
subject to comment by PG&E.

All of the requirements for PG&E and the staff
in terms of who will do what, when, will be contained in
the Findings and Conclusions.
PRESIDING MEMBER REED: Well, with that understand-
ing, that the submittal following the hearings will not
contain any more requirements for PG&E than they're already aware of as a result of your proposed Findings and Conclusions, then I think that that's acceptable.

MR. BURGER: We'll state for the record at this time that in the event that the compliance and monitoring program which is being assembled by the Engineering and Environmental Division does, in the opinion of PG&E, expand or differ from the record, that certainly they have a right and should comment.

MR. SAMSON: That's acceptable.

PRESIDING MEMBER REED: Fine. Then that part of your motion or request is granted.

In the listing maintained in the docket, is there a provision for an automatic referral of reports to the agencies that have a specific interest in the areas that we're taking reports on?

MR. BURGER: Again, to the extent that we are requesting the assistance of other agencies in reviewing reports and to the extent that they have requested to be included in the flow of reporting, that is contained in the Findings and Conclusions.

PRESIDING MEMBER REED: Fine. That portion of the request is granted.

Then let's take up Findings and Conclusions on structural engineering, reliability and structural
You've made your statement.

MR. SAMSON: My concern for this is, as Steve has indicated, is the cart and the horse problem. The same thing a few minutes ago, you asked for us to let you know today or tomorrow whether or not we would be providing a witness in the area of quality control and reliability. The same thing, we provided Findings and Conclusions and we need to know if we need to provide a witness based on whether or not there's going to be any issue or contention raised by the staff. The same thing here.

If the Findings and Conclusions are submitted after the evidentiary hearing, then the scope of the testimony that needs to be submitted on Friday is largely unknown. We're preparing testimony based on what we believe to be the staff's area of concern. But I would prefer to have Findings and Conclusions that can and are agreed upon be agreed upon prior to the witnesses testifying.

PRESIDING MEMBER REED: Okay. What you're telling me is that that's almost physically impossible.

MR. BURGER: I'm here today and tomorrow. Our structural engineer, our civil engineer and our reliability expert have been engrossed in preparation of testimony. Now, that testimony --

PRESIDING MEMBER REED: Are you able to go on their
Findings and Conclusions and tell us which ones you agree
with or disagree with?

MR. BURGER: The Findings and Conclusions
submitted last week do not contain Findings and
Conclusions on reliability, although some drafts have been
submitted in the past. We could, if PG&E resubmits the
proposed draft, indicate by late next week which ones
we can agree with. There will be some we could agree
with. However, in our witness identification forms which
will be submitted tomorrow -- and I can state for the
record exactly what the areas of contention are so that
any difficulties PG&E is having in preparing testimony
might be alleviated somewhat.

PRESIDING MEMBER REED: Go ahead and state what
the areas of contention are.

MR. BURGER: Basically staff's position is that
the performance criteria were in fact changed in the AFC
from that in the NOI, but that is largely a moot point
because the design criteria would, for the most part,
achieve the NOI's stated performance criteria. We do,
however, believe that the cooling tower is under design and
would not meet the performance criteria as stated in the
AFC or the NOI. The gas ejector structure is under design
and would not meet the performance criteria in the NOI or
the AFC, and the OCB switchyard structure is likewise under
design and would not meet the performance criteria.

We also will be submitting testimony that indicates that there is approximately an 85 percent chance that during the lifetime of the facility a seismic event which will produce ground accelerations equivalent to those stated in the performance criteria will occur. Therefore, resolution of the issue is important and, in fact, strengthening of the design is important because the probability of occurrence is pretty high.

PRESIDING MEMBER REED: Okay.

MR. BURGER: Now, we've stated effectively our position and perhaps we could request PG&E to state their position.

MR. SAMSON: Well, I think that's helpful as far as it goes. I'd still like to receive Findings and Conclusions that detail specifically what you feel should be the specific design requirements and the specific areas for something that's adequate --

MR. BURGER: That will be contained in the testimony.

MR. SAMSON: -- and the specific recommendations that the staff makes to alleviate the problems.

MR. BURGER: Those will be contained in the testimony.

MR. RUSSELL: I'm taking notes. Eighty-five
percent chance that the ground accelerations is --

PRESIDING MEMBER REED: Louder, Stu. Use your mike.

MR. RUSSELL: I'm just trying to clarify my own notes. You stated there is an 85 percent change that the ground accelerations in the performance criteria will occur?

MR. BURGER: Will be equal or exceeded. In other words, the facility will have a chance to check the performance criteria.

PRESIDING MEMBER REED: Does that solve any of the problems?

MR. SAMSON: I don't think it does. It's a chicken or an egg situation. I mean, if there is dispute, we'll see it either in Findings and Conclusions or in testimony. To the extent that the Findings and Conclusions or testimony, if it's submitted tomorrow, indicates measures that should be taken that we're already contemplating taking, then to the extent the testimonies are parallel and there's no dispute, it will make the hearing that much quicker.

MR. BURGER: Again, in order to be as cooperative as we possibly can be and still recognizing our physical difficulties, we can assume that we would agree the performance criteria are adequate, number one; number two, that the design criteria are adequate with the exception of the three structures which I mentioned. We do not agree that,
unless the design criteria are changed, that the facility would be considered a reliable facility.

MR. SAMSON: That's a help. Thank you.

PRESIDING MEMBER REED: Okay. Well, I'm going to comply with the staff's request only because I have a feeling I don't have a choice. But I hope that the testimony that you promise is clear enough to --

MR. BURGER: So do I.

PRESIDING MEMBER REED: -- identify the areas of dispute.

MR. BURGER: It's Bob Chittenden's testimony and that's always a question.

MR. SAMSON: When you say it's an 85 percent exceedance, exceedance of what, the seismic event based upon what? Do you know?

MR. BURGER: The performance criteria as we understand it as presented in the AFC indicates when translated into equivalent terms the facility would be able to withstand a seismic event with an effective peak ground acceleration of .2g without sustaining damage which is not reparable within a very short time such as one to two weeks. Our position is that with an event of .2g to occur, that the cooling tower structure would be severely damaged, the gas ejector structure would be severely damaged, the OCB switchyard structure would be severely damaged, number one;
number two, based upon probability analysis, there is
approximately an 85 percent chance that a seismic event
producing site peak ground acceleration of at least .2g
will occur during the 30 to 40-year lifetime of this
facility.

PRESIDING MEMBER REED: Okay.

MR. MELDGIN: That figure of 85 percent, is that
based on some seismic --

MR. BURGER: I'm not going to give testimony.

That will be in the testimony.

MR. RUSSELL: The 85 percent is new to my mind,
but the .2g is --

MR. MELDGIN: Yes.

PRESIDING MEMBER REED: Fine. The request is
granted.

The last procedural matter that I would like to
take up is that at the business meeting yesterday, the
Commission acted favorably on the motion of the Committee
to vacate its Order directing the examination of the
implications for siting future geothermal development as
affected by air quality matters in relation to the Geysers
17 proceeding. I guess with the caveat that that issue
may be raised again in either the DWR Bottle Rock or the
NCPA-1 proceeding.

Okay.
Are there any other procedural matters that anyone wants to raise?

MR. BURGER: Could we go off the record for a moment?

PRESIDING MEMBER REED: For what?

MR. BURGER: I can't talk about it on the record or we wouldn't be off the record. We can determine whether you want to put it on the record in just a moment.

PRESIDING MEMBER REED: Okay. Go off the record.

(Thereupon a discussion was held off the record.)

PRESIDING MEMBER REED: Back on the record.

Off the record we discussed the housekeeping matters of receipt of documents and distribution of documents. There appears to be some difficulty with the timely receipt of documentation submitted by the Applicant, not the fault of the Applicant, but the fault of the mails or something else.

As a result, parties have, and the Applicant have a request. Steve, why don't you state what the implications of the late receipt of the documents are.

MR. BURGER: I would simply request leave to call the various declarants for cross-examination and not anticipate any cross-examination; however, not having reviewed the declarations --
PRESIDING MEMBER REED: Would you just name the document for the record?

MR. BURGER: The document is entitled -- it has no cover sheet, the copy I have. It's just a compilation of declarations of various PG&E staff members.

PRESIDING MEMBER REED: Fine. Mr. Samson, would you state for the record what your proposed remedy in the area of the quality assurance plan is?

MR. SAMSON: I merely indicated that materials in the area of quality control have been provided to staff's expert witness in this area and we have not yet received a comment from him as to whether or not this is an area of dispute. If it's not an area of dispute, then the question is moot. If it turns out that there is some question or some area of dispute, then I would propose that our witness in the area of quality control testify on the 27th or the 28th and roughly that time frame, that written testimony not be submitted, but that he can incorporate in his sworn verbal testimony the material that has been submitted.

PRESIDING MEMBER REED: Fine. Is there any objection?

MR. BURGER: No objection.

PRESIDING MEMBER REED: Fine. We can determine tomorrow whether that would be necessary.
I think we’re ready to go ahead with the presentation of witnesses.

First, I’d like the Applicant to submit whatever is it your intention to submit matters into evidence today or wait until your first witness?

MR. SAMSON: Well, two things. First of all, with respect to the staff’s witnesses, I’ve got a statement I’d like to make on that on the record –

PRESIDING MEMBER REED: Fine.

MR. SAMSON: -- and then, secondly, with respect to submission of our documents. With respect to the staff witnesses, I gather that testimony from these witnesses, according to your Hearing Order, was to be received on the 13th of August. I was informed on the 13th, which was Monday, by Mr. Burger, that the position papers would be entered into the evidence by the staff members and additionally that the staff members supporting the individual position papers would testify under oath both in support of their position papers and in some cases testify as to additional matter on direct examination not contained in the position papers.

I was also informed, Mr. Burger represented to me, that the Findings and Conclusions previously filed by the staff would represent the operative documents in this case. To the extent the position papers went beyond the parameters
of Findings and Conclusions, the Findings and Conclusions
would control. Now, I think that since testimony was
supposed to be filed in a manner to be received by Monday.
and it was not, that technically what Mr. Burger wants to
do is a violation of the Commission's Order. As you know,
throughout these proceedings and with respect to position
papers on 17 and 16, we've taken no position with respect
to the staff's position papers. We don't propose to now.
Rather than object to any witnesses testifying, I accept
Mr. Burger's representations that the Findings and
Conclusions are the operative documents and that the staff
position papers are not inconsistent with these Findings and
Conclusions. Nonetheless, I would like to reserve the right
to cross-examine any staff witnesses with respect to anything
contained in the position papers or anything else they say
in direct examination until such time as we've had a chance
to read the position papers which we didn't get till Monday
afternoon, and which you know we've been occupied with other
things since then, and have a chance to review the
transcript of these proceedings.

If, at that time, although it would certainly have
to be prior to the 27th or 28th, then I can give notice to
the staff and to you if we do request a specific staff
witness be recalled and reserve the right to cross-examine
at that time. If that procedure can be agreed to, then we
have no objection to the witnesses testifying.

PRESIDING MEMBER REED: Mr. Burger.

MR. BURGER: To quote Mr. Shakespeare, a rose
by any other name would still smell as sweet. We believe
that we have complied with the Committee Order in that
Mr. Samson has just stated that he received the position
papers which we regard as testimony regardless of the
caption at the top on the 13th and pursuant to the
Committee's Order.

Now, we do believe that the Findings and
Conclusions should be the operative document and the
position papers/"testimony," whatever you want to call
them, are offered as our evidentiary basis for those
Findings and Conclusions.

However, in the hustle and bustle and logistical
difficulties of trying to obtain in one document Findings
and Conclusions that accurately reflect the various
workshops and prehearing conferences that have been held
on the matter, our witnesses will be in some circumstances
pointing to individual Findings and Conclusions and
suggested changes that represent, as they believe, what the
record in fact disclosed. The document which has my
signature as well as Mr. Samson's was prepared by PG&E and,
in the vast majority of the cases, we believe it is
accurate, but there are some technical difficulties which
we will be pointing out through our witnesses.

MR. SAMSON: And it's those kinds of technical difficulties or perhaps changes to specific Findings and Conclusions that we do reserve the right to cross-examine on.

MR. BURGER: We have no objection to the reservation to cross-examine.

PRESIDING MEMBER REED: Okay. I may also wish to call your witnesses back depending on questions I may have irrespective of whether there's a request by the Applicant to cross-examine.

MR. SAMSON: With respect to the documents that we are submitting, Commissioner Reed, declarations were filed by PG&E last week, even though they may not have made it through all the mail channels. They were filed. I'm not sure of the procedure that you and the Hearing Officer want. We do not propose to have any of the witnesses, declarants present to offer them into evidence. It's my position that they are in the hearing record and do constitute material that the Committee can use in reaching its final decision subject to, as I said, if you request any particular declarant to appear to answer questions, we will produce them upon reasonable notice.

PRESIDING MEMBER REED: I'm going to ask Mr. Shean to do this. I'm being advised that as the
Applicant your material should properly be introduced into evidence prior to us going forward with the rest of the presentation of witnesses and cross-examination. So I would ask Mr. Shean to go ahead with introducing those documents.

HEARING ADVISER SHEAN: Does the Applicant wish at this point to introduce the declarations into the record?

MR. SAMSON: Fine. If you would, then, these are the declarations of Mr. Altshuler, Mr. Benzler, Mr. Boettcher, Mr. Bush, Mr. Cecilio, Mr. Chilson, Mr. Forrester, Mr. Franks, Mr. Garrett, Mr. Holcombe, Mr. Karfiol, Mr. Kho, Mr. Krumland, Mr. Meneghin, Mr. Molley, Mr. Patzkowski, Mr. Piro, Mr. Price, Mr. Rastmussen, Mr. Schmidt, Mr. Serpa, Mr. Sharp, Mr. Stevenson, Mr. Swanson, Mr. Violich, Mr. Williams, Mr. Wong, and Mr. Ziomek.

These are declarations of PG&E affiants submitted to the Commission on August 10, 1979. These declarations, each of them, refer to the Findings and Conclusions as well as specific portions of documents filed in this docket in support of the Findings and Conclusions. I would ask that each of them be received into evidence.

HEARING ADVISER SHEAN: Do we have an objection?

MR. SAMSON: I don't know if you want them
identified with more specificity or not.

HEARING ADVISER SHEAN: I don't think that's --

MR. BURGER: I have no objection, but inasmuch as by these declarations the Applicant is also seeking to introduce various other documents into evidence and inasmuch as I have not had an opportunity to review these declarations to see which other documents are in fact being offered at this time into evidence, I would request leave to object to various different documents should that become necessary after reviewing these declarations.

MR. SAMSON: I can represent that any document referred to in any declaration is a document that's on file in this docket.

HEARING ADVISER SHEAN: Perhaps I think the solution to this is we will reserve counsel for the Commission the opportunity to review the documents, call the witnesses as he has reserved his request to do and, at that point, if material seems objectionable, reserve to you the right to move to strike any of that material. Subject to those two reservations, we will accept this material into evidence.

Is there any objection to that procedure?

MR. BURGER: No objection.

HEARING ADVISER SHEAN: Is there any objection from any other party?
Hearing none, the PG&E declarations are admitted into evidence.

Perhaps we can review one matter. In generally reading through these PG&E declarations, I note that your witnesses do not incorporate the language of the Findings, proposed Findings and Conclusions by reference. I think we had some discussion of this in the NOI matters as to whether or not the proposed Findings and Conclusions were actually part of the evidence of the witness or merely a memorialization of that for the benefit of the Committee.

MR. SAMSON: If you look, for example, at Mr. Altshuler's on the very first page, paragraph four, he says:

"I have reviewed the statement of joint and individual Findings and Conclusions to be filed in this docket on or about August 13th. It is my professional opinion, based on my review of the AFC and other information filed by PG&E in these proceedings, the Findings and Conclusions" -- and it gives specific numbers -- "are true and correct." That is the evidentiary basis for those Findings and Conclusions. A similar type of language is contained in the declarations of the others.

HEARING ADVISER SHEAN: I think that's probably sufficient without the particular word "incorporation."
MR. SAMSON: It was not intended to incorporate them into the document necessarily. I don't think there's a need for that. I think they stand alone with the evidentiary basis of the declaration attesting that they are true and correct.

PRESIDING MEMBER REED: Is there an opinion that they're then in evidence, that the Findings and Conclusions have been introduced into evidence?

MR. SAMSON: Commissioner Reed, with all respect, I never have understood in this proceeding -- and no offense to you, Mr. Shean -- but it seems to vary from Haring Officer to Hearing Officer what constitutes in evidence and I really am not clear. What we have attempted to do is provide what we believe to be an evidentiary basis. It's my personal understanding that once the Findings and Conclusions are in the record, they are in the record. They are evidence. By providing a declaration under penalty of perjury, and the witness testifying that he could testify in support of these things if he was called to do so, that makes the things that are supported evidence.

PRESIDING MEMBER REED: Mr. Burger.

MR. BURGER: There is some disagreement or at least potential argument with respect to the evidentiary validity of this approach. Technically speaking, these declarations constitute documents prepared out of court
or out of the scope of this proceeding, offered in this proceeding to prove the truth of the matter stated therein. Technically, therefore, they're arguably hearsay. We have no objection to this approach; however, because we believe that were some snake-in-the-grass intervenor --

PRESIDING MEMBER REED: Steve.

(Laughter.)

MR. BURGER: -- to challenge the proceeding based on that technicality, that we could support the approach. But I would like to ask the question for clarification.

I can see by just a quick review of the declaration that appears at the top of this compilation, a very careful review is going to be required. Under Number Four, Mr. Altshuler's declaration, he states that Findings 2 and 5 and Conclusion 1 H₂S are true and correct. Which makes me wonder about agreed-upon Findings 1, 3, 4.

PRESIDING MEMBER REED: Then you have to find

Mr. Weinberg probably.

MR. SAMSON: They're done paragraph by paragraph. So that maybe another individual has done paragraphs 3 and 4, has attested to --

MR. BURGER: Then I will have to review these quite carefully.

MR. SAMSON: I would disagree with you though, Steve, that this is hearsay because it's not something
prepared out of the docket in support of the truth of the matter stated. It's something prepared for. So I think it doesn't qualify —

MR. BURGER: I don't recall that as an exception to the hearsay rule.

HEARING ADVISER SHEAN: I don't think we need to get into a discussion of administrative hearsay.

PRESIDING MEMBER REED: The only concern that I have is, Mr. Samson correctly observes, that we have handled this differently in some other proceedings. In the Geysers 16, as I recall, you actually introduced portions of the NOI or they were incorporated by reference into the testimony of the witnesses that you offered.

MR. SAMSON: Only in areas that were in dispute. In areas that were not in dispute, if you'll recall, and things that mainly dealt with the plant site itself, we followed exactly the same procedure.

PRESIDING MEMBER REED: And it was the Committee that introduced the rest of the items into evidence.

MR. SAMSON: The Committee on its own motion introduced the NOI and certain documents that had been filed. But as to matters that were not in contention in the Unit 16 proceedings, we followed exactly this procedure.

PRESIDING MEMBER REED: Okay. Call the staff witnesses.
HEARING ADVISER SHEAN: Mr. Burger, will you call your first witness?

MR. BURGER: Call Mr. Keith Schwartztrauber.

HEARING ADVISER SHEAN: Will you swear in the witness, please?

(Thereupon Mr. Keith Schwartztrauber was, by the reporter, sworn to tell the truth, the whole truth, and nothing but the truth.)

THE WITNESS: I do.

TESTIMONY OF KEITH SCHWARTZTRAUBER, a witness called by the staff of the Energy Commission, being duly sworn, testified as follows:

DIRECT EXAMINATION

By STEPHEN BURGER, counsel on behalf of the staff of the Energy Commission:

Q Would you state your name and spell it for the record, please?
A Keith Schwartztrauber, S-c-h-w-a-r-t-z-t-r-a-u-b-e-r.

Q In what capacity are you employed by the California Energy Commission?
A I'm the Office Manager for the Utility Conservation Programs in the Conservation Division.

Q As part of your responsibility as the Office Manager,
are you familiar with the load management standards which have been adopted by the Commission?
A Yes, I am. I'm in charge of that program for the Commission.
Q When did those regulations become effective?
A Those regulations were, came into effect on July 8th, 1979.
Q In your opinion, and in your capacity as the Office Manager, can you say whether or not the Applicant, Pacific Gas and Electric Company, is in compliance with the load management standards with respect to their utility service area?
A At this point in time, because of the fact that the standards have only gone into effect for approximately a month, I can't explicitly say that they are in compliance or not in compliance. The utilities affected, and which PG&E is one of them, are presently in a planning phase and preparing plans and working with our staff toward submittal of their programs beginning in January and March of 1980.
Q Is there any submittal which is required by the regulations which has not in fact occurred yet?
A Not at this point in time.
MR. BURGER: I have no further questions.
HEARING ADVISER SHEAN: Mr. Samson.
CROSS-EXAMINATION

By IVOR SAMSON, counsel on behalf of the Applicant:

Q  Mr. Schwartztrauber, did you review any of the Findings and Conclusions that have been submitted in this docket either by the staff or the Applicant?

A  I have not been specifically involved in the review of the NOI or the evidence that's been submitted, no.

Q  Have you reviewed any Findings and Conclusions in the area of need submitted by the staff or Applicant in this proceeding?

A  No.

MR. SAMSON: Thank you.

HEARING ADVISER SHEAN: Questions from --

MR. BURGER: May I ask for the purpose of that cross-examination? It's not in staff counsel's opinion in any way relevant to the testimony of Mr. Schwartztrauber.

MR. SAMSON: Since he answered the questions no, it's been --

HEARING ADVISER SHEAN: Are there any questions from any other parties?

Any redirect?

MR. BURGER: No.

HEARING ADVISER SHEAN: All right.

Mr. Schwartztrauber, thank you for your testimony. You're excused.
MR. SAMSON: I'm not sure of the relevance of the testimony, let alone the relevance of the cross-examination.

PRESIDING MEMBER REED: We have to make a finding.

HEARING ADVISER SHEAN: For your information, there is a finding required with regard to that.

Mr. Burger.

MR. BURGER: We call James Brownell.

(Thereupon Mr. James Brownell was, by the reporter, sworn to tell the truth, the whole truth, and nothing but the truth.)

THE WITNESS: I do.

TESTIMONY OF

JAMES BROWNELL,

a witness called by the staff of the Energy Commission, being duly sworn, testified as follows:

DIRECT EXAMINATION

By STEPHEN BURGER, counsel on behalf of the staff of the Energy Commission:

Q Would you state your name and spell it for the record?

A My name is James A. Brownell, B-r-o-w-n-e-l-l.

Q Are you an employee of the California Energy Commission?

A Yes, I am.
Q. How long have you been an employee of the California Energy Commission?
A. Four years.
Q. In what capacity are you employed by the California Energy Commission?
A. I'm a staff biologist in the Engineering and Environmental Office.
Q. Although your resume is attached to your declaration, could you briefly restate your qualifications as a biologist?

HEARING ADVISER SHEAN: Perhaps, Mr. Burger, rather than do that, if you could ask him to examine the document and ask him whether the matters stated therein are true and correct. So that we could essentially have a little economy in the record in terms of qualifications or employment or things such as that.

MR. BURGER: Perhaps, let me just ask the Applicant whether they will stipulate to --

MR. SAMSON: I'll stipulate to the gentleman's qualifications as an expert witness for the purpose of this hearing today.

MR. BURGER: Fine.
Q. Mr. Brownell, do you have a document in front of you entitled Staff Position Paper of James Brownell, Biological Resources, PG&E Geysers Unit 17?
A: Yes, I do.

Q: Was that document prepared by yourself?

A: Yes, it was.

Q: Do you wish to have this document entered into the record in this proceeding as your testimony?

A: Yes.

Q: Is there anything you wish to add to or delete from this document?

A: No.

Q: Do you have in front of you a copy of the Pacific Gas and Electric Company Geysers 17 Geothermal Power Plant Draft Environmental Impact Report dated May, 1979?

A: Yes, I do.

Q: Are you familiar with the biological resources portions which are found on pages 46 through 52 and 108 through 114 of that document?

A: Yes, I am.

Q: Do you wish to have those portions of the Draft Environmental Impact Report added as your testimony in this proceeding?

A: Yes, I do.

Q: Have you reviewed the joint and individual Findings and Conclusions on biological resources for Geysers Unit 17?

A: Yes, I have.
Q    In your professional opinion, are those Findings and
Conclusions true and correct?
A    With the exception of some corrections, yes.
Q    What are those corrections?
A    On Finding 26 --
Q    For the record, that's on page 22.
A    Yes.

The last sentence --

PRESIDING MEMBER REED: Would you hold on for a
second? Got it.

MR. SAMSON: Which document are you referring to?
MR. BURGER: The joint and individual Findings
and Conclusions.

HEARING ADVISER SHEAN: Just to clarify for the
record, we're in the Joint Findings and Conclusions,
Biological Resources, page 22, Item Number 26; is that
correct?

MR. BURGER: That's correct.

HEARING ADVISER SHEAN: Please proceed.

THE WITNESS: Last sentence reads now:
"This is a reduction in the drift rate"
and droplet size from older units."

I would like to insert the word "percent" in
front of "drift rate." I am unaware of any information
submitted so far that would allow us to compare the actual
drift rate for all the older units that have been
submitted in this case at this time, but we have examined
the percent drift rate and I would prefer that correction.

MR. BURGER: Q With reference to Finding Number
32, there are four dots that appear vertically and
corresponding to the fourth dot we have some brackets that
indicate sulfate and other selected elements are staff's
individual finding with respect to requirements for leaf
tissue analysis.

Is it your position that the cooling tower drift
studies referred to in Finding Number 32 should include
studies of effects of sulfates?

A Yes.

Q Can you state the reason for that, please?

A There's at this time still some question as to the
exact cause of the vegetative loss, vegetative stress
damage that's occurred in the Geysers. Most of the
information that has been provided so far indicates that
it is boron, but there is some indication that sulfates
are an additive element to the observed vegetation effects.

Therefore, I think it would be appropriate in any studies
on this area of leaf damage that we continue to have
information provided as to the role of sulfates.

Q Now, for clarification, there are a number of other
findings typified on this same page by 29, 30 and 31
which are listed as staff's individual findings. When I asked you whether the Findings and Conclusions presented are true and correct in your opinion, are you referencing staff's individual Findings as well as those Findings where there is agreement between Applicant and staff?
A Yes, I am.

Q Do you anticipate that you will be the staff person who will be reviewing the various reports submitted by PG&E pursuant to monitoring and compliance requirements stated in these Findings and Conclusions?
A Yes, I do anticipate that.

Q In your review of the adequacy and completeness of mitigation measures, would you be aided by a verification by the Applicant as to when the stated mitigation measures have been implemented?
A Yes, I would.

MR. BURGER: I have no other questions at this time.

HEARING ADVISER SHEAN: Mr. Samson.

MR. SAMSON: No questions at this time.

HEARING ADVISER SHEAN: Do we have questions by any other party?

At this time the Committee requests that PG&E indicate to us whether or not those items that are identified as the staff's individual Findings are
objectionable to them for incorporation in the final
proposed decision?

MR. SAMSON: I think it's probably fair to say
that any finding that's labeled staff individual finding
was objectionable, but they are not necessarily matters that
we consider to be in dispute. They may say something we
disagree with a number or disagree with the thrust of it.
With the exception of specific areas that have been
identified, for example, structural engineering or something
like that, the individual Findings in the areas such as
biological resources, while we may not agree to an individual
staff Finding, we did not feel it was a sufficient
consequence to warrant evidentiary hearings on the subject.

HEARING ADVISER SHEAN: So you do not plan then,
to refute by evidence matters stated as individual staff
Findings?

MR. SAMSON: No. However, with respect to the
discussion of sulfate monitoring, that has come to be an
issue of some dispute. I think that the more appropriate
way to deal with the problem is that the monitoring
program, an observation program is supposed to be established
I think by the end of the year.

THE WITNESS: Yes.

MR. SAMSON: And staff and Applicant are supposed
to work on that with some degree of cooperation. If the
question of whether or not to monitor sulfate can't be resolved between the two parties prior to the time that the report has to be prepared and the program prepared, then I think that we would come back to the Commission and ask the Committee's help in resolving that dispute.

HEARING ADVISER SHEAN: I think one of the problems that arises is that, at least as the record stands now, we have testimony from the staff that there is an interest that will be served by the monitoring of the sulfate and that PG&E has not presented any other evidence which would conflict with that. So we have essentially unrefuted evidence in this regard. In forming the Findings and Conclusions that we have, we would not have an evidentiary basis other than a general lack of credibility of that testimony to make a finding.

MR. SAMSON: Well, what you say is true. Yet, on the other hand, as I understand the statement that we should or should not engage in this kind of monitoring, refers to one aspect of the overall monitoring program and I would consider the Commission's Findings and Conclusions would state that a monitoring program per se would be established and would contain certain elements. I wouldn't expect the Commission's Findings and Conclusions would need to specify what particular chemicals need to be observed, especially if that program is in the process of formulation.
after the decision is reached.

MR. BURGER: Can I comment on that?

HEARING ADVISER SHEAN: Yes.

MR. BURGER: It's our position that the mechanics
of a monitoring program, in this instance, how sulfate
deposition effects on leaf tissue can be analyzed, would be
the subject of discussions between the staff and Applicant
following the certification decision.

However, we believe the parameters of the
monitoring program should be resolved during the
proceeding. That is the reason that we have presented the
testimony of Mr. Brownell supporting more monitoring of sulfate.
As a note, the Applicant had previously agreed in
interrogatory responses to include sulfates within the scope
of the monitoring program last week on the telephone. When
we were trying to finalize the language of the Findings and
Conclusions I was informed that the Applicant had changed
its mind and we had no explanation as to why.

HEARING ADVISER SHEAN: Of course, we can't be
guided by those off-the-record discussions. But I just
want to point out, for your benefit, that -- and unless or
in the absence of --

MR. SAMSON: I understand what you're saying.

HEARING ADVISER SHEAN: -- a position by PG&E, the
only thing that we can rely upon to dismiss the proposed
staff finding is the incredibility of the evidence.

MR. SAMSON: I'm not raising the incredibility of the evidence or the lack of credibility of the witness. It would be absurd to do so. On the other hand, it was many different perceptions. But I didn't feel that the Commission in its Order would be directing specific chemical compounds that should be looked for in a monitoring program, but rather establish a monitoring program and the details to be left to the participants in the program and the staff acting as the arbitrator in case those details couldn't be worked out.

If you are indicating it's the Commission's intention to get down into the details of what particular chemical compound should be looked at, then I think we would reserve the opportunity to present a witness that would testify why the monitoring program should or should not include some particular item.

But it was my understanding or my belief and my desire that the Commission's Order not get that fine, but merely establish the program perhaps with some continuing jurisdictional control to resolve disputes and complete the details and the execution of that program could be resolved.

HEARING ADVISER SHEAN: I think it is the position of the Committee that some guidance would probably
be appropriate in our final decision as to the general
outlines of matters we wish to be considered. If certain
matters such as sulfates are brought to the attention of
the Committee as an item of concern, then guidance in that
direction from the Committee would be appropriate.

MR. SAMSON: If you feel that that's the scope of
what you want, then we will reserve the right to have a
witness testify as to the necessity or lack of necessity
with that type of monitoring.

PRESIDING MEMBER REED: Can I ask a question?
Of course I can. I'd like to ask a question of this
business of coming back and resolving disputes.

Is it being proposed that the Commission assign
a Committee or a Commissioner to preside over the monitoring
and compliance, the post-certification monitoring and
compliance program?

MR. BURGER: Staff would propose exactly that.

MR. SAMSON: Can I refer you to Finding 34 on page
23. The last sentence says: "If the Applicant and staff
are unable to agree to the proposed program," -- the
monitoring program -- "they may request that the Commission
convene a hearing to mediate disputes."

This is a joint finding. This is the kind of
thing we envisioned that the Commission would do if
necessary, if we couldn't agree whether or not to monitor
some chemical rather than have to put on a witness now to
decide whether it should or shouldn't be done.

HEARING ADVISER SHEAN: The point is though,
you apparently disagree now. Unless there is some
revelations between now and the time that you begin to work
these matters out, you'll disagree then.

MR. SAMSON: Maybe, maybe not. It seems to me
a waste of the Commission's time to have hearings on
matters that, without deprecating the concern that
Mr. Brownell has that it seemed to be essentially a trivial
or overly detailed matter, especially if you've got a
mechanism as contained in Number 34 for resolving the
dispute in the event the dispute still arises. Maybe when
Mr. Brownell talks to our biologist, it can be resolved. •
Maybe not.

If it can't be resolved, there is a method of
dissolving the dispute. There is a mechanism contained in
Finding 34. I just hate to have evidence presented on
every issue which may or may not be an issue of significance
and which --

MR. BURGER: May I comment on that? Mr. Samson's
arguments may be taken two ways. Certainly we have
presented evidence in Finding 34 to which Mr. Samson refers
specifies that the monitoring program will be developed to
implement the outlined program contained above. We believe
that, as you noted, the parameters of that program should be resolved during this process. In the same way, if the Commission were to require as part of its decision, based on the evidence Mr. Brownell has presented, that sulfates be included, PG&E staff biologist may in fact convince Mr. Brownell that no such monitoring is required. It can be resolved the other way pursuant to these negotiations which will be occurring after certification.

MR. SAMSON: It's a matter of if you want to resolve the dispute up front and take Committee hearing time to do it or take the chance that it will be resolved later on and, if it's not, then we'll have to hear it later on under the mechanism which you've set out.

HEARING ADVISER SHEAN: So then presumably your proposal is that none of the staff Findings in this regard be incorporated or adopted by the Committee then.

MR. SAMSON: I'm not saying that. This individual staff Findings, it's up to the Committee to decide whether to adopt them or not. All I'm saying is in an area like this where we do have a dispute and there is a mechanism for resolving that dispute, why not let it come into play.

MR. BURGER: It's my understanding that the hearings are the mechanism for resolving these disputes.

HEARING ADVISER SHEAN: Here's the problem I have.
If we include the word "sulfate" in Number 32 and it is based upon the assumption that the preceding proposed staff individual Findings are also adopted --

MR. SAMSON: I understand that.

HEARING ADVISER SHEAN: -- then you've got it there and presumably then you have to go to your meetings at a later date on the monitoring plan and say: This ought to be deleted.

MR. SAMSON: I understand and I appreciate your concern. I think it's a legitimate one. On the other hand, it was our understanding in part based on the language in Finding Number 34, that the Commission's Order or Final Report, whatever, would contain language saying that a monitoring program shall be established and giving some parameters to that program but not getting into the detail of talking about the specific chemical compounds to be identified. That would come out in the course of workshops and meetings between the staff and the Applicant.

HEARING ADVISER SHEAN: My problem is 34 says the monitoring program outlined above.

MR. SAMSON: It's a difference of how fine the outline is to be.

HEARING ADVISER SHEAN: That means it does or doesn't include sulfates in Number 32.

PRESIDING MEMBER REED: I get it. Honest, I get
it. I would rather you spend the time resolving the dispute rather than arguing about whether we're going to resolve it or not. I'll figure it out.

The other question I have is, Mr. Brownell -- Do you have any other questions or comments?

MR. SAMSON: No. Like I say, I do reserve the right to cross-examine at another time. I have no specific questions now.

PRESIDING MEMBER REED: What is the significance of 29, 30 and 31, staff individual Findings leaving aside for the moment the fact that the sulfate issue is in dispute? I can understand why the Applicant has concern with Finding 31. But I wanted to know what the influence of those Findings is on the conclusions that you want the Commission to reach?

THE WITNESS: The staff intent here is directed towards whether -- well, directed towards the information that is available from existing studies and concern deals with the potential for low level, long-term effects from cooling tower drift upon vegetation. These studies have not been done so that we can determine what those effects might be in the Geysers area.

PRESIDING MEMBER REED: Okay. Mr. Samson, is it the Applicant's position that the monitoring program that you've agreed to undertake is not required, but that you've
agreed to undertake it anyway?

MR. SAMSON: I'll make sure that I understand your question. I think the Commission has the authority under Public Resources Code to require a monitoring program.

PRESIDING MEMBER REED: Fine.

Did you want to say something?

MR. RUSSELL: I'll say this. I am not a lawyer. My memory of that provision in the Public Resources Code involves standards, ordinances and laws. Your monitoring is in conformance with that. I don't know of any standard in this particular issue, but we are willing to undertake this program.

PRESIDING MEMBER REED: Fine.

MR. BURGER: One of the other laws, incidentally, is the California Environmental Quality Act which is very significant.

PRESIDING MEMBER REED: Now, on the Commission convening a hearing, at one point in our discussion we had talked about how you get fast turnaround time. Do either the Applicant or the staff have a legal opinion as to whether in this instance we're requiring full Commission approval or Committee approval or whether there's any, is there any recommendation being put forward that a Committee and the Committee alone act to arbitrate these disputes arising in the future?
MR. BURGER: The staff would suggest that the Committee hearings be conducted and the Committee decision be issued with provision for ratification of the decision by the full Commission at the next scheduled business meeting. The reason we don't have a quick turnaround time here is because it's not a situation where construction is being delayed pending the final decision of the Commission.

PRESIDING MEMBER REED: What I'm considering is whether for all the monitoring and compliance it's appropriate to set up a Committee that would literally hear everything regarding monitoring and compliance in conjunction with this particular power plant and whether that's something that would be useful to provide. In other proceedings, primarily Fossil 1 and 2, there are some, in the transition from the NOI to the AFC, there are some ongoing responsibility of the Committee. I'm wondering whether that would be a workable concept or a legal concept for post-certification monitoring and compliance.

MR. BURGER: Pending further discussions with my General Counsel, I would say that the concept of appointing a continuing Committee is a good concept, but that any decision which results in a new requirement on the Applicant should be ratified by the full Commission.

PRESIDING MEMBER REED: Okay. Fine. Would you address that in your post-hearing submittal on monitoring
and compliance, please?

MR. BURGER: Yes.

PRESIDING MEMBER REED: Fine. I have no other questions.

MR. BURGER: May I make one other comment?

PRESIDING MEMBER REED: Yes.

MR. BURGER: As a general proposition, where Mr. Samson does determine that he desires leave to cross-examine, we would request timely notification of that fact plus a statement of the areas in which he does wish to cross-examine.

HEARING ADVISER SHEAN: Well, presumably the scope of his cross-examination is limited by your direct.

MR. BURGER: Well, the direct examination includes the testimony includes the Environmental Impact Report, includes the position paper as well as the specific statements on specific Findings and Conclusions. I think it's only fair to indicate exactly those areas in which Mr. Brownell will be called to retestify or subject himself with cross-examination.

MR. SAMSON: I don't have any problem with that.

It seems like a reasonable request. As long as you don't want to know the specific questions in advance, but just the general areas, I don't have any problem.

PRESIDING MEMBER REED: The only thing I'm thinking
about now is at what point do we satisfy ourselves that
no cross-examination of these witnesses is required?

MR. SAMSON: Oh, obviously you've got to have
some sort of a cutoff point. All I'm asking for is
sufficient time, since there's no, at least so far, has
not been any testimony that's essentially not contained
in the staff position papers, the Findings and Conclusions,
al I'm asking for is enough time to review the position
papers and the particular witness testifies beyond the
scope of the position papers and review the transcript and
have the technical people review the transcript.

PRESIDING MEMBER REED: Well, so we may be in a
situation where we would need hearings in September for
cross-examination?

MR. SAMSON: No. We're at the sixth, what's
today, the 16th. I would imagine within 23rd, 24th, 25th,
something like that, 24th or 25th, we could notify you.

PRESIDING MEMBER REED: Fine. Then I'll make my
decision by then also. Fine.

MR. SAMSON: But I would like to ask, in order
to meet Mr. Shean's concern, in order to know whether
we're going to want to present a witness in August sometime
to testify on the issue of sulfate monitoring or whether or
not you've decided this is something that could be resolved
by the mechanism outlined so we don't have to provide a
witness, we need to know that pretty quickly.

PRESIDING MEMBER REED: You want to know whether
-- I mean, the choices I appear to have is to take what
Mr. Brownell has offered and decide to go your way or to
go their way. Would it be your desire to present a witness
if there's any indication that I'm intending to adopt the
staff recommendation?

MR. SAMSON: Yes, that's the third --

PRESIDING MEMBER REED: So you want to know what
I'm going to do; right?

MR. SAMSON: No. That's the third choice. I'm
not trying to second-guess you, but I think it's the way we
read the language here. If you feel that this is the sort
of thing that ought to be resolved now, then we would like
to put on a witness to refute what Mr. Brownell has said.
If you feel it's the sort of thing that can be resolved
through some post-hearing monitoring discussions, then we
would not need to put a witness on now but could attempt
to resolve it as outlined under Number 34.

PRESIDING MEMBER REED: Mr. Burger.

MR. BURGER: Does that mean that the other
parameters outlined in the Findings and Conclusions are
also subject to renegotiation outside of the AFC proceeding
in the manner in which the Applicant is reading the Findings
and Conclusions?
PRESIDING MEMBER REED: Didn't mean that to me. What it meant to me is where they've agreed to specific words, they've agreed to do those, and they will be done absent some --

MR. SAMSON: That's a do-you-beat-your-wife kind of question, but I've got to admit it's probably justified because it is something that we had previously agreed to and I'm embarrassed to say, as a result of new information that has come out, the biologists have decided that it was something that they did not want to agree to. That's one case where we had agreed and the corporate mind was changed.

MR. BURGER: Okay. Then I can only request, the staff position, to reiterate, is the parameters of the monitoring program be approved by the Commission in this proceeding, number one.

Number two, if Mr. Samson is going to present a witness on sulfate, we would like to see the testimony submitted sufficiently in advance so that Mr. Brownell can review it.

MR. SAMSON: That also is reasonable. But that's why I said, it's up to you to decide if you want to hear testimony.

PRESIDING MEMBER REED: Okay. I'll decide. I'll decide over lunch. Fine.
No further questions.

HEARING ADVISER SHEAN: Any further redirect?

Thank you for your testimony, Mr. Brownell. You're excused.

MR. BURGER: Staff calls David Deckman.

(Thereupon Mr. David Deckman was, by the reporter, sworn to tell the truth, the whole truth, and nothing but the truth.)

THE WITNESS: I do.

TESTIMONY OF DAVID DECKMAN,
a witness called by the staff of the Energy Commission, being duly sworn, testified as follows:

DIRECT EXAMINATION

By STEPHEN BURGER, counsel on behalf of the staff of the Energy Commission:

Q Would you state your name and spell it for the record?

A My name is David Deckman, D-e-c-k-m-a-n.

MR. BURGER: Will the Applicant stipulate to the qualifications of Mr. Deckman to testify --

MR. SAMSON: And as to each other expert witness which you have testify for purposes of this hearing today.

MR. BURGER: Q Mr. Deckman, do you have in front
of you a document entitled Staff Position Paper of David Deckman, Water Quality, PG&E Geysers Unit 17?

A Yes, sir, I do.

Q Was that document prepared by yourself?

A Yes.

Q Do you wish to have that document entered into the record in this proceeding as your testimony?

A Yes, I do.

Q Do you have anything to add or delete from that document?

A I have a couple of additions.

Referring to Findings 1, 3 and 4 --

Q We're not to the Findings yet.

HEARING ADVISER SHEAN: Excuse me, Mr. Burger.

Before we get too far in his testimony, you did not request with Mr. Brownell that those matters be introduced but merely questioned him as to whether it was his intention.

MR. BURGER: I'm sorry.

HEARING ADVISER SHEAN: Let's clean this up.

I assume then that you request to admit his position paper and those portions of the Draft EIR which incorporate. Do we have an objection to that?

MR. SAMSON: There's no objection. As I stated, we explicitly take no position on the staff position papers.

HEARING ADVISER SHEAN: All right. In the
absence of any objections, it's admitted.

Please continue.

THE WITNESS: I just want to state, the testimony I'm going to mention here is in support of Findings 1, 3 and 4.

On cooling tower sludge, cooling tower sludge is classified as a hazardous waste by the Department of Health Services and because of this classification the sludge must be disposed of in a Class II-I or Class I solid waste disposal site approved for geothermal wastes. Such sites are in operation near Middletown and Kelseyville. This is the same as for the Stretford wastes and any secondary abatement sludge.

That information is mentioned already in the position paper.

MR. BURGER: Q Have you reviewed the portions of the Geysers Unit 17 Draft Environmental Impact Report? A Yes, I have.

Q Those portions with respect to water quality which are found on pages 42 through 45 and 102 through 107? A Yes, I've reviewed those pages.

Q Are you familiar with the facts stated therein? A Yes.

Q Do you wish to have those portions of the Draft Environmental Impact Report included in your testimony in
in this proceeding?
A     Yes, I would.
Q     Have you reviewed the Findings and Conclusions of the
document entitled Joint and Individual Findings and
Conclusions for PG&E's Geysers Unit 17 dated August 9th,
1979?
A     Yes, I've reviewed those.
Q     You've reviewed the Water Quality Findings and
Conclusions?
A     Yes.
Q     In your opinion do you believe that those Findings
and Conclusions are true and correct?
A     Yes.
Q     Do you have any corrections to make to those Findings
and Conclusions?
A     No.
MR. BURGER: I have no further questions.
HEARING ADVISER SHEAN: Cross-examination.
MR. SAMSON: No.
HEARING ADVISER SHEAN: Cross-examination by any
other party?
Mr. Deckman, Number 10 on page 14, you requested
the addition of "and the retention basin it surrounds"
insofar as creating an impermeable barrier. Could you give
the reason for that?
THE WITNESS: That was for clarification. The barrier itself will be impermeable, but also it forms a retention basin essentially and the retention basin has the capacity. That was more for clarification than anything.

HEARING ADVISER SHEAN: And can you explain your rationale then for 10(b)?

THE WITNESS: That was stated in the NOI that condensate reinjection ponds would be a concrete-lined pond with a capacity of 225,000 gallons. That has been in all along. I believe through the NOI stage.

HEARING ADVISER SHEAN: Thank you.

Do you have any questions in this regard?

MR. SAMSON: Yes.

CROSS-EXAMINATION

By IVOR SAMSON, counsel on behalf of the Applicant:

Q If I could just clarify, when you say "retention basis" you're referring to the area around the cooling tower basin and the Stretford area?

A Well, as I understand the system, there's a berm around the whole plant site and essentially the plant site becomes a retention basin. Most of the plant site is lined because of this barrier around it. In addition, there's a separate basin for the Stretford unit. This would be referring to the basin formed by this berm around the plant
Q When you refer to the berm around the plant site, is that the area that you have a volume of at least 170,000 gallons?

A Right.

MR. SAMSON: Thank you.

HEARING ADVISER SHEAN: Are there any other questions for Mr. Deckman?

PRESIDING MEMBER REED: I have a question for PG&E.

On 10(b) is there a reason that that's a staff individual Finding?

MR. RUSSELL: At the time of filing this thing, we did not have a technical person who had been informed. I had been informed by Union Oil. Since that time, we have a technical person who will contact Union Oil and be informed again so that they can sign off on it. That's the reason.

PRESIDING MEMBER REED: Okay. So you're going to report back to me at some point during the proceeding?

MR. RUSSELL: We'll have a further affidavit on this item. The same thing also refers to in Soils, Item Finding 5 and Conclusions 5 in Soils.

PRESIDING MEMBER REED: Would you give me that reference again, please?
MR. RUSSELL: In Soils, Finding 5 and Conclusion 5 are listed. Conclusion 5 is listed as staff's individual conclusion and we will have a technical person who will submit an affidavit.

PRESIDING MEMBER REED: Fine.

MR. SAMSON: You understand, even without the affidavit, it's not something that we're either objecting to or supporting.

PRESIDING MEMBER REED: I know.

MR. SAMSON: All I'm saying is you don't have to have PG&E affidavits in support of all the staff's individual Findings. It's an individual Finding that we don't object to. It's moot. It would go in as unrefuted.

MR. RUSSELL: But in this case they were listed as staff's individual Findings because they involved activities by Union Oil.

PRESIDING MEMBER REED: Sometimes the individual Findings are matters of dispute and sometimes they're matters that they don't object to. I'm just trying to get clear for the record which ones you object to and, in each of these areas, it would be helpful if the Applicant's say: We don't join, but we don't object or that's a matter for dispute. Just to help me --

MR. RUSSELL: In this case it was a simple matter of verification.
PRESIDING MEMBER REED: And I'm also just wondering whether there's some subtlety that's escaped me when I'm reading something that seems like it shouldn't be disputed.

HEARING ADVISER SHEAN: Do you have any redirect?

MR. BURGER: No redirect.

HEARING ADVISER SHEAN: Thank you, Mr. Deckman, for your testimony. You're excused.

MR. BURGER: At this time staff would like to introduce --

HEARING ADVISER SHEAN: Excuse me. Let's do this again. We need to offer those portions --

MR. BURGER: That's exactly what I was going to do.

HEARING ADVISER SHEAN: Very well.

MR. BURGER: At this time staff would like to introduce the staff position paper of David Deckman on Water Quality for PG&E's Unit 17 and pages 42 through 45 and 102 through 107 of the Draft Environmental Impact Report for Geysers Unit 17 in evidence in this proceeding.

HEARING ADVISER SHEAN: Any objection? Hearing none, it's so admitted.

MR. BURGER: Staff calls Mr. Dale Nielsen.

(Thereupon Mr. Dale Nielsen was, by the reporter, sworn to tell the
truth, the whole truth, and nothing
but the truth.)

THE WITNESS: I do.

TESTIMONY OF
DALE NIELSEN,
a witness called by the staff of the Energy Commission,
being duly sworn, testified as follows:

DIRECT EXAMINATION
By STEPHEN BURGER, counsel on behalf of the staff of the
Energy Commission:

Q Would you state your name and spell it for the record?
A Dale Nielsen, N-i-e-l-s-e-n.

MR. BURGER: And I believe we're operating under
the stipulation as to his qualifications.

PRESIDING MEMBER REED: Yes.

HEARING ADVISER SHEAN: Correct.

MR. BURGER: Q Mr. Nielsen, are you familiar
with the staff position paper with respect to the need for
Geysers Unit 17?
A Yes.

Q Was that position paper prepared under your
direction?
A Yes.

Q Are the matters contained in the position paper true
to the best of your knowledge?
A Yes, they are.

Q Do you wish to have the position paper entered into the record in this proceeding as your testimony?

A Yes.

Q Is there anything you wish to add to or delete from that position paper?

A No.

Q Mr. Nielsen, have you reviewed the Joint Findings and Conclusions on Need found on pages 1 and 2 of the Joint and Individual Findings and Conclusions of PG&E's Geysers Unit 17 dated August 9th, 1979?

A Yes, I have.

Q To the best of your knowledge are those Findings and Conclusions true and correct?

A Yes, they are.

Q Referring to Conclusion Number 1, can you tell me the growth rate projected for PG&E service area that form the basis of this conclusion?

A At the time of the conclusion, it was 3.6 percent.

MR. SAMSON: Would you specify the years?


HEARING ADVISER SHEAN: Excuse me, could you repeat this question and answer, please?

MR. BURGER: Could you read it back?

(Thereupon the record was read.)
HEARING ADVISER SHEAN: That's fine. Thank you.

MR. BURGER: Q Is that 3.6 percent the rate that's contained in the 1977 Forecast adopted by the Energy Commission?

A Yes, it is.

Q Have you reviewed the need for the facility based on the most recent submittals of PG&E pursuant to the Biennial Report II Order adopted by the Commission?

A Yes, I have. That forecast was submitted on the 2nd of March, 1979 by PG&E.

Q Has that forecast changed your conclusion in any respect?

A It has not.

Q If we were to assume that the growth rate was substantially lower than even that contained in the 1977 Forecast for the most recent submittal by Pacific Gas and Electric Company and we were to assume it was, say, as low as 1.8 percent, would that change your conclusion?

A The lower forecast would not change our conclusion on the Geysers 17 110 megawatt capacity.

MR. BURGER: I have no further questions.

HEARING ADVISER SHEAN: All right. Would you move his testimony in now?

MR. BURGER: Yes. Staff moves the staff position paper on Need for Geysers Unit 17 into evidence in this
HEARING ADVISER SHEAN: Is there any objection?

No objection being heard, the testimony is admitted into evidence.

Do we have any cross-examination?

MR. SAMSON: Just one.

CROSS-EXAMINATION

By IVOR SAMSON, counsel on behalf of the Applicant:

Q. Could you explain for the record, Mr. Nielsen, why a load forecast of approximately 50 percent of that contained in the Biennial Report would not affect your opinion that the 110 megawatt capacity from Geysers Unit 17 is needed in 1979-85 time frame?

A. The conclusions that was reached in that area will be based on the criteria that was used. The capacity balance will use 15 percent as a reserve margin based on one day in ten years or approximately that. Certainly you would need that and it would be considerably higher than that if you had a lower growth rate. But it is a preferred resource. It would reduce dependence on oil and conform to your National Energy Act. It would displace over perhaps a million barrels of oil a year by using geothermal. It's smaller in size and offers perhaps a closer relationship to the demand forecast because of the lead time.

Economically it's a less expensive resource.
I would assume, perhaps there's a potential environmental advantage. That would also allow for delaying of other resources that may be projected by PG&E.

MR. SAMSON: Thank you.

HEARING ADVISER SHEAN: Any further cross-examination?

All right. We have no further questions, thank you, Mr. Nielsen, for your testimony. You're excused.

MR. BURGER: Staff calls Richard Buell.

(Thereupon Mr. Richard Buell was, by the reporter, sworn to tell the truth, the whole truth, and nothing but the truth.)

THE WITNESS: I do.

TESTIMONY OF RICHARD BUELL, a witness called by the staff of the Energy Commission, being duly sworn, testified as follows:

DIRECT EXAMINATION

By STEPHEN BURGER, counsel on behalf of the staff of the Energy Commission:

Q Would you state your name and spell it for the record?

A My name is Richard Buell, B-u-e-l-l.

HEARING ADVISER SHEAN: We'll assume we're
operating under the same stipulation of qualifications. Please proceed.

MR. BURGER: Q Mr. Buell, did you prepare a staff position paper for Geysers Unit 17 with respect to the Noise Impacts?
A Yes.
Q Is that document before you at this time?
A Yes.
Q Is it the same document that was submitted in the August 10th submittal of the Commission staff entitled Staff Position Papers in Support of Joint and Staff's Individual Findings and Conclusions on Geysers Unit 17?
A Yes.
Q Are the matters contained in that position paper true and correct to the best of your knowledge?
A Yes.
Q Do you wish to have that position paper entered into the record of this proceeding as your testimony?
A Yes.
Q Did you prepare the portions of the Geysers Unit 17 Draft Environmental Impact Report on Noise?
A Yes.
Q Those portions contained on page 57 through 62 of the Draft Environmental Impact Report?
A Yes.
Q And pages 127 through 131 of the Draft Environmental Impact Report?
A Yes.
Q Do you wish to add those portions of the Draft Environmental Impact Report as your testimony in this proceeding?
A Yes.
Q Have you reviewed the Findings and Conclusions contained in the document entitled Joint and Individual Findings and Conclusions on PG&E's Geysers Unit 17 dated August 9, 1979?
A Yes.
Q To the best of your knowledge, are these Findings and Conclusions true and correct?
A Yes.
Q Do you have anything you wish to add to or delete from either your position paper, your Draft Environmental Impact Report or these Findings and Conclusions?
A No.

MR. BURGER: I have no further questions.

HEARING ADVISER. SHEAN: Would you move the admission at this point?

MR. BURGER: Staff moves the admission of the Staff Position Paper of Richard Buell on Noise, the pages 57 through 62 of the Draft Environmental Impact Report and
pages 127 through 131 of the Draft Environmental Impact Report at this time.

HEARING ADVISER SHEAN: Any objection to its admission?

MR. SAMSON: No objection with the continual understanding that we take no position on the position papers.

HEARING ADVISER SHEAN: We understand. Hearing no objection, the matters will be admitted into evidence.

Do we have cross-examination?

MR. SAMSON: No.

HEARING ADVISER SHEAN: Again, we have an item that states Staff Individual Finding in Item Number 14. Perhaps we could find out from Pacific Gas and Electric Company whether you consider that to be an area which you potentially will rebut or --

MR. SAMSON: I'm informed that we can make that a Joint Finding. We are in agreement with it. Just delete the brackets as to the one sentence.

HEARING ADVISER SHEAN: That will be done.

Mr. Buell, there are no further questions for you. We'd like to thank you for your testimony and you're excused.

THE WITNESS: Thank you.

MR. BURGER: At this time staff calls Kreig Larson.
(Thereupon Mr. Kreig Larson was, by the reporter, sworn to tell the truth, the whole truth, and nothing but the truth.)

THE WITNESS: I do.

TESTIMONY OF KREIG LARSON,
a witness called by the staff of the Energy Commission, being duly sworn, testified as follows:

DIRECT EXAMINATION

By STEPHEN BURGER, counsel on behalf of the staff of the Energy Commission:

Q Would you state your name and spell it for the record?
A My name is Kreig Larson, first name, K-r-e-i-g, last name, L-a-r-s-o-n.

Q Do you have a document before you entitled Staff Position Paper of Kreig Larson on Socioeconomic Effects.

PG&E Geysers Unit 17?

A Yes.

Q That document was prepared by yourself?
A Yes, it was.

Q Are the matters contained in that document true and correct to the best of your knowledge?
A Yes.

Q Do you have anything to add to or delete from that document?
A No, I don't.
Q Do you wish to have this Staff Position Paper entered into the record of this proceeding as your testimony?
A Yes, I do.
Q Did you prepare the sections of the Geysers Unit 17, the Draft Environmental Impact Report, entitled Socioeconomics, Land Use, Public Service, Transportation and Esthetics found on pages 68 through 73 and 137 through 143?
A I prepared all those sections except the two transportation sections.
Q Have you reviewed the two transportation sections?
A Well, yes, I have reviewed them. I was not responsible for their preparation.
Q Do you understand the matters contained in all of these sections are true and correct?
A Again, other than the transportation sections, I believe so.
Q Did you wish to have these sections entitled Socioeconomics, Land Use, Public Service and Esthetics included in your testimony in this proceeding?
A Yes, I do.
Q Have you reviewed the Findings of Socioeconomics contained on pages 3 and 4 of the document entitled Joint and Individual Findings and Conclusions on PG&E's Geysers Unit 17 dated August 9, 1979?
A: Yes, I have.
Q: Are the matters stated therein true and correct to the best of your knowledge?
A: Yes.

MR. BURGER: I have no further questions.
I move at this time to introduce the Staff Position Paper of Kreig Larson on Socioeconomic Effects on PG&E's Geysers Unit 17 and those portions of the Unit 17 Draft Environmental Impact Report entitled Socioeconomics, Land Use, Public Service and Esthetics into the record of this proceeding.

HEARING ADVISER SHEAN: Do we have any objection?

MR. SAMSON: Same comment on the position papers, but I do have some cross-examination.

HEARING ADVISER SHEAN: We have to get to that, use the magic words. Hearing no objection, the matter is admitted.

You may proceed with the cross-examination.

CROSS-EXAMINATION

By IVOR SAMSON, counsel on behalf of the Applicant:
Q: The two transportation sections that you refer to, Mr. Larson, in what document are they contained?
A: They're in the Environmental Impact Report.
Q: Were those prepared by somebody working with you?
They were prepared, to the best of my knowledge, in the other office of the Engineering and Environmental Division, in the Engineering and Safety Office.

Q. Were they prepared by a person whom you consulted with in the course of your employment?

A. No. They were prepared independently.

Q. You had nothing to do with their preparation?

A. I did not.

HEARING ADVISER SHEAN: Mr. Larson, is this transportation area an area that would be within your expertise?

THE WITNESS: Not personally. Do you want -- HEARING ADVISER SHEAN: I just want a yes or no, and no will do.

Do you have any questions?

PRESIDING MEMBER REED: Are you preparing to offer somebody in the area of transportation, Mr. Burger?

MR. BURGER: I believe I'll have to.

(Laughter.)

PRESIDING MEMBER REED: Okay.

HEARING ADVISER SHEAN: Any further questions for Mr. Larson?

PRESIDING MEMBER REED: I have another question.

In the area of socioeconomics, Mr. Larson, Conclusion Number 4 states that, "The proposed power plant
is located in a 'primary' geothermal resource area. Accordingly, the project appears to be consistent with the conservation element of the Sonoma County General Plan."

There are a number of elements to a General Plan; correct?

THE WITNESS: Yes.

PRESIDING MEMBER REED: In your view is it the conservation element that controls a determination for the Commission's purposes of compliance of the project with the Sonoma County General Plan or are there other aspects of the General Plan that are also taken into consideration in determining compliance?

THE WITNESS: Well, I believe that its consistency with that particular element is suitable for our purposes and I think supportable for the purposes of this project. There probably is some overlap, depending on the interpretation, for example, of the County with other elements. But it was expressed to me by officers of the County that the intent expressed in that element satisfied in their view the requirements of both the element and what they were trying to accomplish.

HEARING ADVISER SHEAN: Is the geothermal development or at least in this particular proposed power plant, inconsistent with any element in the plan that you're aware of?
THE WITNESS: No.

PRESIDING MEMBER REED: Have you reviewed the entire Sonoma County General Plan?

THE WITNESS: Yes.

PRESIDING MEMBER REED: All elements thereof?

THE WITNESS: The purpose of designating a primary geothermal resource area was to identify the Geysers area as a geothermal development area. With that recognition and with that being recognized, that was taken as part or taken for granted in the other Findings and Conclusions, whatever contained in the various elements of the General Plan.

PRESIDING MEMBER REED: Okay. Then your assessment of the General Plan is that they've accomplished their purpose?

THE WITNESS: Yes.

PRESIDING MEMBER REED: Okay. No further questions.

HEARING ADVISER SHEAN: Mr. Larson, are you personally familiar with the elements of the Sonoma County General Plan?

THE WITNESS: I reviewed the entire document. I'm more familiar with certain elements in my review than others.

HEARING ADVISER SHEAN: So your statement that
these Findings and Conclusions are true and correct is based
upon your own personal knowledge of the plan and
evaluation of it; is that correct?

THE WITNESS: Yes. And speaking to members of
Sonoma County and gaining their evaluation of it, asking
them questions, yes.

HEARING ADVISER SHEAN: Can you support your
statement independent of your discussions with Sonoma
County officials by your own analysis?

THE WITNESS: Yes.

HEARING ADVISER SHEAN: All right. Thank you.
Are there any further questions for Mr. Larson?
All right. Hearing none, Mr. Larson, we thank
you for your testimony. You're excused.

MR. BURGER: May I make a comment?

HEARING ADVISER SHEAN: Excuse me just a moment.
Yes, Mr. Burger.

MR. BURGER: If my recollection serves me, during
the course of the NOI, the Sonoma County Planning Department
filed a letter that did in fact indicate that the Geysers
area and the Unit 17 site was consistent with the County's
Land Use and General Plan and I will attempt again to
locate that letter.

HEARING ADVISER SHEAN: Mr. Burger, will you
proceed?
PRESIDING MEMBER REED: Do you people want to go on a little bit more or do you want to break?

MR. BURGER: Take a five-minute break.

MR. SAMSON: How many more witnesses do you have, Steve?

MR. BURGER: We have five more witnesses.

HEARING ADVISER SHEAN: It's now noon.

PRESIDING MEMBER REED: Do you want to keep going?

MR. SAMSON: I say if we've got five more, let's take a break.

PRESIDING MEMBER REED: Okay. If we're breaking at 12:00 o'clock, we're hitting the noon hour rush. So unless people just want to go get sandwiches -- Do you want an hour or an hour and a half?

MR. BURGER: An hour is fine with me.

PRESIDING MEMBER REED: Let's take an hour and see you back here at 1:00.

(Thereupon the morning session of the hearing before a Committee of the California Energy Commission was recessed for lunch at 12:00 o'clock noon.)

--000--
AFTERNOON SESSION

PRESIDING MEMBER REED: We'll go back on the record and request staff to call its next witness.

MR. BURGER: Staff calls Martin Homec.

(Thereupon Mr. Martin Homec was, by the reporter, sworn to tell the truth, the whole truth, and nothing but the truth.)

THE WITNESS: Yes, I do.

TESTIMONY OF

MARTIN HOMECE,

a witness called by the staff of the Energy Commission, being duly sworn, testified as follows:

DIRECT EXAMINATION

By STEPHEN BURGER, counsel on behalf of the staff of the Energy Commission:

Q Would you state your name and spell it for the record?

A My name is Martin Homec, spelled M-a-r-t-i-n, N-o-m-e-c.

MR. BURGER: I assume we're operating under the same stipulation?

MR. SAMSON: Yes.

MR. BURGER: Q Do you have in front of you a
document entitled Staff Position Paper of Martin Homec, Solid Waste Management, PG&E Geysers Unit 17?

A    Yes, I do.

Q    The document was prepared by yourself?

A    Yes, it was.

Q    You're personally familiar with the facts stated therein?

A    Yes, I am.

Q    Do you have anything you wish to add to or delete from that position paper?

A    Well, I found out subsequently that I had the wrong name for a company. It's throughout the position paper. So it's Geothermal Reclamation, Incorporated is really Geothermal Incorporated and I-T Environmental Corporation is really I-T Corporation. On pages 4 and 5, I guess.

Q    Do you wish to have the staff position paper entered as your testimony in this proceeding?

A    Yes, I do.

Q    Have you read the Draft Environmental Impact Report for Geysers Unit 17?

A    Yes, I have.

Q    Does it contain a section in there on Solid Waste Management?

A    I think it does. It's contained under the Water Quality section.
Q There's some references to it?
A There were references to it.
Q Did any agency submit comments on Solid Waste Management --
A Yes, they did.
Q -- on the Draft EIR?
A Yes.
Q What agency?
A The Solid Waste Management Board.
Q Can you summarize the substance of their comment?
A They were interested in the effect of the project on local waste disposal facilities. They wanted to know that -- they wanted an analysis provided that the waste from the cooling towers and air pollution abatement which may be hazardous wastes could be put into local solid waste facilities and they also were interested in the construction wastes.
In addition, they were interested that the sulfur produced possibly be recycled and they wanted someone to look into that.
Q Did you prepare a response to the comments of the Solid Waste Management Board?
A Yes, I did.
Q Is that response substantially different than your position paper?
A No, it is not.

Q Have you reviewed the Findings and Conclusions on Solid Waste Management contained on page 27 of the document entitled Joint and Individual Findings and Conclusions on Pacific Gas and Electric Company's Geysers Unit 17 dated August 9th, 1979?

A Yes, I did.

Q In your opinion are those Findings and Conclusions true and correct?

A Yes, they are. The Findings are really my section. The Conclusions are a conglomeration with civil engineering. So the Findings are mine.

Q So an additional Conclusion with respect to Solid Waste Management would be warranted?

A Well, yes.

Q It would essentially state that adequate provisions have been made for disposal of wastes?

A Right. Correct.

MR. BURGER: I have no further questions at this time, and move the Staff Position Paper of Martin Homec into evidence in this proceeding.

HEARING ADVISER SHEAN: Is there any objection?

MR. SAMSON: Subject to the same qualifications I made earlier.

HEARING ADVISER SHEAN: Hearing no objection, it's
admitted.

Do we have cross-examination?

**CROSS-EXAMINATION**

By IVOR SAMSON, counsel on behalf of the Applicant:

Q Mr. Homec, just to clarify. I'm sorry, I didn't hear you. Did you say there was an additional Conclusion that you wanted to make in the area of Solid Waste Management Findings and Conclusions on page 27?

A Well, I guess we could leave it as it is. It's just that there was no Conclusion saying there is a significant likelihood of complying with all applicable laws, ordinances regulations relating to Solid Waste Management. It says civil engineering. So I don't think it's any --

Q Do you believe that there is a significant likelihood of complying with all applicable standards as it relates to Solid Waste Management?

A Yes, I do.

Q And you're in agreement with those Findings and Conclusions?

A Yes.

MR. SAMSON: Thank you, sir.

HEARING ADVISER SHEAN: Any other questions?

PRESIDING MEMBER REED: Mr. Homec, what are you recommending that the Commission adopt as a Finding with respect to the commercial sale of sulfur produced by the
Stretford system?

THE WITNESS: I think -- Well, we don't have a recommended decision. My personal feelings at the moment are that there don't seem to be, it seems the sale of sulfur may be commercially viable at this time, but it's not really a profitable enterprise. But it should be looked into in the future and if it can be sold rather than disposed of by using a capacity of waste disposal site, I recommend that it be done so. But I don't recommend that it be done at an uneconomical operation.

In the near future we expect it to be much more salable than it is at the moment.

PRESIDING MEMBER REED: So are you recommending that the Commission put any condition on the certification of the Geysers Unit 17 facility in relation to your concern about the future ability to sell sulfur economically?

THE WITNESS: No.

PRESIDING MEMBER REED: Okay.

HEARING ADVISER SHEAN: If there are no further questions for Mr. Homec, I'll thank you for your testimony and you're excused.

MR. BURGER: For the Committee's information, on page 13 of the Water Quality, Finding Number 2, it states that, as is from your question, the sulfur "will be
temporarily stored at the site in an enclosed container, and
either sold for use or disposed of at an approved site.
It's the staff position that it's basically a question for
PG&E to determine if they can market the sulfur in an
economic fashion and Mr. Homec has testified that if they
cannot, then there are adequate provisions for disposal of
that sulfur.

PRESIDING MEMBER REED: Fine.
HEARING ADVISER SHEAN: Your next witness.
MR. BURGER: Staff calls Paul Juncker.
(Thereupon Mr. Paul Juncker was, by the
reporter, sworn to tell the truth, the
whole truth, and nothing but the truth.)
THE WITNESS: Yes.

TESTIMONY OF
PAUL JUNCKER,
a witness called by the staff of the Energy Commission;
being duly sworn, testified as follows:

DIRECT EXAMINATION
By STEPHEN BURGER, counsel on behalf of the staff of the
Energy Commission:
Q Will you state your name and spell it for the record?
A My name is Paul Juncker; and that last name is spelled
J-u-n-c-k-e-r.
Q Mr. Juncker, do you have before you a document
entitled Staff Position Paper, Paul Juncker, on Soils for
Geysers Unit 17?
A Yes.
Q Do you have a document before you entitled Staff
Position Paper on Hydrology on Geysers Unit 17?
A Yes.
Q Are those documents prepared by yourself?
A They were prepared by myself and Mr. Ed Craddock.
Q Did you review the basis for the work done by
Mr. Craddock?
A I did.
Q Is it your position that the matters stated in this
document are correct to the best of your knowledge?
A Yes.
Q Do you wish to have these documents entered into the
record in this proceeding as your testimony?
A Yes.
Q Did you prepare the portions of the Unit 17 Draft
Environmental Impact Statement with respect to Soils and
Hydrology contained on pages 26 through 30, 40 through 41,
90 through 93, and 102 through 103?
A I prepared the Soils section, also using some of the
information that I got from Mr. Craddock and the Hydrology
section was prepared by Chris Oliveira and I have read
that information and concurred with it.
Q And your concurrence is based on your own knowledge and review of the NOI material and AFC material?
A Yes.
Q Do you wish to have those portions of the EIR which I just referenced included in your testimony in this proceeding?
A Yes.
Q Have you reviewed the Findings and Conclusions on Soils and Hydrology in a document entitled Joint and Individual Findings and Conclusions for Pacific Gas and Electric Company's Geysers Unit 17 dated August 9, 1979?
A Yes.
Q To the best of your knowledge are those Findings and Conclusions true and correct?
A They are.
Q Do you have anything that you wish to add to or delete from either of those portions of the EIR or your staff position papers or the Findings and Conclusions of those issues?
A No.

MR. BURGER: I have no further questions at this time. Move the Position Paper of Paul Juncker on Soils, Position Paper of Paul Juncker on Hydrology and the portions of the Draft Environmental Impact Report on Soils and Hydrology in this proceeding.
HEARING ADVISER SHEAN: Do we have an objection?
MR. SAMSON: Subject to the same qualifications, none.

HEARING ADVISER SHEAN: Hearing no objection, the matters will be admitted into evidence.

Do you have any cross-examination?

CROSS-EXAMINATION

By IVOR SAMSON, counsel on behalf of the Applicant:

Q    Just a couple of foundational questions, if I can, Mr. Juncker.

    You said that the Position Paper on Soils was done in conjunction with Mr. Ed Craddock.

A    Right.

Q    Did he do part of it or did you both work on the whole thing?

A    We both worked on the whole thing. He submitted the paper and I reviewed that and made changes which we both concurred.

Q    Does the entire document represent your work product?

A    Yes.

Q    And you're personally familiar with the entire document?

A    The entire document.

Q    And you prepared the entire Findings and Conclusions in the areas of Soils?
Q And with respect to the Findings and Conclusions in the area of Hydrology, that was prepared with Mr. Chris Oliveira?

A Yes. He wrote the original document and I concurred with his.

Q Is Mr. Oliveira a person that works under your direct control and supervision?

A He's an employee of the Commission in the Environmental and Health Office.

Q Do you supervise Mr. Oliveira?

A No, I do not.

Q Did you review his work, the original draft that was prepared by him was reviewed by you?

A Correct.

Q And then you put input into that?

A Yes, I put input in.

Q And so it would be fair to say you're familiar with the Findings and Conclusions in the area of Hydrology, that you're personally familiar with them?

A Yes.

MR. SAMSON: Thank you.

HEARING ADVISER SHEAN: I refer to the Joint Findings and Conclusions on Soils, Number 7, there's a Staff Individual Finding.
MR. SAMSON: Page number?

HEARING ADVISER SHEAN: Page number 17. In Soils, Item Number 7, there's a Staff Individual Finding and also an Applicant Individual Finding. To the best of my reading, the key difference is the identification of the physical areas in which no measurable sedimentation yield has occurred.

Can you tell me what the significance of the difference is and why the Staff Finding should be adopted over the Applicant Finding?

MR. BURGER: Actually the key difference between staff's original finding and that proposed by the Applicant is not reflected in this Finding. Staff's position was that the monitoring programs were not adequate to detect whether or not sedimentation had occurred rather than to imply that adequate monitoring programs were implemented which we're unable to detect sedimentation.

HEARING ADVISER SHEAN: Is this an item that we can classify as one that you will want to rebut?

MR. SAMSON: We didn't think it was a significant area of concern in the sense that we didn't propose to put on a witness to deal with the problem.

HEARING ADVISER SHEAN: Does your own staff declaration support your proposed --

MR. SAMSON: It supports the Individual Finding
Number 7, yes.

HEARING ADVISER SHEAN: Are there any further questions of the witness?

Hearing none, Mr. Juncker, thank you for appearing. You're excused.

MR. BURGER: Staff calls Al McCuen.

(Thereupon Mr. Al McCuen was, by the reporter, sworn to tell the truth, the whole truth, and nothing but the truth.)

THE WITNESS: I do.

TESTIMONY OF

AL McCUEN,
a witness called by the staff of the Energy Commission, being duly sworn, testified as follows:

DIRECT EXAMINATION

By STEPHEN BURGER, counsel on behalf of the staff of the Energy Commission:

Q Would you state your name and spell it for the record?

A Al McCuen, M-c-C-u-e-n.

Q Mr. McCuen, have you reviewed the Findings and Conclusions on Transmission Lines found on pages 32, 33, of the document entitled Joint Individual Findings and Conclusions, Pacific Gas and Electric Company's Geysers Unit 17 dated August 9, 1979?
A I have.

Q To the best of your knowledge are these Findings and Conclusions true and correct?

A They are.

Q Do you have anything that you wish to add to these Findings and Conclusions?

A I do. I wish to add two items to the list of laws and standards. The first item to be added will be Item L, and that's the Cal-OSHA, California Administrative Code Section 5095 through 5099 and it covers construction noise. The other item is Item M, and it is the Sonoma County General Plan Noise Element.

Q Is it your position that both of these laws and standards are applicable to this transmission line?

A The Cal-OSHA standard is a law that is applicable. The Sonoma County General Noise Plan is essentially a criteria which should be added. It is not required by law as far as I know.

Q Would the addition of these two items, L and M, change the Conclusions stated on page 33?

A No, they would not.

MR. BURGER: For the record, Mr. McCuen has prepared a position paper on the subject of compliance with these laws and standards. Due to reproduction difficulty, it was unable to be included in the document.
which we submitted on the 13th and it supports the
Conclusions stated on page 33. The staff would, therefore,
request leave to admit that position paper into evidence
on the 27th or 28th as time permits.

Additionally, we have some difficulties
communicating with the Public Utilities Commission with
respect to their role in ensuring compliance with General
Order 95 which is the principal operative law with respect
to the construction of transmission lines.

Therefore, in the position paper of Mr. McCuen,
he is going to recommend some methods of ensuring compliance.
Principally those will be simply the submission and the
verification by the Applicant after construction that the
line has in fact been constructed in compliance with
General Order 95.

HEARING ADVISER SHEAN: Can you give the
Committee an idea of the difference in area between the
position papers of Mr. Klein and Mr. McCuen so we can
understand what we would expect to see in Mr. McCuen's?

MR. BURGER: Yes. Mr. McCuen's testimony -- and
I'm sure that he'll correct me to the extent that I'm
wrong -- goes more to compliance with health and safety
standards whereas Mr. Klein's testimony will be focused
primarily on engineering adequacy and reliability.

HEARING ADVISER SHEAN: Do I understand you
correctly then, Mr. Burger, that his position paper has not
been prepared or it --

MR. BURGER: It has been prepared, but not
reproduced.

HEARING ADVISER SHEAN: The thing that concerns
me is, Mr. Samson or any other party is entitled to cross-
examine Mr. McCuen. This document being made available to
them prior to the --

MR. BURGER: We can serve that document with
tomorrow's testimony and make Mr. McCuen available for
cross-examination either the 27th or 28th.

HEARING ADVISER SHEAN: Will that be satisfactory
to you?

MR. SAMSON: I would imagine so. All we've asked
for continually is just sufficient time to review the
position papers prior to the 27th or 28th and give
Mr. Burger adequate notice if we want Mr. McCuen to appear.

MR. BURGER: That's reasonable.

HEARING ADVISER SHEAN: Have you completed your
direct examination?

MR. BURGER: Yes, I have. I move -- I have
nothing to move.

HEARING ADVISER SHEAN: We will grant a stay, I
believe, to submit the position paper of Mr. McCuen at the
hearings commencing on, the series of hearings commencing
on August 27th subject to, or the 28th, subject to PG&E's objection.

All right. Mr. Samson, do you have any cross-examination?

CROSS-EXAMINATION

By IVOR SAMSON, counsel on behalf of the Applicant:

Q I don't recall whether Mr. Burger asked you, but have you read and are you in agreement with the Findings and Conclusions in the area of Transmission Lines that have been filed in this docket?

MR. BURGER: That was asked and answered.

MR. SAMSON: I'm sorry, I didn't recall if you had specifically asked the question.

THE WITNESS: I am in complete agreement with these Findings and Conclusions as I indicated before.

MR. SAMSON: Thank you.

HEARING ADVISER SHEAN: Questions from any other parties?

All right, Mr. McCuen, there are no further questions for you. We thank you for your testimony. You're excused.

MR. BURGER: Joel Klein.

(Thereupon Mr. Joel Klein was, by the reporter, sworn to tell the truth, the whole truth, and nothing but the
THE WITNESS: I do.

TESTIMONY OF

JOEL KLEIN,

a witness called by the staff of the Energy Commission,
being duly sworn, testified as follows:

DIRECT EXAMINATION

By STEPHEN BURGER, counsel on behalf of the staff of the Energy Commission:

Q Would you state your name and spell it for the record?
A Joel Klein, first name J-o-e-l, second name, K-l-e-i-n.

Q Have you before you a document entitled Staff Position Paper of Joel Klein on Transmission Line Engineering for Geyser Unit 17?
A I do.

Q Was that document prepared by yourself?
A That's true.

Q And you're personally familiar with the facts stated therein?
A I am.

Q Do you have anything you wish to add to or delete from that document?
A No.

Q Did you wish to have that document entered into the
record of this proceeding as your testimony?
A I do.
Q Have you reviewed the Findings and Conclusions entitled Transmission Line Engineering on page 34 --
A I have.
Q -- of the document entitled Joint and Individual Findings and Conclusions, PG&E's Geysers Unit 17, dated August 9, 1979?
A Yes, I've reviewed them.
Q With the exceptions of Finding 2 and Conclusion 2, do you agree with those Findings and Conclusions?
A With the exception of Finding 2 and Conclusion 1.
Q Conclusion 1, excuse me.
A I would state at this time that staff wishes to withdraw Finding 2 and Conclusion 1 as Joint Findings. However, we do not contest and will not contest those Findings as Applicant's Individual Findings.

MR. SAMSON: What page is that, Steve?
MR. BURGER: It's on page 34.
MR. SAMSON: And you wish to drop --
THE WITNESS: Finding 2 and Conclusion 1 as Joint Findings, but they should be retained and we will not contest them as Individual Findings.

MR. BURGER: I have no further questions and move at this time to introduce the Staff Position Paper of Joel
Klein on Transmission Line Engineering into evidence in this proceeding.

HEARING ADVISER SHEAN: Is there objection?

MR. SAMSON: Again, subject to the same qualifications, none.

HEARING ADVISER SHEAN: Hearing none, the material is admitted.

Mr. Klein, are we to take the action by staff with regard to Finding Number 1 and Conclusion Number 2 -- I beg your pardon, Finding Number 1 and Conclusion 2.

PRESIDING MEMBER REED: Finding Number 2 and Conclusion Number 1.

HEARING ADVISER SHEAN: Is that correct?

MR. BURGER: Yes. Finding Number 2 and Conclusion Number 1.

HEARING ADVISER SHEAN: -- to mean that staff believes there may be some evidence to indicate that the existing facilities are not sufficient to carry this power out?

THE WITNESS: That respective Finding and Conclusion is not within the scope of my paper. As a transmission system planning consideration, you will note that on the bottom of my position paper on page 1, it says that transmission system planning was not a consideration.

HEARING ADVISER SHEAN: So this is not within the
thereof?

THE WITNESS: I will say there's no particular concern that I know of. I'm not sure I can speak exactly to the decision because the decision wasn't made by me. If you'd like further clarification, I suggest that you talk to Les White, call Les White.

HEARING ADVISER SHEAN: Mr. Samson, do your declarations go to these?

MR. SAMSON: I believe our declarations include those two paragraphs.

PRESIDING MEMBER REED: Who's the witness for that for PG&E?


HEARING ADVISER SHEAN: That's correct.

MR. SAMSON: Pardon?

HEARING ADVISER SHEAN: That's correct.

Mr. Schmidt.

MR. SAMSON: Does he specifically name those two paragraphs? He should.

HEARING ADVISER SHEAN: Paragraph 4 reads:
"I have reviewed the statement of Joint and Individual Findings and Conclusions to be filed in this docket on or about August.
13, 1979."

He does not reference specific numbers but incorporates all matters under Transmission Line Engineering.

Does the staff wish to call Mr. Schmidt and cross-examine him on any matters stated in his declaration?

MR. BURGER: No.

MR. SAMSON: Mr. Shean, may I --

HEARING ADVISER SHEAN: Yes.

MR. SAMSON: I was going to ask if I could approach the Bench, but that’s not what I wanted to say.

(Laughter.)

MR. SAMSON: May I just take a look at Mr. Schmidt’s testimony?

PRESIDING MEMBER REED: Gene would love it.

HEARING ADVISER SHEAN: There being no further questions for Mr. Klein, thank you for your testimony and you’re excused, or do you wish to --

MR. SAMSON: I think the record should indicate that I wasn’t offered the chance to cross-examine.

HEARING ADVISER SHEAN: I beg your pardon.

You had asked him a question, so I thought you had taken your opportunity.

MR. SAMSON: No, with the representation that staff does not contest Finding Number 2 and Conclusion
Number 1, then I have no questions for Mr. Klein subject
to the qualifications that have been entered in.

HEARING ADVISER SHEAN: Fine. You're excused,
Mr. Klein.

MR. BURGER: At this time I'd like to call, a
hopefully not too surprise witness, Marco Farrockhrooz will
testify on the transportation aspect of the Geysers 17
Draft Environmental Impact Report.

(Thereupon Mr. Marco Farrockhrooz was,
by the reporter, sworn to tell the
truth, the whole truth, and nothing
but the truth.)

THE WITNESS: I do.

TESTIMONY OF

MARCO FARROCKHROOZ,
a witness called by the staff of the Energy Commission,
being duly sworn, testified as follows:

DIRECT EXAMINATION

By STEPHEN BURGER, counsel on behalf of the staff of the
Energy Commission:

Q State your name and spell it for the record.

A My name is Marco Farrockhrooz, first name, M-a-r-c-o,
last name, F-a-r-r-o-c-k-h-r-o-o-z.

MR. BURGER: I realize that we have not submitted
a resume for Mr. Farrockhrooz; however, he is qualified
legally and I will qualify the witness if Mr. Samson so desires.

HEARING ADVISER SHEAN: I think we should voir dire the witness on his qualifications.

MR. BURGER: Q Are you employed by the California Energy Commission, Mr. Farrockhrooz?

A Yes, I am.

Q In what capacity are you employed by the Energy Commission?

A Civil Engineering Associate.

Q Are you a registered civil engineer?

A No, I'm not a civil.

Q You are a registered engineer?

A Yes.

Q How long have you been acting in the capacity as an engineer?

A With the Commission?

Q As an engineer.

A As an engineer, for eight, nine years.

Q How long have you been with the California Energy Commission?

A About eight months.

Q In your capacity as an employee of the Energy Commission, do you review power plant proposals with respect to their transportation requirements and their
implications?
A Yes, I do.
Q Have you reviewed the portion of the Geysers Unit 17 Draft Environmental Impact Report entitled Transportation?
A I have.
Q Was that section of the document prepared by yourself?
A No.
Q Was that section prepared under your supervision?
A No. It was prepared and I reviewed it and I made comments on that.
Q Are you familiar with the documents which formed the basis for that portion of the Environmental Impact Report?
A I reviewed them.
Q Is that section of the Environmental Impact Report true and correct to the best of your knowledge and belief?
A It is.
Q Do you wish to have that section of the Environmental Impact Report entered into the record in this proceeding as your testimony?
A Yes.

HEARING ADVISER SHEAN: Excuse me, Mr. Burger. Perhaps before you get further out of this area of qualifications, do we have any objection to Mr. Farrockhrooz testifying as an expert in the area of --

MR. SAMSON: I think there's a couple of
foundational requirements that should still be laid, if I may.

HEARING ADVISER SHEAN: All right. If you would further voir dire the witness.

VOIR DIRE EXAMINATION

By IVOR SAMSON, counsel on behalf of the Applicant:

Q Could you tell us your academic background, please?
A I'm a Civil Engineer, BS in Civil Engineering, mastered in Soils Mechanics Foundation.
Q Can you indicate the institution where you received those degrees?
A University of New Hampshire.
Q And can you tell us your employment prior to the time you graduated to the time you came to the Energy Commission?
A I worked for a consultant in Los Angeles before as a soil engineer and then I worked for Caltrans and the Department of Water Resources for the past few years.
Q Did any of this past employment involve review of transportation plans or transportation impacts of various projects?
A Not directly. But in a field of civil engineering, you are involved with transportation.
Q Would it be fair to say that transportation problems and the area of transportation is something that you have
worked with in the course of your professional career?
A  I have, yes.
Q  And that's an area in which you've worked in the course of your employment with the Energy Commission?
A  Would you repeat that?
Q  This is an area at which you've worked in the course of your employment with the Energy Commission?
A  One of the areas, yes.
Q  With respect to the Transportation sections of the Environmental Impact Report you said that you reviewed, did you provide any input into those sections?
A  I have made some input which reflects in the Final Draft, Final EIR.
Q  Okay.
A  Minor changes.
Q  Are you personally familiar with those sections of the EIR?
A  Yes.
Q  And are you in agreement with those sections?
A  Yes.
Q  They represent your own opinion?
A  Yes.

MR. SAMSON: Thank you.

HEARING ADVISER SHEAN: Mr. Burger, you can continue with your direct examination.
MR. BURGER: I have no further direct examination and move the portion of the Draft Environmental Impact Report on Transportation into evidence in this proceeding.

HEARING ADVISER SHEAN: Are there any objections?

MR. SAMSON: Again, subject to the same qualifications, none.

HEARING ADVISER SHEAN: Any cross-examination?

MR. SAMSON: No.

HEARING ADVISER SHEAN: All right. Since there are no requests for further questioning, Mr. Farrockhrooz, we thank you for your testimony and you are excused.

MR. BURGER: I'd like at this time to call Nancy Post.

(Thereupon Ms. Nancy Post was, by the reporter, sworn to tell the truth, the whole truth, and nothing but the truth.)

THE WITNESS: I do.

TESTIMONY OF NANCY POST,
a witness called by the staff of the Energy Commission, being duly sworn, testified as follows:

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DIRECT EXAMINATION

By STEPHEN BURGER, counsel on behalf of the staff of the Energy Commission:

Q  Would you state your name and spell it for the record?
A  My name is Nancy Post, P-o-s-t.

Q  Miss Post, do you have before you a document entitled Staff Position Paper of Nancy Post, Subject Health, for PG&E Geysers Unit 17?
A  I do.

Q  Is that Staff Position Paper prepared by yourself?
A  Yes, it is.

Q  Are you personally familiar with the facts stated therein?
A  Yes.

Q  Do you have anything you wish to add or subtract from that document?
A  No, I don't.

Q  It's your position that the facts and issues stated therein are true and correct?
A  Yes.

Q  Do you wish to have that document entered into the record of this proceeding as your testimony?
A  I do.

Q  Do you have before you portions of the Draft Environmental Impact Report on Geysers Unit 17 on Public
Q Health, pages 52 through 55, and 114 through 142?
A Yes.

Q Are those portions of the Draft Environmental Impact Report prepared by yourself?
A Yes.

Q And to the best of your knowledge those portions are true and correct?
A Yes.

Q Do you wish to have those portions of the EIR included in your testimony in this proceeding?
A Yes, I do.

Q And you reviewed the Findings and Conclusions beginning on page 49 of the document entitled Joint and Individual Findings and Conclusions, Pacific Gas and Electric Company Geysers Unit 17, dated August 9, 1979?
A Yes.

Q In your opinion are these Findings true and correct?
A I would like to suggest a couple of changes. With those exceptions, these Findings and Conclusions are correct.

Q And what are those changes you would like to suggest?
A On page 50, at the bottom of the page under Finding Number 10, Section B, second-to-the-last-line, it says, "[Monitoring] [Staff's Individual Finding] [Spot Field Measurements] [Applicant's Individual Finding]."

Staff agrees with Applicant's wording and would
request that the sentence then read, "Spot field measurements will be used to conform this methodology."

Q  Any additional changes you'd like to suggest?
A  Yes.

Page 52, Conclusion Number 2, the number .005 parts per million appears in this Conclusion. There's not a Finding to support that and at this time staff cannot support that Conclusion. I'd like to suggest that the phrase be dropped from the Conclusion and then we can concur with it.

The phrase would be "be less than .005 ppm and will."

If that phrase could be dropped, it would then be correct.

Q  How would Conclusion Number 2 read?
A  Conclusion Number 2 would then read:

"Preliminary analyses show that the impact of H₂S emissions from Unit 17 during normal operation pursuant to Rule 455(b) on ambient H₂S concentrations at receptor areas in The Geysers is predicted to not cause or contribute to violations of the H₂S ambient air quality standard in populated areas."

Q  Do you have an additional suggestion on these Findings and Conclusions?
A  Yes, page 55, the Findings under Mercury. Number 3 contains the word "ambient." It says, "[Brackets indicate
Applicant's Individual Finding]." Staff would agree that
this work is acceptable.

Q Does that conclude the section?
A Yes, it does.

MR. BURGER: I have no further questions and at
this time move the Position Paper of Nancy Post on Public
Health and those portions of the Draft Environmental Impact
Report into evidence of this proceeding.

HEARING ADVISER SHEAN: Any objection?

None being heard, and assuming it's the same
reservations by PG&E, the matter is admitted into evidence.

I'd like at this point to ask Mr. Samson whether
or not the changes that have been read into the record by
Miss Post are agreeable to PG&E?

MR. SAMSON: The change on page 50 and 55, the
staff has accepted our language would certainly be
acceptable. The change on page 52, I'm sorry I'm not
technically competent to say whether that would be acceptable
or not. We can certainly notify you soon.

HEARING ADVISER SHEAN: Okay.

MR. SAMSON: We weren't informed that that was
going to be a change. So I'd have to check.

MR. BURGER: If I may have a moment to review the
Findings and Conclusions. I think I may have an additional
question on redirect.
I do not have any questions, just a comment that
the change in Conclusion requested by Miss Post makes that
Conclusion essentially identical to the appropriate Findings
and Conclusions on Air Quality which, although not yet
sponsored in this proceeding, indicate that the facility
will not cause or contribute to an ambient air quality
violation.

HEARING ADVISER SHEAN: All right. We'll hear
back from PG&E with regard to the acceptability of that
change.

MR. SAMSON: Yes.

HEARING ADVISER SHEAN: Cross-examination of
Miss Post?

MR. SAMSON: No.

HEARING ADVISER SHEAN: Any other party have
questions?

MR. SAMSON: I say no at this time.

HEARING ADVISER SHEAN: There's a matter related
to this public health inquiry and I think you should review
it for the record.

In the Committee's Final Prehearing Conference
Order of July 19th, the Committee indicated that it would
take official notice of the Commission's Department of
Water Resources Bottle Rock NOI which is 78-NOI-7
pertaining to the impacts of H2S public health on public
health. So if there are no objections, we will do that at this time. Am I correct that the Conclusions that you have set forth essentially are in accord with the matters contained in the Bottle Rock Final Report?

THE WITNESS: Yes, that's my understanding.

MR. SAMSON: I can't specifically address that nor I feel I cannot object or consent to the Commission taking judicial notice or official notice of anything. I think that's entirely your prerogative. I recognize that you have indicated your intent to do so.

MR. BURGER: No objection.

HEARING ADVISER SHEAN: Then we have just done so. Miss Post, there are no further questions for you. We thank you for your testimony. You're excused.

MR. BURGER: At this time I would like to inform the Committee that Gary Heath who had been in San Francisco for the workshop on Potrero 7 is here, and can sponsor his testimony at this time if there's no objection by the Applicant.

PRESIDING MEMBER REED: Is there any objection?

MR. SAMSON: No.

PRESIDING MEMBER REED: Fine.

MR. BURGER: Gary Heath, please.

(Thereupon Mr. Gary Heath was, by the reporter, sworn to tell the truth, the
whole truth, and nothing but the
truth.)

THE WITNESS: Yes.

TESTIMONY OF

GARY HEATH,
a witness called by the staff of the Energy Commission,
being duly sworn, testified as follows:

DIRECT EXAMINATION

By STEPHEN BURGER, counsel on behalf of the staff of the
Energy Commission:

Q Would you state your name and spell it for the
record?

A Yes. My name is Gary Heath. Heath, H-e-a-t-h.

Q Mr. Heath, do you have before you a document
entitled Staff Position Paper of Gary Heath on Cultural
Resources for PG&E Geysers Unit 17?

A Yes, I do.

Q Was that document prepared by yourself?

A Yes, it is.

Q You're familiar with the matters stated therein?

A I am.

Q And based on your professional qualifications which
I'm assuming are stipulated to by the Applicant, the matters
stated therein are true and correct?

A That's correct.
Q Do you wish to have that document entered into the record of this proceeding as your testimony?
A I do.
Q Do you have anything to add to or delete from that document?
A No, I don't.
Q Mr. Heath, do you have before you the portions of the Geyser Unit 17 Draft Environmental Impact Report, Cultural Resources, pages 65 to 67, and 135 to 136?
A I do.
Q Were those sections of the Draft Environmental Impact Report prepared by yourself?
A Yes, they were.
Q And you're personally familiar with the contents?
A I am.
Q And to the best of your knowledge those matters stated herein are true and correct?
A They are.
Q Do you wish to have those portions of the Draft Environmental Impact Report included as your testimony in this proceeding?
A I do.
Q Mr. Heath, have you reviewed the Findings and Conclusions found on pages 5 and 6 of the document entitled Joint and Individual Findings and Conclusions, Pacific Gas
and Electric Company's Geysers Unit 17 dated August 9, 1979?

A Yes.

Q Directing your attention to Numbers 8. One Number 8 is listed as Staff's Individual Findings, the second Number 8 is listed as Applicant's Individual Finding. Which of these Numbers 8 do you feel is appropriate for inclusion in these Findings and Conclusions?

A Number 8 of the Applicant's would be satisfactory.

Q So you withdraw Staff's Individual Finding?

A Yes.

Q Are the additional Findings and Conclusions true and correct to the best of your knowledge?

A They are.

MR. BURGER: We have no further questions, and at this time move the testimony of Gary Heath into evidence in this proceeding.

HEARING ADVISER SHEAN: Is there objection?

None being heard and subject to the same reservation, his testimony will be admitted.

Any cross-examination?

MR. SAMSON: No.

HEARING ADVISER SHEAN: There are no further questions for you, Mr. Heath. We thank you for your testimony. You're excused.

MR. BURGER: At this time I would like to call
Ilona Perry.

(Thereupon Ms. Ilona Perry was, by the reporter, sworn to tell the truth, the whole truth, and nothing but the truth.)

THE WITNESS: I do.

TESTIMONY OF
ILONA PERRY,
a witness called by the staff of the Energy Commission,
being duly sworn, testified as follows:

DIRECT EXAMINATION

By STEPHEN IBURGER, counsel on behalf of the staff of the Energy Commission:

Q Miss Perry, would you state your first and last name and spell your name for the record?
A Ilona Perry, I-l-o-n-a, P-e-r-r-y.

Q Miss Perry, can you describe for us your job responsibilities with the California Energy Commission?
A I'm currently an Energy Analyst with the Engineering and Environmental Division. My responsibilities were to prepare the Environmental Impact Report for the Geysers 17 Project, excuse me, that was to coordinate the preparation of the Environmental Impact Report.

Q Were the various different sections of the Draft Environmental Impact Report which are listed in the Table
of Contents prepared under your direction?
A Yes, they were.

Q Did you write any of the portions of the Draft Environmental Impact Report yourself?
A Yes, I did.

Q Could you state what those sections were?
A The Summary sections, Environmental Setting Summary, Environmental Impacts and Mitigation Measures Summary, Unavoidable Adverse Impacts, Irreversible Environmental Changes, Short-Term/Long-Term Effects, the Bibliography and the organizations and persons consulted were compiled by me.

Q To the best of your knowledge are the matters stated in those stated sections true and correct?
A Yes, they are.

Q Is it your opinion that the Draft Environmental Impact Report has been prepared in accordance with the Commission's EIR Guidelines and those EIR Guidelines of the Environmental Clearinghouse?
A Yes, they were. Yes, it is.

Q Subsequent to release and review of the Draft Environmental Impact Report, were comments received from the public and/or other agencies?
A Yes.

Q In your role as the coordinator of the EIR activity in this proceeding, did you direct the staff to prepare
responses to those comments received?
A Yes, I did.

Q Have responses been prepared to those comments?
A Yes.

Q Have those responses been included in a Draft
Environmental Impact Report?
A Yes.

Q Is it your opinion that the Draft and Final
Environmental Impact Report has been prepared in accordance
with the Commission's and the State EIR Guidelines?
A Yes.

MR. BURGER: I have no further questions, and at
this time would move those sections which were prepared
by Miss Perry into evidence in this proceeding.

MR. SAMSON: I have just one or two questions,
if I may.

VOIR DIRE EXAMINATION

By IVOR SAMSON, counsel on behalf of the Applicant:
Q Have you submitted your resume of academic background
into the proceeding?
A Yes, sir, I did.

Q Could you just briefly state that on the record?
A I have a BA from San Francisco State.

Q How long have you worked for the Energy Commission?
A For four years.
Q And during the course of your employment have you worked on other Environmental Impact Reports?

A Not other Environmental Impact Reports, no.

Q Have you prepared or assisted in the preparation of any Environmental Impact Reports for any other governmental agency?

A No, I have not.

Q In the course of your work with the Energy Commission, are you familiar with the general concept and substance of the Environmental Impact Report as required by law?

A Yes, I am.

Q Can you tell us what you did to make sure that the Environmental Impact Report on which you've worked as the coordinator was in fact prepared in conformance with the State Guidelines?

A I am familiar with the CEQA Guidelines and the State EIR Guidelines. As the document was being prepared, it was also reviewed by a number of staff people in the office who also have knowledge.

Q Would it be fair to say that you checked drafts of the report to make sure that they were in fact in conformance with these EIR Guidelines?

A Yes.

MR. SAMSON: Thank you.

HEARING ADVISER SHEAN: Do you have any redirect?
MR. BURGER: No.

PRESIDING MEMBER REED: Miss Perry, when was the Draft Environmental Impact Report issued for review?

THE WITNESS: May of '79. I believe it was May 30th.

PRESIDING MEMBER REED: And how many days were allowed for review?

THE WITNESS: Forty-five.

PRESIDING MEMBER REED: And 45 days has passed; correct?

THE WITNESS: Yes.

PRESIDING MEMBER REED: How many responses did you receive?

THE WITNESS: Approximately ten. I can give you the exact number if you like.

PRESIDING MEMBER REED: Yes, please.

THE WITNESS: Eight.

PRESIDING MEMBER REED: What procedure did the staff use to solicit public participation in the preparation of the Draft and in the review of the Draft Environmental Impact Report?

THE WITNESS: There was a public workshop held in Lakeport on the 14th of June to solicit public comments and the document was released and notices of availability were sent out to members of the public which requested that they
respond either in writing or in some form if they had concerns.

PRESIDING MEMBER REED: And did you review the comments received?

THE WITNESS: Yes.

PRESIDING MEMBER REED: And the staff responses to those comments?

THE WITNESS: Yes.

PRESIDING MEMBER REED: In your opinion are the responses sufficiently responsive?

THE WITNESS: I believe so.

PRESIDING MEMBER REED: Any errors of fact or views expressed were considered and appropriately incorporated in the document?

THE WITNESS: That's correct.

PRESIDING MEMBER REED: The regulations of the Commission require that the Draft Environmental or the Final Environmental Impact Report be issued with a proposed decision. The Commission regulations require that the Committee issue a draft, a Final Environmental Impact Report and a Proposed Decision at the same time. In view of the fact that the Environmental Impact Report is near completion and the expedited review process that we're trying to conduct in this matter, I think it's consistent with the Commission's policies to encourage and public
participation facilitated to direct you to release the
Final Environmental Impact Report with the responses that
were, incorporate the responses from the commenting parties
or members of the public so that it might be afforded a
lengthier public review than it otherwise would until the
Proposed Decision was issued. So I would direct you to
do that.

I have no further questions.

HEARING ADVISER SHEAN: Are there any further
questions for Miss Perry?

MR. SAMSON: No.

HEARING ADVISER SHEAN: All right. Thank you for
your testimony. You're excused.

MR. BURGER: Staff has no further witnesses
today.

PRESIDING MEMBER REED: Okay. Go off the record
for a second.

MR. SAMSON: Could I just put something on the
record?

PRESIDING MEMBER REED: Fine.

MR. SAMSON: I most probably will not be here
tomorrow and I'm willing to stipulate that for all
witnesses called tomorrow, for purposes of the hearing
tomorrow, the same stipulations with respect to their
expert witness qualifications will apply. If Mr. Burger
will also stipulate that any of those witnesses that, after we have reviewed the transcript and the position papers, they may be recalled upon reasonable notice for cross-examination if we so require.

MR. BURGER: So stipulated.

MR. SAMSON: And I'll just convey that to Mr. Williams.

PRESIDING MEMBER REED: Fine. Go off the record for a second.

(Thereupon a discussion was held off the record.)

PRESIDING MEMBER REED: Back on the record.

HEARING ADVISER SHEAN: The Committee discussed, as we indicated to the parties we would, the matter of calling the witnesses where they were Applicant or Staff Individual Findings which PG&E or the staff essentially refuted or contested. Under those circumstances, I think it is fair to state that the position of the Committee is that in the absence of rebutting testimony and credible evidence in support of an individual proposed Finding, we'll support that Finding.

So if you wish to have a sulfate witness --

MR. SAMSON: You're saying specifically with respect to the sulfate, if we wish to contest the staff's position, that we ought to do it now rather than --
HEARING ADVISER SHEAN: That's correct.

MR. SAMSON: Fine. We'll make a witness available at the end of the month.

PRESIDING MEMBER REED: Okay. Are there any other procedural matters that anyone or matters at all that anyone wants to raise? Fine.

The hearing is adjourned.

(Thereupon the hearing before a Committee of the California Energy Commission was adjourned at 2:20 p.m.)

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STATE OF CALIFORNIA  
COUNTY OF SACRAMENTO  

I, CATHLEEN SLOCUM, C.S.R., a Notary Public in
and for the County of Sacramento, State of California, duly
appointed and commissioned to administer oaths, do hereby
certify:

That I am a disinterested person herein; that the
foregoing hearing before a Committee of the California
Energy Commission was reported in shorthand by me,
Cathleen Slocum, a Certified Shorthand Reporter of the
State of California, and thereafter transcribed into
typewriting.

I further certify that I am not of counsel or
attorney for any of the parties to said hearing, nor in
any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official seal of office this 20th day of
August, 1979.

CATHLEEN SLOCUM, C.S.R.
Notary Public in and for the County
of Sacramento, State of California
C.S.R. License No. 2822

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