

## DOCKETED

<b>Docket Number:</b>	15-AFC-01
<b>Project Title:</b>	Puente Power Project
<b>TN #:</b>	205971
<b>Document Title:</b>	Information Hearing and Scoping Meeting Presentation
<b>Description:</b>	PowerPoint Presentation Made by CEC Staff, Hearing Officer and Public Adviser at August 27, 2015 Public Meeting
<b>Filer:</b>	Jon Hilliard
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Public Agency
<b>Submission Date:</b>	9/1/2015 1:39:54 PM
<b>Docketed Date:</b>	9/1/2015

# CALIFORNIA ENERGY COMMISSION

Site Visit, Environmental Scoping Meeting and Informational Hearing



**PUENTE POWER PROJECT (P3) 15-AFC-01**

# Purpose of Today's Proceedings

- To inform the Committee, the parties, and the community about the project, its progress to date in the application process, and perceived issues that need resolution,
- To describe the Commission's process in reviewing the Application for Certification,
- To hear from agencies, tribes and the public on environmental scoping for project review,
- To provide information about opportunities for the public, agencies and tribes to participate in this process and to comment on any aspect of the proposed project,
- To discuss the project schedule.



# Today's Agenda

- 4:30 p.m. Site Visit—bus tour to site**
- 5:30 p.m. Applicant-staffed Project Information Stations**
- 6:00 p.m. Presentations and Discussion**
1. Welcome from City of Oxnard
  2. Commissioners' Opening Remarks
  3. Hearing Adviser — Energy Commission's Role
  4. Applicant — Project Description
  5. Energy Commission Staff — Environmental Review Process
  6. Staff's Issues Identification Report
  7. Presentation by City of Oxnard
  8. Staff's Proposed Schedule for the Licensing Process
  9. Public Adviser's Office — Opportunities for Public Participation
- 7:15 p.m. Public Questions, Comments and Environmental Scoping**



# Energy Commission's Role

- Energy Commission has exclusive permitting authority over thermal power plants that are 50 megawatts or greater.
- The Energy Commission has a certified regulatory program and is the lead state agency for California Environmental Quality Act (CEQA) review and ongoing compliance.
- The Energy Commission's certification is in-lieu of all local and state permits.
- The Energy Commission has appointed Commissioners Janea Scott (Presiding Committee Member) and Karen Douglas (Associate Committee Member) to oversee the licensing process for this project.



# Ex Parte Rule

- Purpose: to provide full disclosure to all participants of any information that may be used as a basis for the future Decision on this project.
- All decisions made in this case will be made solely on evidence contained in the public record.
- No off-the-record contacts concerning substantive matters are permitted to take place between interested parties and the Commissioners, their Advisors, this Committee, or the Hearing Officer.



# Ex Parte Rule

- Contacts between interested parties and the members of the Committee regarding any substantive matter must occur in a public forum or in written form distributed to all the parties and made available to the public.



# Environmental Review

- Energy Commission staff is an independent party in the proceeding. Staff will prepare an independent evaluation of the environmental, engineering, and public health/safety aspects of the proposed project and whether the project would conform to all applicable laws, ordinances, regulations and standards (LORS).
- Commission Staff will hold public workshops at locations near the site or at the Energy Commission in Sacramento. These workshops provide additional opportunities for the parties and governmental agencies to discuss substantive issues with the public.



# Applicant's Presentation



# Overview of Licensing Process

1. **Data Adequacy- completed June 10, 2015**
  - Minimum requirements to accept application
2. **Staff Discovery and Analyses**
  - Issues Identification
  - Data Requests/Discovery-180 days
  - Public Workshops
  - Preliminary Staff Assessment (**PSA**) and public comment
  - Final Staff Assessment (**FSA**)
3. **Committee Evidentiary Hearing and Decision**
  - Evidentiary Hearings on FSA and other information
  - Presiding Member's Proposed Decision (PMPD) and public comments
  - PMPD hearing and Commission decision

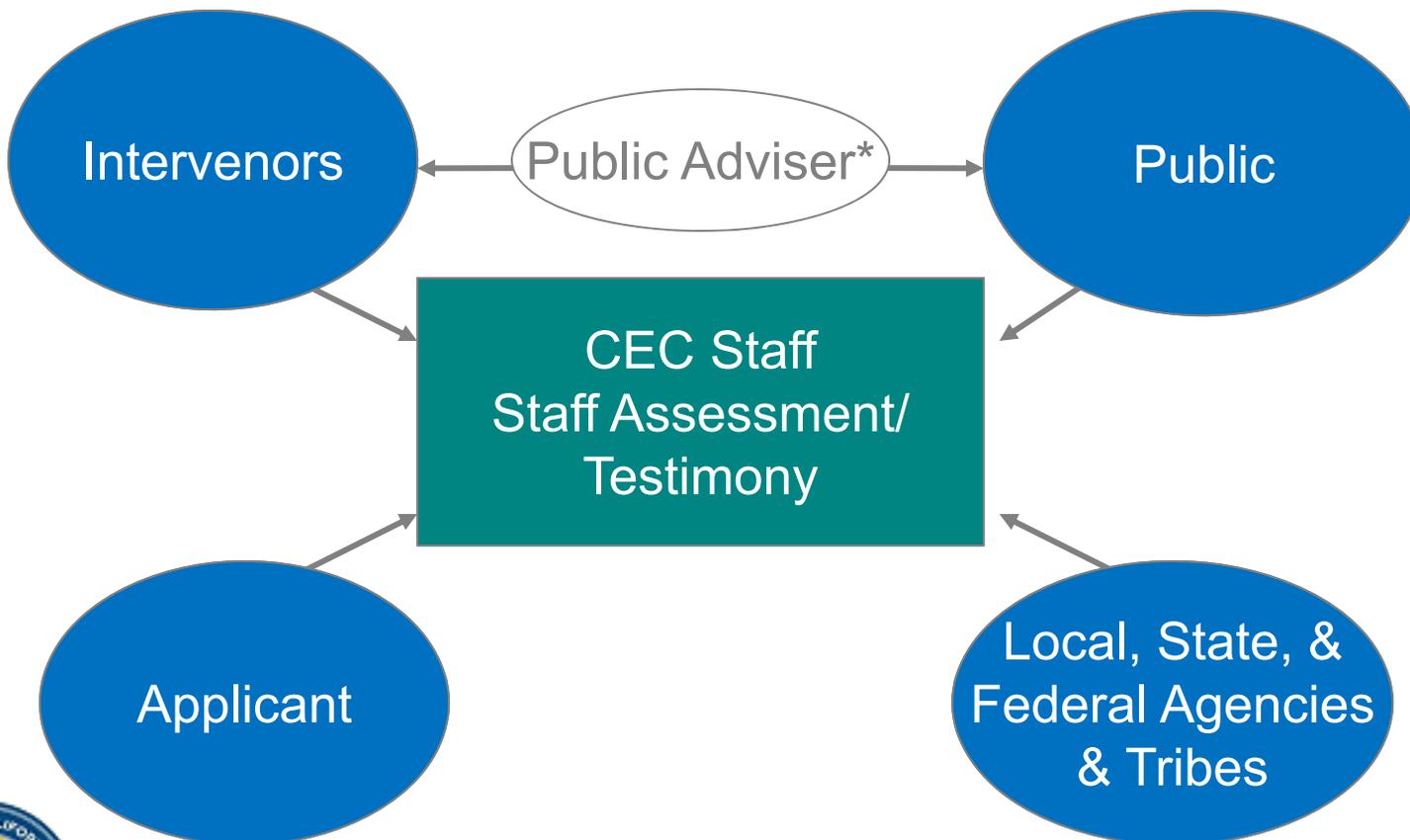


# Discovery and Analysis Process

- Determine if the project proposal (AFC) complies with Laws, Ordinances, Regulations, Standards (LORS)
- Conduct Engineering and Environmental Analysis
  - identify issues
  - identify environmental impacts and examine potential mitigation measures
  - evaluate project alternatives and recommend conditions of certification
- Facilitate public and agency participation
- Staff produces a Preliminary Staff Assessment (**PSA**) and Final Staff Assessment (**FSA**)
- Make recommendations to the Committee - FSA will be staff's testimony



# Discovery and Analyses Process



\* The Public Adviser provides assistance on how to participate in the CEC's public process.

# Local, State and Federal Coordination

- Energy Commission staff work closely with other Local, State and Federal Agencies, for example:
  - Local: City of Oxnard
  - Regional: Ventura County, Ventura Air Pollution Control District , Regional Water Quality Control Board
  - State: Department of Fish and Wildlife, CA Coastal Commission, State Parks, CA ISO, OES,
  - Federal: Environmental Protection Agency, Fish and Wildlife Service, US Army Corps of Engineers, FEMA, FAA

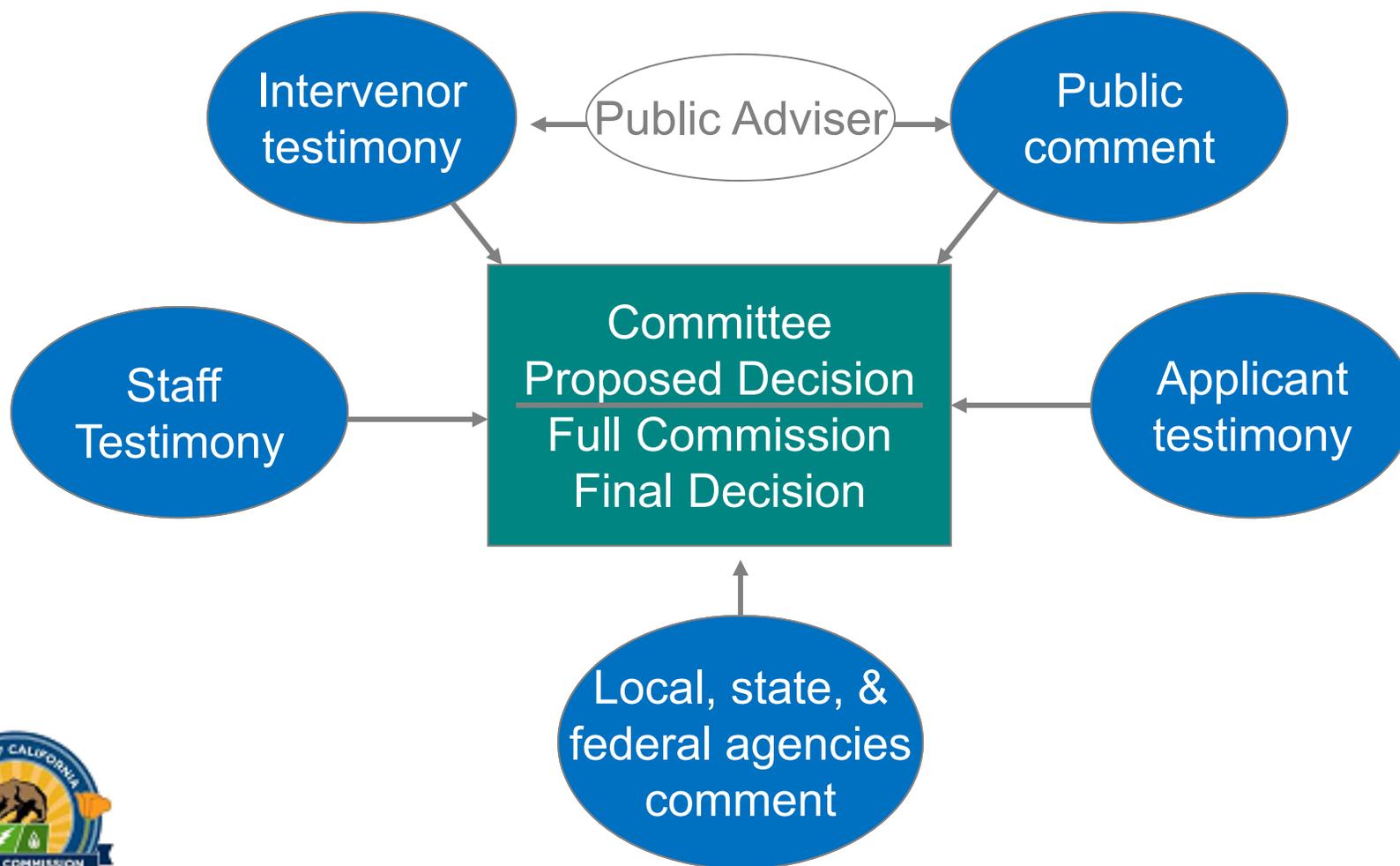


# Evidentiary Hearing & Decision Process

- **Committee conducts Hearings to create Evidentiary Record**
- **Issues Presiding Member's Proposed Decision (PMPD). The PMPD contains findings relating to:**
  - Environmental impacts, public health, engineering
  - Project's compliance with LORS
  - Recommends conditions of certification
  - Makes findings of overriding consideration if appropriate
  - Recommends whether or not to approve the project
- **Full Commission issues a Final Decision**
- **Appeals: Reconsideration by Commission; California Supreme Court**
- **Energy Commission monitors compliance with all conditions of certification (construction, life of the project, and closure)**



# Evidentiary Hearing & Decision Process



# Staff's Issues Identification Report

- **Purpose**

- Inform participants of potentially significant issues staff believes it will encounter;
- Provides an early focus on important topics;
- The Issues Identification Report is not limiting. Staff, agencies and other stakeholders may identify additional significant issues going forward.

- **Criteria for Significant Issue**

- Significant impacts that might result from the project that may be difficult to mitigate
- The project as proposed might not comply with applicable laws, ordinances, regulations or standards (LORS)
- Conflicts might arise between the parties about the appropriate findings or conditions of certification
- Issues that might delay the 12-month siting process



# Staff's Potential Issue Areas

Energy Commission staff has evaluated the AFC and has found potential major issues with:

- Air Quality
- Alternatives
- Biologic Resources
- Land Use
- Water, Hydrology, Sea Level Rise and Hazard

Discovery is not yet complete and other parties may identify their concerns.



# Air Quality

- Insufficient Air Quality Mitigation
- Potential to emit (PTE) vs. recent historical emissions
- Staff will prepare its analysis based on actual historical emissions, not PTE, of P3 particulate matter (PM10) and may recommend that PM10 and its precursor, sulfur oxides (SOx), be fully mitigated.
- Staff believe that these additional mitigation measures may be difficult to develop in the local region which could be time consuming, potentially delaying the proposed schedule for the proceeding.
- Staff issued Air Quality Data Requests to address this potential issue, and applicant has provided initial responses.



# Alternatives

- AFC Does Not Analyze Alternative Locations
- Staff will provide a complete evaluation of project alternatives, including consideration of potentially feasible alternative locations, for the Puente Power Project (P3).
- Staff must first determine whether any of the potential significant effects of the project could be avoided or substantially lessened by putting the project at another site.
- Due to the proposed project's potential for adverse effects to biological resources, and that it may not be in compliance with local LORS, staff believes that considering potentially feasible alternative site locations may be warranted.



# Biological Resources

- Appropriate dune nesting habitat for special status species may exist as close as 500 feet northwest of the P3 site.
- Units 1 and 2 are the tallest structures in the area and would serve as perching sites for predatory species.
- One area at the project contains wetland vegetation (wooly seablite) that may meet criteria for California Coastal Commission-designated wetlands.
- CCC staff plan to visit the site and review the project owner's wetland delineation to verify the jurisdictional status.
- If determined to meet the CCC's criteria for a wetland, and there are no feasible alternatives to avoid impacting it, a suitable mitigation plan would need to be developed.



# Land Use

- The city of Oxnard's Ordinance No. 2882 (adopted in July 2014) imposed a one-year moratorium (subsequently extended for a second year) on the approval of any special use permit, coastal development permit or any other discretionary city permit for any onsite energy generation facilities located within the Oxnard Coastal Zone.
- Staff will work with the city regarding conformity with current or pending land use LORS.



# Soil, Water and Geologic Resources

- Three issues are summarized below, all pertaining to whether potential flood impacts would be significant and require mitigation.
- Flooding – staff will determine whether or not P3 is considered critical infrastructure and how the effects of flooding should be incorporated into the project design.
- Sea Level Rise - Staff will follow the seven policy recommendations listed in the State of California Sea-Level Rise Guidance Document (March 2013 update) and focus on the 2050 time horizon.
- Tsunami – Staff will analyze the potential for the project site to be impacted by a tsunami and, if needed, recommend appropriate mitigation.



# City of Oxnard's Presentation



# Staff's Proposed Schedule

	ACTIVITY	Calendar Day
1	Application for Certification submitted	4-15-15
2	Staff Issues Data Request (Round 1)	7-17-15
3	Staff Files Issues Identification Report	8-10-15
4	Applicant files Data Responses (Round 1)	8-17-15/ 9-29-15
5	Information Hearing and Site Visit	8-27-15
6	Data Response and Issue Resolution Workshop	9-29/30-15
7	Staff Files Data Requests (Round 2, if necessary)	10-7-15
8	Applicant Provides Data Responses (Round 2, if necessary)	11-6-15
9	Data Response and Issue Resolution Workshop (if necessary)	11-12-15
10	VCAPCD Issues Preliminary Determination of Compliance (PDOC)	11-17-15



# Staff's Proposed Schedule (cont.)

	ACTIVITY	Calendar Day
11	Applicant submits Supplemental Information resulting from Workshops (if any supplemental information required)	11-23-15
12	Staff Files Preliminary Staff Assessment	12-22-15
13	Preliminary Staff Assessment Workshop(s)	1-25/26-16
14	VCAPCD Issues Final Determination of Compliance (FDOC)	2-15-16
15	Comments on PSA are Due	2-15-16
16	Staff files Final Staff Assessment (FSA)	3-10-16
17	Prehearing Conference*	3-31-16
18	Evidentiary Hearings*	4-18/19-16
19	Committee files Presiding Member's Proposed Decision*	5-20-16
20	Hearing on the PMPD*	6-22-16

\*Staff's suggested date – actual dates to be determined by the Committee



# Post-Licensing Project Compliance Oversight

If the project is approved:

- Purpose: To assure compliance with all Conditions of Certification, applicable LORS and building codes during construction, operation & decommissioning
- Compliance Project Manager (CPM) – coordinates oversight of construction and operation
- Changes to Energy Commission Decision require project owner to file a petition to amend.



**Puente Power Project  
Docket No. 15-AFC-01**

# **Informational Hearing and Site Visit**

**Alana Mathews**

Public Adviser

August 27, 2015



CALIFORNIA  
ENERGY COMMISSION



# What's a Public Adviser?

**The Public Adviser is an independently appointed attorney who:**

- *Helps the public understand the process*
- *Recommends the best way to be involved*
- *Assists in successful participation in proceedings*

## Outreach for Informational Hearing and Site Visit

- **Who:** Local city and county officials, tribal officials and members, schools, non-profit groups and community organizations, property owners, public members who have contacted our office
- **How:** Paid local newspaper advertisement, local libraries, email blasts, informational meetings

# Two Levels of Public Participation

## Importance of Public Participation through Public Comment

- Public comments are considered by the Commissioners
- **Public comments help inform the Commissioners, staff, and interested parties of public concerns**
- Public comments are necessary to understand the concerns of residents
- **Public comments are not considered evidence but are part of the official record**

# Two Levels of Public Participation

## First Level – Public Comments (Informal Participation)

- Verbal comments at public meetings through Blue Cards
- Electronic comments through the Energy Commission e-filing system
- Written comments to the Energy Commission Dockets Unit:
  - a) *Hand deliver to the Public Adviser or representative*
  - b) *Dockets Unit  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814*

# Two Levels of Public Participation

## Second Level – Intervening (Formal Participation)

- An Intervenor is a party to the proceeding
- Anyone may file a Petition to Intervene
- You do not have to be or have an attorney to intervene
- The PAO can provide a sample Petition to Intervene
- Petition is considered by assigned Committee; determination within 30 days

# How to Participate

## www.energy.ca.gov

CA.gov | Contact Us | Accessibility | Quick Links

**CA .GOV** CALIFORNIA ENERGY COMMISSION

HOME ABOUT US EFFICIENCY FUNDING **POWER PLANTS** ARCH TRANSPORTATION

Search  This Site California

- Power Plant Cases Under Review**
- Public Adviser's Office**  
Assistance for public participation in power plant cases
- DRECP**  
About the Desert Renewable Energy Conservation Plan
- Alphabetical List of Power Plant Projects**  
Licensing and Compliance Information
- Energy Commission Dockets Unit**  
Currently open dockets with listing to documents filed under each
- California On-Line Energy Maps**
- Siting, Transmission, and Environmental Protection Division**  
Description of mission and offices
- Status of all power plant projects**
- More Power Plant Information...**

**Latest Energy News and Activities**

- » About Our Website Redesign Project (and Tips for Using our New Navigation)
- » **NEW** 2013 Building Energy Efficiency Standards (Facts, Frequently Asked Questions, Infographics, What Others Are Saying, and More)

**Edmund G. Brown Jr.**  
Office of Governor

**John Laird**  
Natural Resources Agency

**Robert B. Weisenmiller**  
Chair, California Energy Commission

# Online Project Information



Home » sitingcases

## Alphabetical List of Power Plant Projects Filed Since 1996

- Information about "e-filing" and "e-commenting" at the California Energy Commission
- California Energy Commission Fact Sheet: Certifying Thermal Power Plants

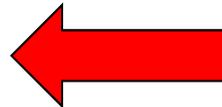
Application for Certification, and Compliance documents are listed on the individual project pages.

Abengoa Mojave Solar Project - Mojave Solar LLC	Magnolia - SoCal Power Authority
Alamitos Energy Center	Malburg Generating Station - City of Vernon
Almond 2 Peaking Power Plant Project - Turlock Irrigation District	Mariposa Energy Project - Mariposa Energy, LLC
Argus Cogeneration Expansion	Marsh Landing Generating Station
Arenal Energy - Arenal Power Center, LLC	Metcalf - Metcalf Energy Center LLC
Beacon Solar Energy Project	Midway Peaking (formerly Starwood Power) - Starwood Power-Midway LLC
Black Rock 1, 2, and 3 Geothermal Power Project	Modesto Irrigation District - Ripon, Simple Cycle (Abengoa) Mojave Solar Project - Mojave Solar LLC
Blythe - Blythe Energy LLC	Morro Bay - Duke
Blythe II Combined Cycle - Blythe Energy LLC	Moss Landing Unit 1 & 2 - Duke
Blythe Solar Power Project - NextEra Blythe Energy Center LLC	Mountainview - SCE
Blythe Transmission Line - Blythe Energy LLC	Niland Gas Turbine Plant (GFFE)
Border - Calpeak (Emergency Peaker)	Oakley Generating Station (Formerly Contra Costa Generating Station)
Botte Rock Geothermal - U.S. Renewables Group (Repower)	Orange Grove Energy, Simple Cycle
Bullard Energy Center (BEC)	Otay Mesa - Calpine
Calico Solar Project - Calico Solar LLC (Formerly Solar One Project - SEB Solar One LLC)	Palen Solar Power Project - Narep Solar Project I, LLC
Canyon Power Plant	Palmdale Solar-Gas Hybrid - City of Palmdale
Carlsbad Energy Center - NRG	Palomar Escondido - Genpra
Carrazo Energy Solar Farm	Panoche Energy Center - Energy Investors Fund
Century - Alliance (Emergency Peaker)	Pastoria - Calpine
Chevron Richmond Power Plant Replacement Project - Chevron USA, Inc.	Pastoria Expansion Project (Pastoria 2) - Pastoria Energy LLC
Chula Vista Energy Upgrade Project - MMC Energy, Inc.	Pio Pico Energy Center - Pio Pico Energy Center LLC
City of Vernon Malburg Generating Station	Procter & Gamble Cogeneration Project - Sacramento Cogeneration Authority (SCA)
Colusa Generating Station (CGS)	Puente Power Project - NRG Oxnard Energy Center LLC
Community Power - Kings River Conservation District	Quail Brush Generation Project - Quail Brush Genco, LLC
CPV Vaca Station	Redondo Beach Energy Project - AES Southland, LLC
Delta - Calpine	Rice Solar Energy Project - Rice Solar Energy LLC / SolarReserve LLC
Draws - Alliance (Emergency Peaker)	

<http://www.energy.ca.gov/sitingcases/alphabetical.html>

<http://www.energy.ca.gov/sitingcases/puente/>

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# How to Participate



## Puente Power Project

Docket Number:

15-AFC-01 (Application For Certification)



La información en español

**Project Status: In Review**

Committee Overseeing This Case:

**Janea Scott**, Commissioner, Presiding Member

**Karen Douglas**, Commissioner, Associate Member

**Hearing Officer:** Raoul Renaud

### Original Proceeding

[Submit e-Comments](#)

- [Submit e-Filing](#)
- [Documents for this Proceeding \(Docket Log\)](#)
- [Exhibit List](#)
- [Proof of Service List](#)
- [Proof of Service Declaration Form MS Word or PDF](#)
- [Search Documents in this Proceeding](#)
- [Search All Power Plant Documents](#)

### Calendar

August 27, 2015

Public Site Visit, Environmental Scoping Meeting and Informational Hearing - Puente Power Project



# Contact

## **Alana Mathews, Public Adviser**

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**Mailing** 1516 Ninth St, MS-12

Sacramento CA 95814-2950

**Email** [publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov)

**Website** [www.energy.ca.gov/public\\_adviser](http://www.energy.ca.gov/public_adviser)

# Public Participation and Sources of Information

- **Open Public Process**

- Workshops/Hearings are noticed at least 10 days in advance
- Mailing lists
- List Server: [www.energy.ca.gov/listservers](http://www.energy.ca.gov/listservers)

- **The AFC is available for review at the following Oxnard libraries:**

- Main Library Downtown
- Colonial Branch
- South Oxnard Branch

- **All project documents are available for public review at:**

- Energy Commission Web site:  
<http://www.energy.ca.gov/sitingcases/puente>
- Dockets Unit at the Energy Commission  
1516 9th Street, MS - 4  
Sacramento, CA 95814-5512

