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CALIFORNIA ENERGY COMMISSION

In the Matter of:)
) Docket 02-AFC-01C
Sonoran Energy Project)
(Formerly Blythe Energy)
Project Phase II))
-----)

STATUS CONFERENCE
SONORAN ENERGY PROJECT

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street
Art Rosenfeld Hearing Room
Sacramento, California

WEDNESDAY, MARCH 30, 2016

2:00 P.M.

Reported by
Peter Petty

APPEARANCES

HEARING OFFICER

Raoul Renaud

COMMITTEE MEMBERS

Commissioner Janea Scott, Presiding Member

Rhetta DeMesa, Adviser

Commissioner Karen Douglas, Associate Member

Jennifer Nelson, Adviser

Le-Quyen Nguyen, Adviser

CEC STAFF

Mary Dyas, Project Manager

Kerry Willis, Counsel

Mark Hesters

PETITIONER

Kristen T. Castanos, Attorney

Christopher James Doyle, AltaGas

Jerry Salamy, CH2M Hill Consultant

ALSO PRESENT

Tiffany North, Riverside County

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1 P R O C E E D I N G S

2 MARCH 30, 2016 2:00 P.M.

3 COMMISSIONER SCOTT: Good afternoon,
4 everybody. I am Commissioner Janea Scott, and I am
5 the presiding member of the committee.

6 My adviser is Rhetta DeMesa and she is here
7 to my left.

8 I am also on this committee with
9 Commissioner Karen Douglas, who is to my right. And
10 her two advisers, Jennifer Nelson and Le-Quyen
11 Nguyen, who are to her right.

12 And right next to me is our hearing officer,
13 Raul Renaud.

14 So I would like to ask the parties to please
15 introduce themselves and their representatives at
16 this time, and we will start with the applicant.

17 MS. CASTANOS: Good afternoon. Kristin
18 Castanos with Stoel Rives, I'm counsel to the project
19 owner.

20 COMMISSIONER DOUGLAS: Chris Doyle with
21 AltaGas and RMG, project owner.

22 COMMISSIONER SCOTT: Welcome. Let me now ask
23 the staff to introduce themselves.

24 MS. DYAS: My name is Mary Dyas, I'm the
25 combined project manager. And with me is Kerry

1 Willis, Assistant Chief Counsel.

2 COMMISSIONER SCOTT: Great, welcome. And
3 then do we have a public adviser in the room today,
4 or someone from the public adviser's office? Okay, I
5 do not see anybody. No worries.

6 Then let me go to agencies. Do we have any
7 elected officials or representatives from agencies of
8 the federal government, let's start in the room.

9 All right, how about on the WebEx?

10 HEARING OFFICER RENAUD: Raj, if you could
11 unmute the phone we'll just see if anybody responds.
12 Thanks.

13 COMMISSIONER SCOTT: Okay. If you are an
14 elected official or a representative from the federal
15 government, you are unmuted and this is your
16 opportunity to introduce yourself.

17 Okay, just double checking.

18 How about agencies of the State of
19 California, here in the room or anyone on the WebEx
20 or phone?

21 All right. How about Native American tribes,
22 anyone here in the room or on our WebEx?

23 Do we have anyone from the Mojave Desert Air
24 Pollution Control District?

25 Okay. And are there any representatives from

1 Riverside County or any nearby towns or cities or any
2 other agencies that would like to introduce
3 themselves either here in the room or on the phone at
4 this time?

5 Okay. So I will now hand the conduct of this
6 status conference over to our hearing officer Raoul
7 Renaud.

8 HEARING OFFICER RENAUD: Thank you,
9 Commissioner Scott.

10 This status conference is the first status
11 conference on the Sonoran Energy Project, and it was
12 scheduled in a notice that was dated March 14, 2016.

13 The purpose of today's conference is to
14 inform the committee about any changes made to the
15 AFC and the progress the parties are making on the
16 review.

17 The PSA, Preliminary Staff Assessment, was
18 issued January 29, 2016. The committee has reviewed
19 the PSA and also have questions and comments about
20 it.

21 We will also want to discuss the schedule
22 with the parties as it may need some adjustment at
23 this point. After the status conference the committee
24 will likely issue a revised scheduling order.

25 So I think what we'll do before we launch

1 into the PSA itself, the specifics of the PSA, we'll
2 just ask the parties, that is applicant and staff, to
3 give us a status update on the case, anything you'd
4 like the committee to know about as far as progress,
5 starting with the applicant.

6 MS. CASTANOS: Thank you. We did submit our
7 comments on the PSA and we have also submitted some
8 supplemental filings specifically related primarily
9 to the water issues.

10 Following the PSA workshop we also submitted
11 a follow-up letter in response to some of the
12 questions that staff had presented to us at that PSA
13 workshop.

14 There are in our minds really two key
15 outstanding issues that require resolution, and one
16 deals with the water and the other is specific to the
17 TRANS 9 condition and aviation impacts.

18 The project owner has been outreaching to
19 all of the stakeholders that are concerned with both
20 of those issues. We've had a number of discussions
21 and preliminary meetings with in particular the water
22 stakeholders to try to explore various offset
23 options, including fallowing, which is currently in
24 the condition of certification of the project. And so
25 we're continuing to work on that.

1 We have also had some dialog with staff
2 about the opportunity for additional workshops on
3 each of those two issues and we are in favor of that
4 approach to try to find a resolution that all of the
5 parties and stakeholders can be comfortable with.

6 HEARING OFFICER RENAUD: Very good, thank
7 you. Is there any word from the Mojave Desert Air
8 Quality Management District on the status of the
9 FDOC?

10 MS. CASTANOS: The FDOC has been docketed.

11 HEARING OFFICER RENAUD: Good. All right.
12 Great, good to hear that.

13 And now let's hear from the staff.

14 MS. DYAS: As noted, we had the PSA worked
15 up on the 24th, and the comment period for the PSA
16 ended on March 1st. We received a number of comments
17 from various agencies, including Riverside County
18 Economic Development Agency, Metropolitan Water
19 District of Southern California, the project owner,
20 Riverside County, Riverside County Airport Land Use
21 Commission, and Colorado River Board of California.

22 The issues that still remain unresolved are
23 in the technical areas of soil and water and
24 transmission system engineering and traffic
25 transportation.

1 With regard to the soil and water, staff and
2 the project owner are still in disagreement on a
3 number of issues regarding water, and we're making
4 progress in resolving those issues.

5 Some of the areas include water conservation
6 offset plan, the evaporation pond, water use
7 policies, and the use of dry cooling.

8 Staff is currently working to schedule an
9 issues resolution workshop in the later part of
10 April, hoping to include the water agencies,
11 particularly the ones that submitted comments, to
12 hopefully resolve the outstanding issues.

13 And staff is still currently reviewing the
14 additional documents that have been received since
15 the PSA was published.

16 In the area of traffic and transportation, a
17 number of the comments from the agencies were with
18 the concern for the aviation issue regarding the
19 Blythe Airport and the proximity to the project.

20 Staff, we have initially been planning an
21 issues resolution workshop. Staff has had a
22 discussion with the FAA, and after that discussion
23 have determined that they no longer need to have a
24 workshop. Staff will be docketing the record of
25 conversation with the FAA.

1 And staff is also currently working to
2 revise Condition of Certification TRANS 9, which
3 currently needs rewriting because of the way it was
4 written for action by other agencies and not
5 necessarily by the applicant itself.

6 So other than that, we've received no other
7 comments on the PSA.

8 The other area is transmission system
9 engineering. At the PSA workshop the project owner
10 informed staff that the effective system study for
11 the Southern California Edison system would not be
12 available until sometime this summer.

13 Staff has informed me that they need the
14 effective system study to complete their analysis.
15 Worst case is some (inaudible) would be required,
16 which would then require environmental analysis. This
17 in turn would delay the issuance of staff's analysis,
18 and when we get to the schedule I can explain further
19 how we would like to deal with that.

20 HEARING OFFICER RENAUD: All right. Well,
21 thank you very much for that.

22 In fact, since you mentioned the schedule,
23 although I did say earlier that we'd discuss the
24 schedule last, why don't we discuss it now. I don't
25 see any reason not to.

1 So you've indicated that the system facility
2 studies is due at the end of June, I think.

3 MS. DYAS: (inaudible) We weren't given a
4 specific date.

5 MR. DOYLE: I can speak slightly to that. We
6 don't have a formal date yet for the Edison
7 interconnection systems study, but in the preliminary
8 meeting, basically the kickoff meeting, the
9 interconnection systems study, the preliminary
10 analysis by Edison indicated that there would be no
11 upgrade to their system for any effects. Not the
12 final answer but that is what they're telling us as
13 of today.

14 And then specific to the facilities study
15 with the interconnection, (inaudible) the docket has
16 been filed recently. The targeted release of the
17 system facilities study is June 29th.

18 And I met with them, this is as of last
19 week. I (inaudible) last Tuesday.

20 MS. DYAS: Okay. So then if we went by the
21 existing schedule, we would have had to publish the
22 FSA this week, which isn't going to happen.

23 HEARING OFFICER RENAUD: Could you give us a
24 date?

25 MS. DYAS: Yeah. What we're currently toward

1 is, I have proposed the issuance date of May 27th.
2 This, however, again, would depend on whether or not
3 the committee would like us to bifurcate and leave
4 transmission out, because transmission staff is
5 saying that they need the study in order to complete
6 their analysis. So I'm going to have to leave it up
7 to you whether or not you would like us to bifurcate
8 it or wait until we can resolve that issue with the
9 transmission system.

10 HEARING OFFICER RENAUD: Would it just be
11 the one section, transmission system engineering?

12 MS. DYAS: Yes, right.

13 HEARING OFFICER RENAUD: Okay.

14 Commissioners, any thoughts on the idea of having the
15 FSA issued at the end of May but without the TSE
16 section and getting that later?

17 That could work. I mean, it sounds like that
18 could be helpful, actually, just to have the bulk of
19 it for everyone to begin reviewing and then get that
20 to us when it's available. I'm not sure we need to
21 say it formally that we're bifurcating it or anything
22 like that, but that's certainly something the
23 committee would entertain.

24 And maybe keep us posted by emails that
25 would be docketed on how things are looking and what

1 your plans are.

2 MS. DYAS: Sure.

3 HEARING OFFICER RENAUD: All right.

4 MS. CASTANOS: I guess I would like to ask a
5 question. It's my understanding that the Commission's
6 jurisdiction is at the first point of
7 interconnection, and so wondering why the downstream
8 of any information on that would be part of this
9 analysis.

10 HEARING OFFICER RENAUD: I believe we have a
11 staff expert. Please say your name.

12 MR. HESTERS: Hi, my name's Mark Hesters,
13 I'm with staff transmission.

14 It isn't a direct project impact, but we
15 consider the downstream facilities reasonably
16 foreseeable consequences of the project. And it's not
17 a, if there's a reconductoring of some major
18 facility, it's not a major environmental analysis but
19 we have to treat it as a reasonably foreseeable
20 consequence.

21 HEARING OFFICER RENAUD: Does that help?

22 Thank you, Mark, for that information.

23 Anything else on schedule? I think we have a
24 pretty good -- your best estimate of the date for the
25 FSA of May 27th, but probably without the

1 transmission system engineering portion, that's
2 helpful to the committee in being able to set up a
3 new schedule. We can go back in and out of that date.

4 MS. DYAS: Correct.

5 HEARING OFFICER RENAUD: So that's probably
6 what we'll do.

7 Any comments on the schedule for applicant?

8 MS. CASTANOS: We're comfortable with the
9 (inaudible).

10 HEARING OFFICER RENAUD: All right, very
11 good.

12 Okay. Well, as I said earlier, the committee
13 has reviewed the PSA and has some specific questions
14 and comments about it. A couple of preparatory
15 remarks.

16 Do not infer or take any meaning from
17 anything that the committee says or asks that we are
18 not saying -- whatever is said, we aren't intending
19 to try to indicate opinion. Okay. The point here
20 today is simply to ask question that may help clarify
21 what's been written, and also to discuss areas that
22 may need to be further fleshed out.

23 The point being that what we want to do is
24 ultimately wind up with a full record, full set of
25 evidence, all the facts necessary for the committee

1 to be able to make a decision following the
2 evidentiary hearings. So please don't think anything
3 of the questions other than they are just questions
4 asking for information and not indicating in any way
5 that anything has been decided or judged. Okay. Good.

6 I haven't done this before but we might as
7 well try it. I've got on the screen the PSA, and I've
8 highlighted some areas from various sections of
9 language that we wanted to bring up.

10 [Next Slide]

11 So this first one is in the air quality
12 section, and this brings up what appears to be a
13 major issue in the case, which is the fact that the
14 current license calls for the project to be water
15 cooled, and in the PSA staff is recommending that it
16 be changed to dry cooling using an air cooled
17 condenser.

18 In the air quality section we have the
19 statement which is highlighted in which staff says,
20 "Staff does not see any fatal flaws in the area of
21 air quality in incorporating an ACC" -- that's air
22 cooled condenser -- "into the Sonoran Energy Project
23 design."

24 The area we'd like to see perhaps more
25 information would be how an ACC could impact

1 emissions.

2 Now, of course the obvious issue there is
3 that an ACC hasn't been proposed by the owner, so
4 nobody knows that that would look like were it to be
5 proposed.

6 Elsewhere in the PSA there is some
7 discussion of possibly using a hypothetical ACC, and
8 dimensions are actually given and so on, and just
9 kind of going from there to give estimates of impacts
10 from something like that.

11 The committee feels that having that
12 information, that is information about the potential
13 impacts of dry cooling, throughout the staff
14 assessment would be very useful. So to the extent
15 that it is feasible to do that by working from the
16 model of an ACC that staff feels would be one that
17 could work in the project would be a very helpful
18 thing for the committee in doing its analysis.

19 And that kind of applies throughout the PSA.
20 There are varying degrees of discussion of air
21 cooling or dry cooling in various sections, but
22 overall what we're looking for is an analysis of the
23 impacts that would enable a discussion of or a
24 weighing of the impacts of dry cooling.

25 Okay.

1 MR. DOYLE: I just have one request related
2 to your request.

3 HEARING OFFICER RENAUD: Sure.

4 MR. DOYLE: Is that the design that staff
5 uses for a proxy ACC based on the design ambients for
6 the site specifically as opposed to other similar
7 facilities in different areas. We ran into the
8 situation as far as some of the PSA work.

9 HEARING OFFICER RENAUD: Did you say the
10 ambients?

11 MR. DOYLE: Yeah, basically we're dealing
12 with 122 degrees Fahrenheit, we're not dealing with
13 75 degrees in Pennsylvania. I just want to make sure
14 that the proxy is an adequate parallel from climate
15 and (inaudible).

16 HEARING OFFICER RENAUD: Got it. Okay. Good,
17 thank you.

18 Raj, if you could just scroll to the next
19 page and we'll see where the -- go back to the first
20 box and then just scroll down one page. Looking for
21 page 4.1-2.

22 [Next Slide]

23 Okay. So this is where the laws, ordinances,
24 regulations, and standards, what we all know as LORS,
25 discussion is, and here it says, "The analysis of

1 this amendment would not change any LORS."

2 The committee ultimately is going to be
3 called upon to draft and publish a final decision.
4 Throughout the PSA we've got statements that tell us,
5 and quite helpfully, which LORS have changed and
6 which haven't, and this is an example of that where
7 it says, "The analysis of this amendment would not
8 change any LORS."

9 It also refers to the LORS described in the
10 previous decision, the 2005 decision. And for a
11 reader who wants to be very thorough and see the LORS
12 and read this, they'd have to go get a copy of that
13 other decision.

14 I know it's extra work and would take some
15 time, but it would be very helpful to the committee
16 and it would be, I think, very helpful to members of
17 the public who want to read the decision, if we could
18 have a LORS table in each section.

19 Unless anybody has any other ideas about
20 what would be a good way to accomplish that goal.
21 We're just trying to make the document as reader
22 friendly as possible. That's the obvious solution
23 that leaps out at us but if anybody has another idea,
24 we'd certainly like to hear about it.

25 Okay. If we could now click on the next box

1 there. Okay.

2 [Next Slide]

3 All right. This is the biological resources
4 section, and you'll see there in the highlighted
5 section a discussion of the zero liquid discharge
6 process, and the sentence in the middle says, "BEP2
7 was licensed to use a zero liquid discharge ZLD
8 process to avoid routinely discharging processed
9 waste water into an evaporation pond."

10 The paragraph goes on to say that, "The
11 petition to amend does not discuss use of zero liquid
12 discharge and instead appears to assume the use of
13 evaporation ponds."

14 So I think we'd like to just kind of open
15 that topic for discussion. The committee is curious
16 to know what happened to the ZLD. So I'll just throw
17 that out, anybody.

18 MS. CASTANOS: So the project owner has
19 subsequent to receiving the PSA and as part of the
20 PSA workshop has informed staff that the project will
21 not include new evaporation ponds, and so the
22 information describing that the Sonoran project will
23 utilize the existing evaporation ponds at the
24 Blythe 1 facility.

25 HEARING OFFICER RENAUD: So there would

1 still be liquid discharge but it would be to the
2 existing ponds without new --

3 MS. CASTANOS: That's right, without new
4 ponds.

5 HEARING OFFICER RENAUD: All right. Does
6 staff have any response or comment on that?

7 MS. DYAS: Only that I thought didn't it say
8 that the ponds that were originally proposed for the
9 project were going to still be there but used for
10 emergency purposes.

11 MS. CASTANOS: That's correct. I apologize.
12 So the existing conditions do allow for emergency
13 ponds to be constructed for the Sonoran project, and
14 so our proposal is that that condition would not
15 change and the Blythe 1 ponds would be used for
16 normal operation.

17 HEARING OFFICER RENAUD: Okay. Can you tell
18 us the background for the apparent decision to not
19 use a ZLD system? You don't have to.

20 MR. DOYLE: Jerry (inaudible).

21 HEARING OFFICER RENAUD: Okay.

22 MR. SALAMY: Hi, this is Jerry Salamy from
23 CH2MHill. I'm the AFC project manager of the project,
24 and the decision to not utilize the ZLD was based on
25 a technical review of existing operational ZLD

1 projects.

2 It appears that the technology is very
3 commonplace but is more art than science in terms of
4 operation, and the existing ZLD projects that the
5 Commission has licensed experience quite a bit of
6 upsets and learning curve in terms of the operation
7 of the system.

8 So based on the information we received from
9 some of the operational plants, we decided to go with
10 a more straightforward lower cost option of using the
11 existing Blythe Energy Project storage ponds, or
12 evaporation ponds.

13 HEARING OFFICER RENAUD: I guess the
14 question that raises in my mind is should that be
15 part of the petition to amend, and I don't think it
16 is currently.

17 MR. SALAMY: We docketed an analysis of the
18 use of the Blythe ponds in early March, I believe,
19 where we looked at the environmental issues for all
20 of the topic area of the PSA and assessed the impact
21 of using the ponds.

22 HEARING OFFICER RENAUD: All right. Any
23 thoughts from staff?

24 MS. DYAS: Not at this time. Staff is
25 reviewing the document.

1 HEARING OFFICER RENAUD: All right.

2 (inaudible)

3 MS. DYAS: And that's also one of the topics
4 that we'll discuss at the issues resolution workshop.

5 HEARING OFFICER RENAUD: All right. Great,
6 thank you.

7 Okay, if I could have you click on the next
8 box. I may not need it because we already talked
9 about this part.

10 [Next Slide]

11 Oh yes, okay. So here we have at 4.2-6 a
12 statement, this is essentially about the same thing,
13 the evaporation ponds, and the statement that the
14 U.S. Fish and Wildlife Service recommends that the
15 elimination of even the existing evaporation ponds,
16 if I'm reading this correctly -- no, I guess not.
17 That's the Sonoran's evaporation ponds, so not the
18 Blythe Energy Project ones. That's okay.

19 It sounds like all of this discussion and
20 the implementation of a bird conservation strategy
21 really will depend on whether or not the ponds are
22 there, right? Okay. I think that's probably good to
23 discuss there.

24 Okay. Raj, if you could go to the box after
25 that one, so Page 149.

1 [Next Slide]

2 Okay. This is the cultural resources
3 section. The highlighted area tells us that
4 consultations with tribes, Western Area Power
5 Administration, and the Office of Historic
6 Preservation are ongoing and that information from
7 those consultations will be included in the FSA, and
8 I just wanted to ask staff how those consultations
9 are going, status. Does it look like you're on track?

10 MS. DYAS: This is for the -- I know
11 cultural staff has issued letters out to the tribes
12 with regard to notification that the project is
13 there, you know, and where to get information on it,
14 and to find out if they would like to -- I know
15 specifically with regard to the CUL 9, I believe,
16 there's a list of the tribes -- and whether or not
17 they wanted to be included on that list.

18 They've been issued two letters, one later
19 last year and then again, I think it was like maybe
20 six weeks ago they were issued another letter just as
21 a follow-up and another opportunity to respond.

22 I believe they've received a couple of
23 responses from, I think, two of the tribes, but other
24 than that there hasn't been any. And I know staff was
25 going to be making follow-up phone calls as well.

1 HEARING OFFICER RENAUD: All right. So it
2 doesn't sound like that's a problem in terms of
3 possibly delaying things.

4 MS. DYAS: No. Nothing that I've been
5 informed of.

6 HEARING OFFICER RENAUD: Okay. Thank you.
7 Next box, please.

8 MS. CASTANOS: If I could just comment.

9 HEARING OFFICER RENAUD: Oh, I'm sorry.

10 MS. CASTANOS: In our supplemental filing
11 following the PSA workshop the project owner did also
12 indicate that we're comfortable modifying CUL 9 to
13 eliminate the listed tribes there so that all of the
14 tribes would be invited, so they wouldn't have to be
15 specifically listed in the notification.

16 HEARING OFFICER RENAUD: We'll let you all
17 work on that, thanks.

18 The next box, please.

19 [Next Slide]

20 So here again is the LORS issue. I've
21 already talked about that so we won't belabor the
22 point.

23 Next one, please.

24 [Next Slide]

25 Okay. Hazardous materials management. This

1 indicates that the offsite consequences analysis is
2 not available yet. I don't know if the status of that
3 has changed since this was written. Has it?

4 MS. DYAS: It's since been filed.

5 HEARING OFFICER RENAUD: So you've gotten
6 it. Okay, good. Then that's the end of that.

7 Okay, next box, please.

8 [Next Slide]

9 All right. Now this is the land use
10 section, and there's a lot of discussion and you
11 indicated this seems to be a big issue about the
12 aviation with the airport and so on.

13 This particular paragraph indicates that the
14 final determination of the project land use
15 compatibility with the airport and the Riverside
16 County ALUCP will be included in the FSA for land
17 use. I believe you indicated that that's still
18 looking like you're on track to be able to do that,
19 correct?

20 MS. DYAS: Yes, I believe this was brought
21 up at the workshop that we had and staff is going to
22 be addressing it in the FSA.

23 HEARING OFFICER RENAUD: Great.

24 Next box, please.

25 [Next Slide]

1 This is the LORS consistency table, which is
2 a very nice thing to have, particularly with land
3 use. This particular paragraph indicates that there
4 is coordination ongoing with the City of Blythe to
5 determine whether a variance would be needed for the
6 air cooled condenser.

7 Again, it appears that you're probably
8 working from an assumed dimension of an ACC, and
9 that's not appearing to be an issue in terms of delay
10 of schedule or whatever?

11 MS. DYAS: No.

12 HEARING OFFICER RENAUD: All right.

13 I think we can skip down to Page 181 box,
14 please. The next one. Yeah, that's good.

15 [Next Slide]

16 Okay, I just went over that, that's the same
17 one. Okay. Next one after that.

18 [Next Slide]

19 All right. So on the airport it sounds like
20 the two concerns are, first, are birds, that they're
21 attracted to the evaporation ponds; and the second is
22 the plume velocity, plume analysis.

23 I can see there's a lot of discussion in
24 here about that. I don't think I actually have any
25 questions, but it does help frame the issues for the

1 committee.

2 All right. Let's move to the noise section
3 here, Raj.

4 [Next Slide]

5 Okay. Now, in this one again we're looking
6 at potential impacts for dry cooling, and the noise
7 section is indicating that no additional analysis is
8 needed primarily because if an air cooled condenser
9 made any extra noise it's still 1.5 miles away from
10 the nearest receptor.

11 Does that appear to be the extent of the
12 analysis for noise or do you think there may be more
13 forthcoming?

14 MS. DYAS: I don't think there's going to be
15 more forthcoming but I will double check with noise
16 staff and make sure that we revisit it and make sure
17 that it's correct as is.

18 HEARING OFFICER RENAUD: Again, I guess I'm
19 asking only because you probably had to assume some
20 certain type of ACC and a certain amount of noise
21 that it would emit, so I suppose if the assumption of
22 what that ACC looked like changed, this might change.
23 Okay.

24 Next box, please, public health.

25 [Next Slide]

1 All right, this is the public health
2 section. Public Health 2 is highlighted here. I
3 believe that's the condition concerning cleaning of
4 cooling towers.

5 MS. DYAS: Oh, the Legionnaires?

6 HEARING OFFICER RENAUD: The Legionnaires
7 thing, yeah. Okay. So with dry cooling, according to
8 staff that would no longer be necessary so we could
9 eliminate that condition. Okay.

10 Could we get the next box, please.

11 [Next Slide]

12 Okay. Again this is the LORS table thing. I
13 think we've all got that in mind so we don't need to
14 go further with that.

15 How about the Page 209 box there. Thank you.

16 [Next Slide]

17 Okay. Now this is another area that could be
18 affected by the use of dry cooling. Apparently, as I
19 understand it, the 2005 decision proposed a water
20 conservation offset program that would fallow
21 farmlands but then would result in the loss of some
22 farm jobs.

23 And if I could get the next box from you,
24 Raj, please.

25 [Next Slide]

1 There was apparently in that decision, and
2 that decision predates me, but a fund of \$198,000 to
3 implement mitigation(inaudible) measures to address
4 the farming sector economic impacts. Just wondering
5 if that number or that condition would be reevaluated
6 in light of the fact that it's now 2016.

7 MS. DYAS: It would probably be reevaluated
8 based on what water conservation plan is accepted by
9 staff.

10 HEARING OFFICER RENAUD: Okay.

11 MS. DYAS: There's a couple of different
12 things floating around right now. And again, that's
13 one of those flowing water topics that we're going to
14 be discussing at the workshop.

15 HEARING OFFICER RENAUD: All right. Very
16 good, thanks. I just kind of wanted to call that out.

17 MS. DYAS: Yes, it could change depending on
18 what's the end product as far as the offset plan.

19 HEARING OFFICER RENAUD: All right. So the
20 next section is the soil and water section and it's,
21 I think, probably the longest one in the PSA because
22 the water issue seems to be the big issue here. If we
23 could go to the box for Page 4.9-17, so a couple more
24 down. Yeah, there you go. And could we scroll up a
25 little so we can see the table.

1 [Next Slide]

2 Okay. Now, the sentence I've highlighted
3 says, there's a question, "Are there sufficient water
4 supplies to serve the project during normal dry and
5 multiple dry year scenarios? Answer: No. As indicated
6 in the budget included in soil and water resources
7 Table 3."

8 The table above this is Table 4 and I think
9 that's probably the one you meant but I wanted to
10 make sure, unless I'm misreading the table. That's
11 just a minor point but this is the kind of thing when
12 you see it you bring it up.

13 And along the same lines as that table, and
14 I don't mean to put you on the spot if you're not
15 totally familiar with this, but the statement says
16 that the table tells us that the basin does not have
17 sufficient storage to meet its current extractions.

18 I can see the table showing a negative
19 outflow, but I'm not sure I see how that relates to
20 the storage, so if there's any clarification on that
21 you might want to consider that for the FSA just so.
22 I could be misunderstanding it, but..

23 MS. DYAS: We'll look at it.

24 HEARING OFFICER RENAUD: Okay. Let's go to
25 the next box there at 243.

1 [Next Slide]

2 Okay. This is the traffic and transportation
3 section, and in the summary of conclusions I just
4 highlighted the part that I had to think about quite
5 a bit to make sure I was reading it right or not.
6 "The potential for evaporation ponds to attract birds
7 was addressed in the 2005 decision but resolved by
8 the original project applicant modifying BEP2 by
9 substituting evaporation ponds for a ZLD."

10 Unless I'm misunderstanding something, and
11 if I am please explain it, I think they're
12 substituting ZLD for evaporation ponds here. If not,
13 set me straight, but that's kind of the way I read
14 that. Anybody.

15 MS. DYAS: I believe that the decision
16 originally -- or the project originally originally
17 was suggesting evaporation ponds but then it was
18 changed to ZLD, and ZLD was the final part of that.

19 HEARING OFFICER RENAUD: Okay. So it would
20 be substituting ZLD for evaporation ponds, I guess.
21 That's where I'm confused.

22 MS. DYAS: Okay. I'll see about having staff
23 clarify.

24 HEARING OFFICER RENAUD: Okay. Just looking
25 at it, it stuck out at me and I wasn't sure if it was

1 me or ... no big deal.

2 Okay. Next box, please. That's on page 4.10-
3 1, I think.

4 [Next Slide]

5 Okay. So this is again traffic/
6 transportation reference to a hypothetical air cooled
7 condenser with dimensions. Again, I think we already
8 talked about that issue a little bit. You haven't
9 settled on exactly what the hypothetical ACC would
10 look like, so these numbers might change, I guess is
11 what I'm getting at. All right.

12 And we would want to, of course, obviously
13 use the same size for each section where it's
14 discussed. All right.

15 Down below that there's mention of a staff
16 plume velocity analysis. It sounds like the plan is
17 to conduct a plume velocity analysis for the use of
18 the air cooled condenser and to put that in the FSA.
19 So again, I take it that would be based on the
20 hypothetical ACC. Okay.

21 Is there any information that's going to be,
22 of staff that you'd like to ask for from any party,
23 the applicant at this point?

24 MS. DYAS: Not that I know of at this point.

25 HEARING OFFICER RENAUD: Okay.

1 MS. DYAS: I'll have a team meeting after
2 this next week and then we can go over all of this
3 and I can explain it to them and they could come up
4 with questions and then we can get those resolved.

5 HEARING OFFICER RENAUD: All right, great.

6 MS. CASTANOS: I do have a request, though,
7 to the extent that the staff analysis is going to do
8 a further detailed analysis of the potential impacts
9 of an ACC that that would also include the financial
10 feasibility at all, which is required under CEQA to
11 determine whether it would be a feasible alternative
12 for the project.

13 HEARING OFFICER RENAUD: Okay. I think we'll
14 probably get to that when we get to the alternatives
15 section.

16 Okay. If we could skip to Page 273 box
17 there. Yes, okay.

18 [Next Slide]

19 So this is the visual section, and the
20 statement here is, "Staff will include a visual
21 impact analysis of an ACC should it become part of
22 the proposed project."

23 I take it from our discussion today that
24 that's no longer the case, that it will in fact be
25 analyzed even if it's on a hypothetical basis of the

1 FSA.

2 MS. DYAS: Right, we'll analyze it on a
3 hypothetical, yes.

4 HEARING OFFICER RENAUD: All right, good.

5 So I guess just maybe to sum up on the air
6 cooled condenser issue, staff is proposing switching
7 the project to dry cooling, and it sounds, from what
8 you've said in our discussion today that the FSA will
9 reflect analysis of the impacts of that for each
10 section that has an impact.

11 MS. DYAS: Correct.

12 HEARING OFFICER RENAUD: All right, good.

13 Could we skip to the facility design section
14 there, I think it's -- yeah, there you go, thank you.

15 [Next Slide]

16 Okay. So facility design includes facility
17 design, efficiency, reliability, those technical
18 engineering areas.

19 One thing that occurred to the committee was
20 that dry cooling could impact efficiency, or even
21 perhaps reliability, in a good way or a bad way. So
22 we'd like to see a discussion in those areas as well
23 of the dry cooling impacts, if possible.

24 And finally let's go to the alternatives
25 section, that would be there.

1 [Next Slide]

2 Okay. Now, in the alternatives section -- go
3 one more box down, if you would please, Raj.

4 [Next Slide]

5 Good, okay. So in this highlighted
6 paragraph, I'll try to summarize it. It is that the
7 statement is that dry cooling is not really
8 considered an alternative technology but is rather an
9 alternative to a part of the project, that is the
10 cooling system, so therefore it is not going to be
11 analyzed as an alternative but rather its impacts
12 discussed in the various sections.

13 I wanted to kind of throw that out for
14 discussion. We're wondering if it wouldn't be helpful
15 to the parties to have that discussion in the
16 alternatives section perhaps as an alternative
17 technology or some other sort of alternative to the
18 project. Throw that out.

19 MS. DYAS: You mean as opposed to having it
20 in each section?

21 HEARING OFFICER RENAUD: As opposed to or in
22 addition to. Probably in addition to.

23 MS. DYAS: Well, I can discuss it with staff
24 and we can (inaudible) because I do know that, like
25 you said, they had it in there as like a part of the

1 project, not the alternate to the project, so we'll
2 see what we can...

3 HEARING OFFICER RENAUD: Great. Just wanted
4 to just sort of throw that one out there. There's no
5 right or wrong answer but it's a thought.

6 MS. CASTANOS: I think from the project
7 owner's perspective we would prefer to have it as an
8 alternative because of the reasons I stated before,
9 that alternatives analysis also needs to look at the
10 feasibility of that alternative, and I don't believe
11 that the FSA currently fully evaluates the
12 feasibility of dry cooling as an alternative.

13 That said, I also don't believe -- we
14 believe it is an appropriate alternative because we
15 disagree with the conclusion that there are
16 significant impacts to water supply and so that there
17 needs to be an alternative looked at with respect to
18 dry cooling.

19 So we're coming at this from the perspective
20 of we do not believe that there are any impacts that
21 require mitigation, so we think it's inappropriate to
22 even explore dry cooling as an alternative, but to
23 the extent that the committee wants it looked at, we
24 think it needs to be looked at in full including the
25 issues that you've identified with respect to

1 efficiency and reliability as well as economic
2 feasibility.

3 HEARING OFFICER RENAUD: Yes, good. And
4 again, we're not here today to debate the merits of
5 wet cooling, dry cooling, whatever. What we're here
6 to do is to ensure that the committee has a full set
7 of evidence to decide the case, so we're just trying
8 to make sure that we get everything that looks like
9 it would be helpful.

10 Raj, if I could ask you to take this
11 document down and put up that Word document. I
12 believe it's in the tray. Oh, you've got it. Wow,
13 that was fast. Thank you.

14 [Next Slide]

15 Okay. This is a LORS table from another
16 decision and we just thought we would put it up there
17 just to show you what we'd like a LORS table to look
18 like. There's been some inconsistency among the
19 various sections as to how they look, and just again
20 of the sake of readability and ease of the public,
21 we'd like to suggest that the format along the lines
22 of this would be a good one. And I think rather than
23 just have you study it here, we'll take it down and
24 ask you to remember it, we'll issue a memo or
25 something perhaps that will describe that.

1 All right. Great. Okay, thanks. You can
2 take that down, too.

3 Maybe put up the -- yeah, there you go.

4 [Next Slide]

5 Okay. Well, I think that's everything that
6 we had substantively, but I would like to ask the
7 committee members if they have any questions,
8 comments, whatever, before we go to public comment.

9 COMMISSIONER SCOTT: I have one. I just
10 wanted to make sure, staff, that you have all the
11 information that you need to complete the FSA, and I
12 think it sounds like the answer to that was yes but
13 can you clarify?

14 MS. DYAS: Yes, we do have all, well, with
15 the exception of hashing out the soil and water part
16 of it, and the transmission.

17 COMMISSIONER SCOTT: Okay. Great. Thanks.

18 HEARING OFFICER RENAUD: Thank you.

19 Commissioner Douglas, anything? All right.

20 Anything else the parties would like to say
21 to us before we move to public comment?

22 MR. DOYLE: No, thank you.

23 HEARING OFFICER RENAUD: All right. Good.

24 Okay. So as we always do, we open the floor
25 for public comment. Let me ask first if there's any

1 members of the public here in the room who would like
2 to come forward and address the committee concerning
3 this. Okay, I don't see any.

4 Let me ask if anyone on the phone would like
5 to make a public comment. We're now unmuting the
6 lines. If you would like to make a public comment on
7 the phone, please go ahead.

8 MS. NORTH: This is Tiffany North of
9 Riverside County.

10 HEARING OFFICER RENAUD: Hi.

11 MS. NORTH: Hi. I apologize, I got onto the
12 WebEx about ten minutes late, and when I got on it
13 sounded like you guys were discussing that there are
14 going to be changes to TRANS 9 in the future?

15 HEARING OFFICER RENAUD: I will tell you the
16 project manager is nodding yes, so I'll let her speak
17 to that.

18 MS. DYAS: Yes, Tiffany, this is Mary Dyas.

19 Yes, staff is currently has had a
20 conversation with the FAA and they are currently
21 working to revise TRANS 9.

22 MS. NORTH: Okay, great. And then it sounds
23 like there's going to be an issues resolution
24 workshop. Do you know when that's going to be
25 scheduled?

1 MS. DYAS: We're working to schedule it
2 sometime in the last two weeks of April. We're still
3 trying to pin down a specific date.

4 MS. NORTH: Okay. That was it, thank you.

5 HEARING OFFICER RENAUD: Okay, thanks for
6 calling in.

7 Anyone else on the phone would like to make
8 a public comment?

9 All right. In that case, I will ask once
10 again, Commissioners, any comments?

11 COMMISSIONER SCOTT: Thank you very much for
12 taking the time today to give us the status update,
13 we appreciate it.

14 HEARING OFFICER RENAUD: This status
15 conference is adjourned. Thank you.

16 (Adjourned at 2:52 p.m.)

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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

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IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of April, 2016.



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IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of April, 2016.



Terri Harper
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