

## DOCKETED

<b>Docket Number:</b>	97-AFC-01C
<b>Project Title:</b>	High Desert Power Plant
<b>TN #:</b>	212263
<b>Document Title:</b>	Notice of August 11, 2016 Committee Status Conference and Related Orders
<b>Description:</b>	Notice of Status Conference, etc.
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<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Committee
<b>Submission Date:</b>	7/12/2016 5:09:43 PM
<b>Docketed Date:</b>	7/13/2016



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV

**PETITION TO AMEND THE  
HIGH DESERT POWER PLANT**

**Docket No. 97-AFC-01C**

**NOTICE OF AUGUST 11, 2016  
COMMITTEE STATUS CONFERENCE and RELATED ORDERS**

**PLEASE TAKE NOTICE** that the Energy Commission Committee<sup>1</sup> (Committee) assigned to conduct proceedings on the Project Owner's (HDPP or Petitioner) Petition for Modification to Drought-Proof the High Desert Power Plant (Petition)<sup>2</sup> has scheduled a public Committee Status Conference to review and discuss the progress made in the proceeding and consider any then-pending motions or petitions on:

**THURSDAY, AUGUST 11, 2016  
10:00 a.m.**

**California Energy Commission  
Charles Imbrecht Hearing Room (Hearing Room B)  
1516 Ninth Street  
Sacramento, CA 95814  
(See map below)  
(Wheelchair accessible)**



**TELECONFERENCE OPTION:** *You may participate in the Status Conference either in person, by telephone, and/or by computer via the "WebEx" conferencing system. Please see the "INSTRUCTIONS FOR USING WEBEX TELECONFERENCING USING YOUR COMPUTER AND/OR TELEPHONE" section attached to this notice.*

<sup>1</sup> The Committee consists of Commissioner Karen Douglas, Presiding Member, and Commissioner Janea A. Scott, Associate Member. The full Commission made this Committee assignment at an Energy Commission Business Meeting on January 13, 2016.

<sup>2</sup> The Petition may be viewed at: <https://efiling.energy.ca.gov/getdocument.aspx?tn=206468>.

## **Background**

The HDPP was certified by the Energy Commission on May 3, 2000, and began commercial operation in April 2003. The HDPP is an 830 Megawatt (MW) natural-gas-fired, combined-cycle electric generating facility located in the City of Victorville in San Bernardino County that uses water for cooling purposes. HDPP's use of water has the potential to affect a unique location where faulting has lifted the bedrock base of the groundwater system to land surface and forces groundwater to discharge to the Mojave River channel. This area, known as the Transition Zone, contains a mesquite bosque that serves as habitat for a variety of species.

For a comprehensive review of the HDPP and the current amendment petition, please see the "Committee Orders Regarding the Scope of Future Proceedings" filed July 12, 2016 (Scoping Order).<sup>3</sup> Additional information on HDPP, its water usage, and the current proceedings may also be found in the "Commission Adoption Order-Commission Decision Granting Interim Relief" (Interim Relief Decision).<sup>4</sup>

## **Purpose of the Committee Status Conference**

### **SCOPE OF PROCEEDINGS**

The purpose of this Status Conference is to provide the Committee, the parties, and the public the opportunity to have a dialogue on the further process and proceeding to resolve the Amendment. As outlined in the Scoping Order, under the terms of Executive Order B-29-15, and re-affirmed by Executive Orders B-36-15 and B-37-16, the Energy Commission may create and implement an alternative process for addressing applications or petitions to amend for the purpose of securing alternate water supplies necessary to provide for continued power plant operation.<sup>5</sup> As set forth in the Scoping Order, this Petition is such an application. The Committee therefore has authority to create the process to address the issues presented by the Petition.

Due to the unique way in which the request for amendment arose, the Energy Commission's general process has not been applied. For major amendments, Staff generally creates a preliminary statement of the major issues presented in the case soon after a petition to amend is received. After that, Staff conducts discovery and prepares its independent analysis of the technical and environmental aspects of the proposed project. Once the Staff's analysis is complete, the Energy Commission (through an appointed committee) conducts a Prehearing Conference to determine the disputed issues requiring Evidentiary Hearings and to allot time for the resolution of those remaining topics.

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<sup>3</sup> TN 212262

<sup>4</sup> TN 212052

<sup>5</sup> [https://www.gov.ca.gov/docs/4.1.15\\_Executive\\_Order.pdf](https://www.gov.ca.gov/docs/4.1.15_Executive_Order.pdf)

As described in greater detail in the Scoping Order and the Interim Relief Decision, the current Petition was preceded by a feasibility study required under an Energy Commission order from 2009.<sup>6</sup> Before the Petition was filed, Staff filed its analysis of the feasibility study and presented its conclusions on it.<sup>7</sup> After the Petition was filed, Staff filed its testimony regarding the Petition itself.<sup>8</sup> Testimony was also filed by the Petitioner<sup>9</sup> and Intervenor California Department of Fish and Wildlife (CDFW)<sup>10</sup>. Since the filing of the parties' testimonies, the relief being sought by Petitioner has changed from that contained in the Petition. This expansion of the proceedings has highlighted to the Committee that there is no single integrated document that reflects Staff's analysis of all of the issues now presented in these proceedings. After due consideration of all of the information, the Committee is requesting a focused analysis to resolve the question that has been foremost in all of the proceedings to date on High Desert, i.e., are there significant impacts to the Transition Zone, the riparian habitat existing there, and the species reliant on that mesquite bosque that may be caused by the use of reclaimed water, groundwater from the Mojave River Groundwater Basin, and/or State Water Project (SWP) water? The Committee is also interested in the effects that percolating SWP water may have on the groundwater quality. Finally, the Committee would like to hear from the parties regarding the best ways to calculate the water available for project use after percolation and injection.

In order to focus the discussion at the Status Conference, the Committee orders as follows:

1. RELIEF SOUGHT: The Petition, originally filed, contained only a request to make permanent HDPP's use of MWA adjudicated groundwater and to institute a "loading order" for all water sources. Petitioner has since described various iterations of its requested relief that are not contained in the Petition.

No later than July 22, 2016, Petitioner shall file an amendment to or clarification of the Petition (Amended Petition) that includes all relief sought. This amendment or clarification need not be a formal petition, but should include **all** relief sought.

2. STAFF'S ISSUES REPORT: No later than August 1, 2016, Staff shall analyze the Amended Petition and file an issues report. The report sought by the Committee is not the standard "Issues Identification Report" under the Energy Commission's Regulations.<sup>11</sup> Rather, the Committee has identified the following categories of questions and invites the parties (as outlined below) to assess the sufficiency of

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<sup>6</sup> TN 54277

<sup>7</sup> TN 206321

<sup>8</sup> TNs 210082 (Opening Testimony); 210303 (Rebuttal Testimony)

<sup>9</sup> TNs 210088 (Opening Testimony); 210301 (Rebuttal Testimony)

<sup>10</sup> TN 210565

<sup>11</sup> Cal. Code Regs., tit. 20, § 1709.7, subd. (b)

these categories. Based on the 2000 HDPP Decision<sup>12</sup> and the filings regarding the Petition, the Committee believes there are five general topics that need to be addressed:

**A. Recycled Water** - In the 2000 HDPP Decision, use of recycled water was prohibited due to concerns about the effect of diversion of recycled water away from its discharge to the Transition Zone. How would the re-direction of recycled water from the Transition Zone to HDPP affect the riparian habitat in the Transition Zone?

- In the 2000 HDPP Decision, the Commission based its findings on evidence that pumping and recharge in the Alto sub-basin can create impacts on the Mojave River for decades after those activities occur. What role does the current discharge of recycled water play in maintaining Mojave River flows and the health of the riparian habitat in the Transition Zone with the current and uncertain future base flow conditions?

**B. Percolation of SWP Water** - The Petitioner proposes to add percolation as an additional method of banking SWP water for use at HDPP. The 2000 HDPP Decision limited water banking to injection. Because evidence leading up to the 2000 HDPP Decision showed that the impacts of groundwater pumping and injection on base flows to the Mojave River may continue for many years after pumping or injection has occurred, the Energy Commission imposed Conditions of Certification that account for the interaction of pumping and injection on base flows in the Mojave River, including the dissipation of banked water over time, through use of a superposition groundwater model. This superposition groundwater model allows the Energy Commission to isolate the specific effects of the project. With the imposition of these Conditions of Certification, the Energy Commission found that project pumping of injected water would never cause water levels in the Transition Zone to be lower than they would be without pumping. When considering percolation as a method of groundwater storage:

- Are there other analytical methods that can be used to calculate the rate of dissipation of water banked through percolation (and the remaining amount water available for withdrawal over time)?
- Have the Mojave Water Agency, Victor Valley Wastewater Reclamation Authority, or another entity performed environmental analyses that can be used to calculate the rate of dissipation of water banked by HDPP?
- What modifications to Conditions of Certification governing withdrawal of banked water are required to more accurately address the availability of

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<sup>12</sup> [http://www.energy.ca.gov/sitingcases/highdesert/documents/2000-05-03\\_HD\\_DECISION.PDF](http://www.energy.ca.gov/sitingcases/highdesert/documents/2000-05-03_HD_DECISION.PDF)

water banked by percolation? Specifically, how should evaporation and the distance between the percolation surface and the saturated zone be accounted for in determining the amount and timing of percolated water availability?

**C. Groundwater** - The use of groundwater was not analyzed in the 2000 HDPP Decision.

- What type of analysis is needed for the Energy Commission to assess whether impacts on base flow to the Mojave River in the Transition Zone are caused when HDPP pumps groundwater?
- What action is the MWA required to take that affects base flows in the Mojave River at the Transition Zone?
- What information is available about the effect of these MWA actions on base flow to the Mojave River in the Transition Zone?
- Are there Conditions of Certification that the Energy Commission can impose that will ensure that base flow to the Mojave River in the Transition Zone will not decrease at any time as a result of the project's use of groundwater?

**D. Water Quality** - In the 2000 HDPP Decision, the Commission required water treatment prior to injection of SWP water for banking. Although HDPP described the use of reverse osmosis (along with rapid mixing, adsorption clarifier with granulated activated carbon, and mixed media filtration) as its water treatment method, it ultimately elected, post-certification, to use another method.

- Would the use of reverse osmosis – or any other alternative treatment method – allow the Petitioner to inject more SWP water for banking?
- Would injection without water treatment allow banking of additional water?
- What are the adverse impacts to the environment or the local or regional water supply, if any, if untreated SWP water were percolated into the groundwater system?

**E. Reliability** - In addressing the Petition (and amendment to be filed), an additional criterion to consider is the contribution HDPP makes to electrical reliability. As set forth in the Interim Relief Decision, HDPP has been identified as a potential source of electrical generation in the event that the issues surrounding the curtailment of natural gas deliveries from the Aliso

Canyon natural-gas storage facility cause a reduction in power production in the Los Angeles basin.<sup>13</sup>

- What witnesses or other evidence on HDPP's role in supporting reliability are needed?
3. **STATUS CONFERENCE STATEMENTS**: No later than August 8, 2016, each party shall file a Status Conference Statement that responds to the following:
- What categories of questions (other than those outlined above) should be asked?
  - What is the definition of the "water balance calculation" that has been discussed? What information will it provide that is in addition to that provided in the *Annual Report of the Mojave Basin Area Watermaster*<sup>14</sup>? What question about project impacts will it answer and how will it answer those questions?
  - The parties shall also include proposed schedules for the remaining proceedings in the case.
  - Petitioner shall, and CDFW may, include in its Status Conference Statement any response to the Staff's Issues Report.

As allowed by California Code of Regulations, title 20, section 1207, the Status Conference may be conducted by the Hearing Officer without either Commissioner being present.

### **Notice of Closed Session Deliberations**

At any time during the Status Conference, the Committee may adjourn to a closed session in accordance with California Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

### **Transcripts**

Parties are responsible for identifying errors in the transcripts of the proceedings. Corrections to the transcripts must be filed within 30 days of the filing of a transcript.

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<sup>13</sup> [http://www.energy.ca.gov/2016\\_energy/policy/documents/2016-04-08\\_joint\\_agency\\_workshop/Aliso\\_Canyon\\_Action\\_Plan\\_to\\_Preserve\\_Gas\\_and\\_Electric\\_Reliability\\_for\\_the\\_Los\\_Angeles\\_Basin.pdf](http://www.energy.ca.gov/2016_energy/policy/documents/2016-04-08_joint_agency_workshop/Aliso_Canyon_Action_Plan_to_Preserve_Gas_and_Electric_Reliability_for_the_Los_Angeles_Basin.pdf); [http://www.energy.ca.gov/2016\\_energy/policy/documents/2016-04-08\\_joint\\_agency\\_workshop/Aliso\\_Canyon\\_Risk\\_Assessment\\_Technical\\_Report.pdf](http://www.energy.ca.gov/2016_energy/policy/documents/2016-04-08_joint_agency_workshop/Aliso_Canyon_Risk_Assessment_Technical_Report.pdf)

<sup>14</sup> [http://www.mojavewater.org/annual\\_report.html](http://www.mojavewater.org/annual_report.html)

## Public Adviser and Public Participation

Members of the public are welcome to attend and offer oral or written comments at the Status Conference. It is not necessary to be an Intervenor to participate in the public process. Comments may be submitted electronically at:

<https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=97-AFC-01C>

Otherwise, written comments may be submitted by e-mailing them to [docket@energy.ca.gov](mailto:docket@energy.ca.gov), or by U.S. Mail to:

California Energy Commission  
Docket Unit  
Docket number: 97-AFC-01C  
1516 Ninth Street, MS-4  
Sacramento, CA 95614

For all comments, please include the docket number and proceeding name, “**Docket No. 97-AFC-01C, High Desert Power Plant Project,**” in the subject line and on the cover page.

**PLEASE NOTE:** Your written and oral comments, attachments, and associated contact information (e.g., your address, phone, e-mail, etc.) become part of the viewable public record. Additionally, this information may become available via Google, Yahoo, and other search engines.

The Energy Commission’s Public Adviser’s Office is available to assist the public with understanding the proceedings and to facilitate meaningful participation. If you want information on how to participate in this forum, please contact the Public Adviser, Alana Mathews, at [PublicAdviser@energy.ca.gov](mailto:PublicAdviser@energy.ca.gov) or (916) 654-4489, or toll free at (800) 822-6228.

If you have a disability and require assistance to participate, please contact Lou Quiroz at [lquiroz@energy.ca.gov](mailto:lquiroz@energy.ca.gov) or (916) 654-5146 at least five days in advance of the Committee Status Conference.

### Contact Information

Questions of a legal or procedural nature should be directed to Susan Cochran, Hearing Officer, by e-mail at [susan.cochran@energy.ca.gov](mailto:susan.cochran@energy.ca.gov) or (916) 654-3965.

Technical questions concerning the project should be addressed to Joseph Douglas, Staff Project Manager, by e-mail at [joseph.douglas@energy.ca.gov](mailto:joseph.douglas@energy.ca.gov) or (916) 653-4677.

Media inquiries should be sent to the Media and Public Communications Office at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov) or (916) 654-4989.



Information regarding the status of the project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's web page at <http://www.energy.ca.gov/sitingcases/highdesert/index.html>.

Dated: July 12, 2016, at Sacramento, California

*Original signed by*

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KAREN DOUGLAS  
Commissioner and Presiding Member  
High Desert Amendment Committee

*Original signed by*

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JANEA A. SCOTT  
Commissioner and Associate Member  
High Desert Amendment Committee



## INSTRUCTIONS FOR USING WEBEX TELECONFERENCING USING YOUR COMPUTER AND/OR TELEPHONE



EVENT	DATE and TIME	MEETING NUMBER	PASSWORD
Status Conference	Thursday, August 11, 2016 10:00 a.m.	926 640 265	None required

### Using Your Computer:

1. Go to <https://energy.webex.com> and enter the above meeting number.
2. When prompted, enter your name, e-mail address, and the meeting password above.
3. After a moment, an Audio Conference Box will offer you a choice of audio connections:
  - a) To have WebEx call you back: Type your area code and phone number into the drop down box and click "Call Me" (Click on "Use Phone" if you do not see the drop down box.)
  - b) To call into the teleconference from your phone (if, for example, your phone is an extension or you are an international caller): Use the drop-down box to select "I will Call in" and follow the on-screen directions. Click "All global call-in numbers" if you need to look up an international call-in number.
  - c) To listen and talk over your computer: If you have the needed equipment and your computer is configured, click the "Call Using Computer" button. (You may need to click "Use Computer for Audio" to make the button visible.)

### Telephone Only:

1. Call 1 (866) 469-3239 (toll-free in the U.S. and Canada. International Callers can select a global call-in number at <https://energy.webex.com/energy/globalcallin.php>.)
2. When prompted enter the meeting number above.

Please be aware that WebEx audio and on-screen activity may be recorded. WebEx Technical Support is available at 1 (866) 229-3239.

**High Desert Power Plant Project (97-AFC-01C)  
Status Conference Agenda  
Thursday, August 11, 2016  
at 10:00 a.m.**

**California Energy Commission  
Charles Imbrecht Hearing Room (Hearing Room B)  
1516 Ninth Street  
Sacramento, CA 95814  
(See Map Below)**

1. Call to Order
2. Status Conference: Case progress and schedule
3. Hearing on Any Pending Motions
4. Public Comment

Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda.

5. Closed Session (if necessary)<sup>15</sup>  
Committee closed session consideration of the following item:

***PETITION FOR MODIFICATION TO DROUGHT-PROOF THE HIGH DESERT  
POWER PROJECT.***

Deliberation by the Committee on any matters submitted for decision by the Committee including, but not limited to, pending motions and scheduling.

6. Adjourn

Agency Contact: Susan Cochran, Hearing Officer, phone: (916) 654-3965, or e-mail: [susan.cochran@energy.ca.gov](mailto:susan.cochran@energy.ca.gov).

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<sup>15</sup> The Committee may adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

**Status Conference at the California Energy Commission  
Charles Imbrecht Hearing Room (Hearing Room B)  
1516 Ninth Street  
Sacramento, CA 95814**

