

DOCKETED

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Filer:	PATRICIA LARKIN
Organization:	Shute, Mihaly & Weinberger LLP
Submitter Role:	Intervenor Representative
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September 30, 2015

Jon Hilliard, AICP
California Energy Commission
Siting, Transmission, and Environmental Protection Division
1516 Ninth Street, MS-15
Sacramento, CA 95814-5512

**RE: Docket 15-AFC-01, Oxnard Response to Law Enforcement Needs Letter
TN# 205741, Dated August 14, 2015, Filer Lisa Worrall**

Dear Mr. Hilliard and Ms. Worrall:

This letter serves as a response to the CEC August 14, 2015 letter addressed to Police Chief Jeri Williams regarding law enforcement needs for the proposed Puente Power Plant (P3) located at 383 North Harbor Boulevard. The City takes this opportunity to expand the scope to include all emergency response issues related to the proposed P3 facility and the decommissioning in place of the existing Mandalay Generation Station (MGS). We also expand the scope to address the full 30-year life span of the proposed P3 facility that takes into account sea level rise and coastal flooding and storm scenarios consistent with the recently adopted Coastal Commission Sea Level Rise Policy Guidance and being used in our comprehensive Local Coastal Plan (LCP) Update now underway.

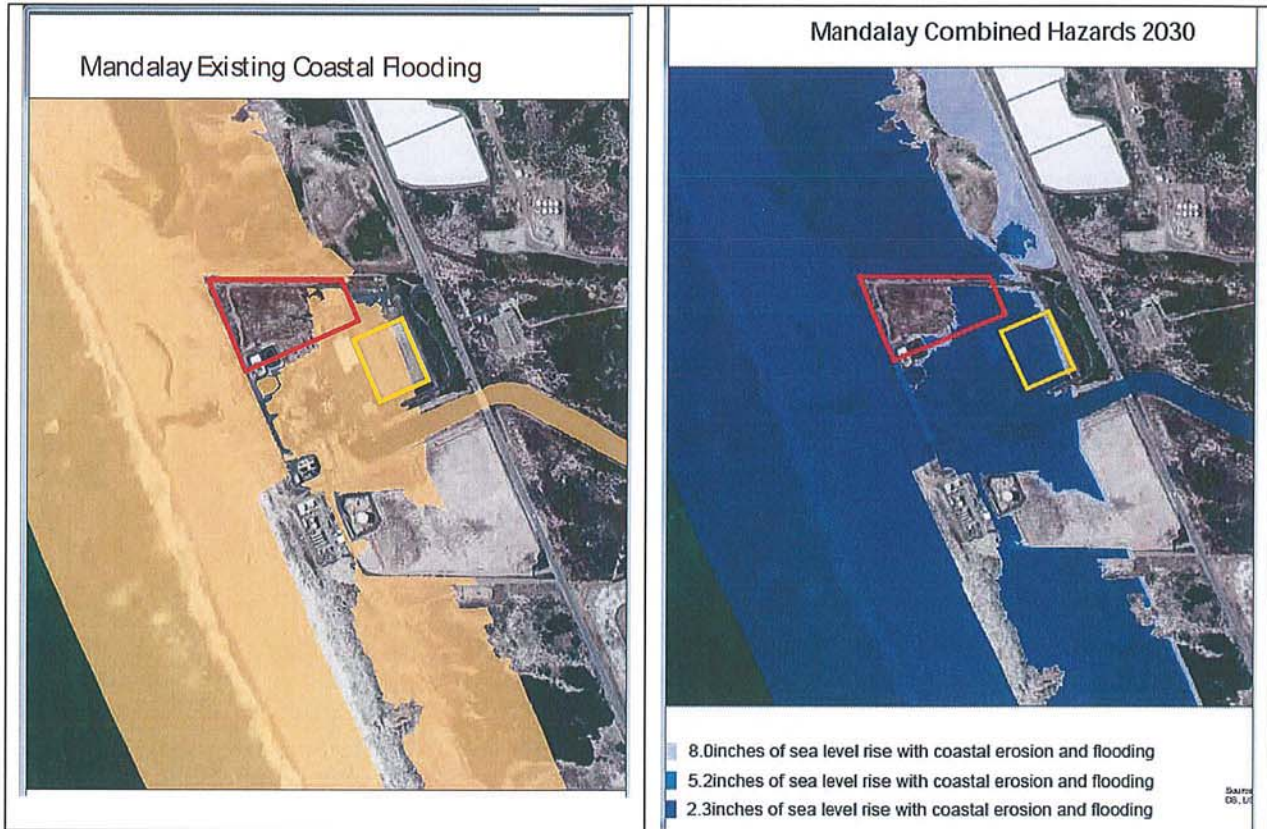
We reserve an opportunity for additional comments on public safety and coastal flooding should the upcoming release in late October of FEMA California Coastal Analysis and Mapping Project (CCAMP) working maps provide new relevant information of flooding risks that would inhibit or prevent emergency response to the P3 or decommissioned MGS.

Finally, both the Oxnard Fire and Police Departments rely on mutual aid with Ventura County, the City of Ventura, and Naval Base Ventura County (NBVC) for certain types of fire and rescue responses, for additional resources in general, and/or for response assistance in geographic areas distant or inaccessible from City facilities. We recommend the CEC contact these three agencies and include them in your emergency response evaluation.

Flooding that Inhibits or Prevents Emergency Response to MGS and P3

The MGS and proposed P3 facility are accessed from two entrances on Harbor Boulevard, the main NRG entrance north of the "SCE Canal" bridge, and indirect access via the SCE McGrath Peaker Plant with an entrance south of the canal bridge. There is no paved vehicle access to the MGS/P3 site from the north or west.

The City previously submitted coastal storm and tidal inundation maps for 2015, 2030, and 2060. The following map segments are taken from the evidentiary brief filed by the City with the CPUC¹:



As shown in both maps, there are existing and 2030 scenarios where both access roads into the P3 and MGS areas are flooded, although it is not possible at this time to state the flooding depth or duration.

The City has completed a draft Sea Level Rise (SLR) Map Atlas (Atlas) for the LCP Update now in progress. The Atlas divides the Oxnard Coastal Zone into four planning areas. The MGS and P3 are located in Planning Area 1, *McGrath/Mandalay Beach*. On the following page is Figure 1.1, *Combined Hazard Zones for Planning Area 1: Existing, 2030, and 2060*, which shows considerable flooding potential from the Santa Clara River coming southward over the open fields. The interior areas around the MGS and P3 are flooded, as well as portion of Harbor Boulevard. Figure 1.5 depicts coastal storm flood hazards and, by 2060, flooding of Harbor Boulevard both north and south of the canal bridge under the high SLR modeling scenario. The 2060 scenario should be interpolated with the 2030 scenario to create a 2050 scenario, the proposed end of the P3 operational lifespan.

¹ <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M153/K900/153900276.PDF> pages 32 and 33

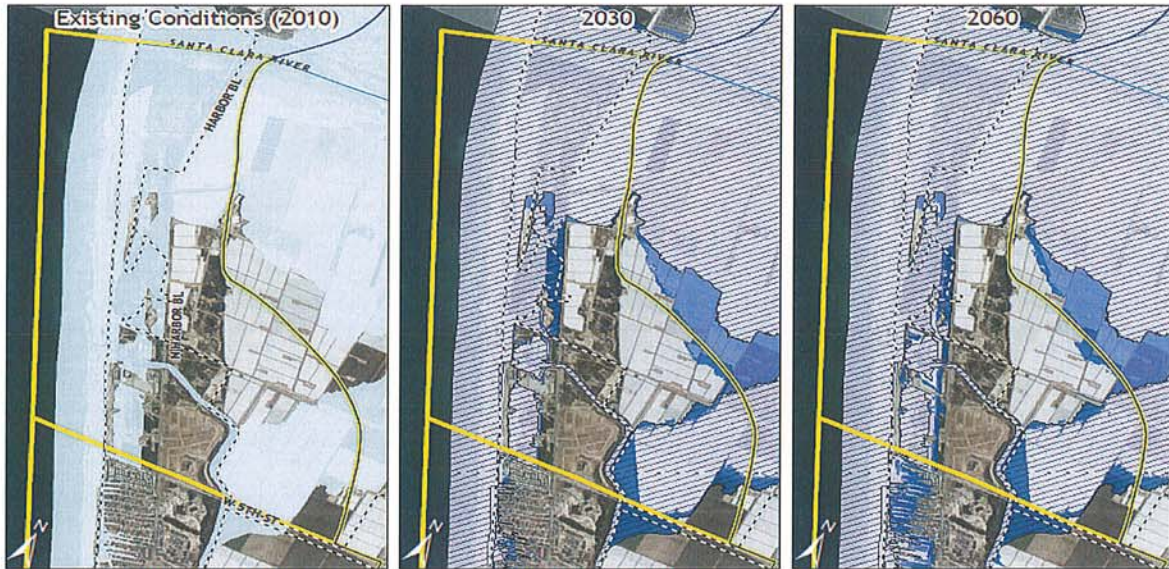


Figure 1.1 - Combined Hazard Zones for Planning Area 1: McGrath / Mandalay Beach

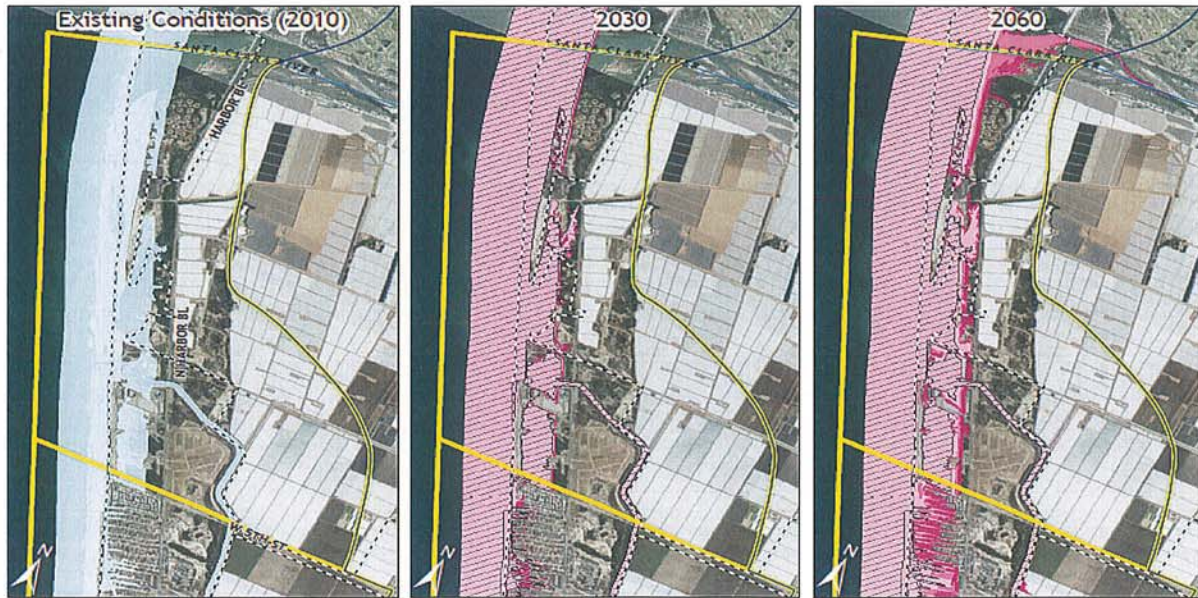
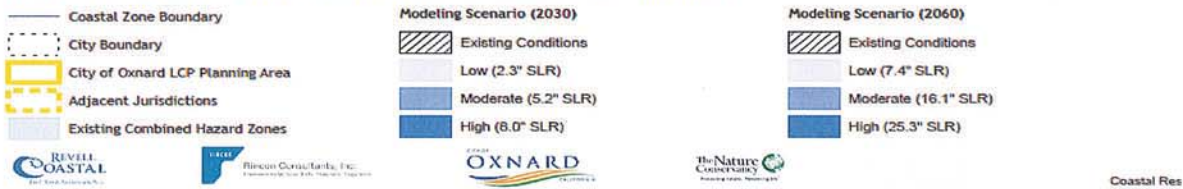
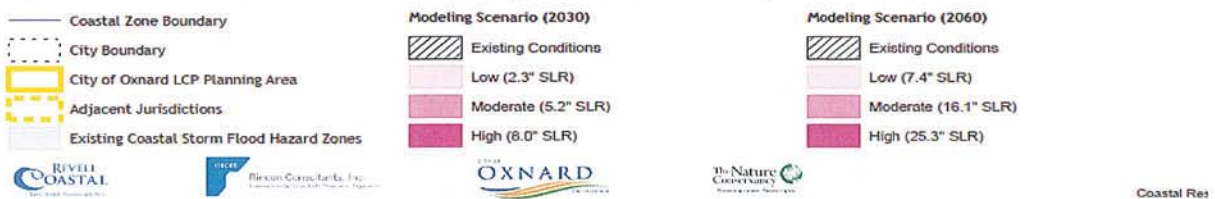
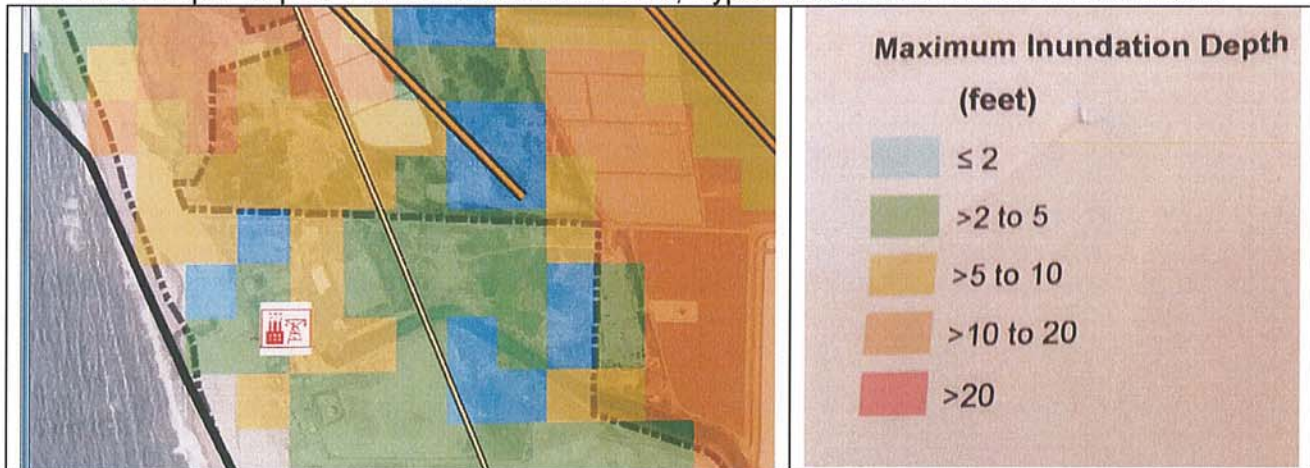


Figure 1.5 - Coastal Storm Flood Hazard Zones for Planning Area 1: McGrath / Mandalay Beach



Below is a portion of the United Water Conservation District's *Probable Depth Map for Probable Maximum Flood, Hypothetical Failure of Santa Felicia Dam (Lake Piru)* completed in 2013. This map shows depths of 2-5 and 5-10 feet in and around the MGS and P3 locations should either the Lake Castaic or Lake Piru dams fail, creating a regional flood event similar to the 1928 failure of the St. Francis Dam.

"Probable Depth Map for Probable Maximum Flood, Hypothetical Failure of Santa Felicia Dam"



These maps establish, at a minimum, the risk of flooding at some depth in and around the MGS and P3 facilities by any of several coastal storm, heavy rain riverine flooding, and/or a dam failure events. The existing coastal and riverine flooding scenarios increase during the 30-year life span of the P3 facility. Soon-to-be-released FEMA CCAMP maps will provide depth information for existing coastal flooding scenarios. With this information as context for accessing the MGS and P3 facilities, the Oxnard Police and Oxnard Fire Departments emergency response information below is provided in two scenarios: 1) under normal present conditions, and 2) worst case flood scenarios.

Oxnard Police Department (OPD)

The OPD's assets, personnel, and other information are provided in Attachment 1, an excerpt from the Teal Club Specific Plan Draft EIR that will complete its public review period on October 5, 2015. The CEC Law Enforcement Needs Assessment Form is also attached.

OPD emergency response comments are:

- The MGS and P3 facilities are in Beat 21, at the northwest end of City limits that is not patrolled on a regular basis. The OPD harbor patrol boat cannot reach the NRG location because the "Edison" canal is blocked at Wooley Road by a debris dam.
- The OPD does not have adequate information regarding the decommissioned MGS or proposed P3 on-site security equipment and procedures to offer a review statement as to security adequacy for critical electric generation and grid facilities. OPD requests that the CEC require NRG to submit security plans and fees for security review to the OPD for review and that the CEC incorporate OPD's conditions of approval in the AFC permit, should an AFC permit be issued.

- The OPD is very concerned that the decommissioned MGS will become an attractive nuisance for trespassing, graffiti, and theft of recyclable metals and strongly requests that the CEC require the decommissioned MGS be demolished as soon as feasible after the P3 is operational, assuming the P3 is approved.
- OPD vehicles cannot operate in floodwater above a foot in depth. Should the MGS/P3 area be flooded and require OPD response, OPD either could not respond, would require transportation by Fire Department vehicles with higher ground clearance, or would request mutual aid assistance from the County and would be dependent of availability of County mutual aid that could access through a flood situation.
- In the event of a major emergency such as a Tsunami, earthquake, or large hazardous materials release a call for service from the NRG facility would not be a priority compared to rescue and evacuation. NRG would, essentially, be on their own until higher priorities are addressed.

Oxnard Fire Department (OFD)

The OFD's assets, personnel, and other information are also provided in Attachment 1, an excerpt from the Teal Club Specific Plan Draft EIR that will complete its public review period on October 5, 2015.

OFD emergency response comments are:

- The MGS and P3 facilities are in Fire District 6. There are no OFD firefighting apparatus that could suppress a fire higher than 75 feet.
- The OFD does not have adequate information regarding the decommissioned MGS or proposed P3 on-site security equipment and procedures to offer a review statement as to fire warning and suppression equipment and procedures for critical electric generation and grid facilities with hazardous chemicals stored on site. OFD requests that the CEC require NRG to submit security plans and fees for security review to the OFD for review and that the CEC incorporate OFD's conditions of approval in the AFC permit, should an AFC permit be issued.
- The OFD is very concerned that the decommissioned MGS will become an attractive nuisance for trespassing leading to fires and/or release of hazardous wastes and strongly requests that the CEC require the decommissioned MGS be demolished as soon as feasible after the P3 is operational, assuming the P3 is approved.
- OFD's largest vehicles cannot operate in floodwater above two feet in depth. Should the MGS/P3 area be flooded and require OFD response for either hazardous chemicals, fire, and/or paramedic service, OPF either could not respond or would request mutual aid assistance from the County for a helicopter.
- In the event of a major emergency such as a Tsunami, earthquake, or release of hazardous materials a call for service from the NRG facility would not be a priority compared to fire suppression, rescue of residents, and evacuation. NRG would, essentially, be on their own until higher priorities are addressed.

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- The existing MGS structure and proposed P3 structure present possible need for technical rescues in confined spaces for which the OFD has inadequate resources and training. The OFD would have to request mutual aid from the County and rely on the availability of County aid if it were available.

Please feel free to contact Chris Williamson, Principal Planner, for additional information or clarification at (805) 385-8156 or Chris.Williamson@ci.oxnard.ca.us.

Sincerely:

[signed]

Jeri Williams 

Chief of Police

Interim Fire Chief

Attachments 1 Sections 4.12.1a (Fire Protection) and 4.12.1b (Police) from the
Draft Teal Club Specific Plan EIR
2 Law Enforcement Needs Assessment Form

4.12 PUBLIC SERVICES AND RECREATION

This section evaluates the proposed project's potential impacts to fire protection services, police protection services, public schools, and parks and recreation facilities.

4.12.1 Setting

a. Fire Protection. The City of Oxnard Fire Department (OFD) provides fire prevention, fire suppression, and emergency services in Oxnard and coordinates the City's disaster preparedness program. The Fire Department also responds to chemical spills, injuries, and vehicle accidents, and is responsible for managing the City's records pertaining to hazardous material Risk Management and Prevention programs. The OFD also has mutual aid agreements with Ventura County and the City of Ventura for emergency assistance.

The OFD operates seven fire stations (with the eighth planned to open in late 2015) equipped with breathing apparatus, emergency medical supplies, tools, and fire-proof clothing. Each station is equipped with a fire engine. Fire Station #1 is equipped with a fire truck six of the seven stations have a reserve fire engine (Sergio Martinez, Fire Marshall, Oxnard Fire Department, personal communication, January 31, 2015). Fire Station 8 will open in July 2015 and will have one additional truck. On-duty staffing and equipment at each fire station is listed below.

Fire Station #1:

- Apparatus: Engine #61, Truck #61, Command Unit, (Truck 161 Reserve Truck).
- Personnel: Captains 2, Engineers 2, and Firefighters 3.
- Secondary Focus: USAR (Urban Search and Rescue), Aircraft Crash Unit, and Training Center.

Fire Station #2:

- Apparatus: Engine #62, (Engine 102 Reserve Engine).
- Personnel: Captains 1, Engineers 1, and Firefighters 1.
- Secondary Focus: Drivers Training.

Fire Station #3:

- Apparatus: Engine #63, (Engine 103 Reserve Engine).
- Personnel: Captain 1, Engineer 1, Firefighter 1.
- Secondary Focus: USAR (Urban Search and Rescue).

Fire Station #4:

- Apparatus: Engine #64, (Engine 104 Reserve Engine).
- Personnel: Captain 1, Engineer 1, Firefighter 1.
- Secondary Focus: Wildland Firefighting, High Rise.

Fire Station #5:

- Apparatus: Engine #65, (Engine 105 Reserve Engine).
- Personnel: Captain 1, Engineer 1, Firefighter 1.



Fire Station #6:

- Apparatus: Engine #66, Squad #66, Rescue #66, (Utility #6 Reserve Squad) PWC (Personal Water Craft).
- Personnel: Captain 1, Engineer 1, Firefighters 3.
- Secondary Focus: Water Rescue.

Fire Station #7:

- Apparatus: Engine #67, HM (Hazardous Materials unit) #67.
- Personnel: Captain 1, Engineer 1, Firefighters 1.
- Secondary Focus: Hazmat.

Fire Station #8: (planned opening in late-2015)

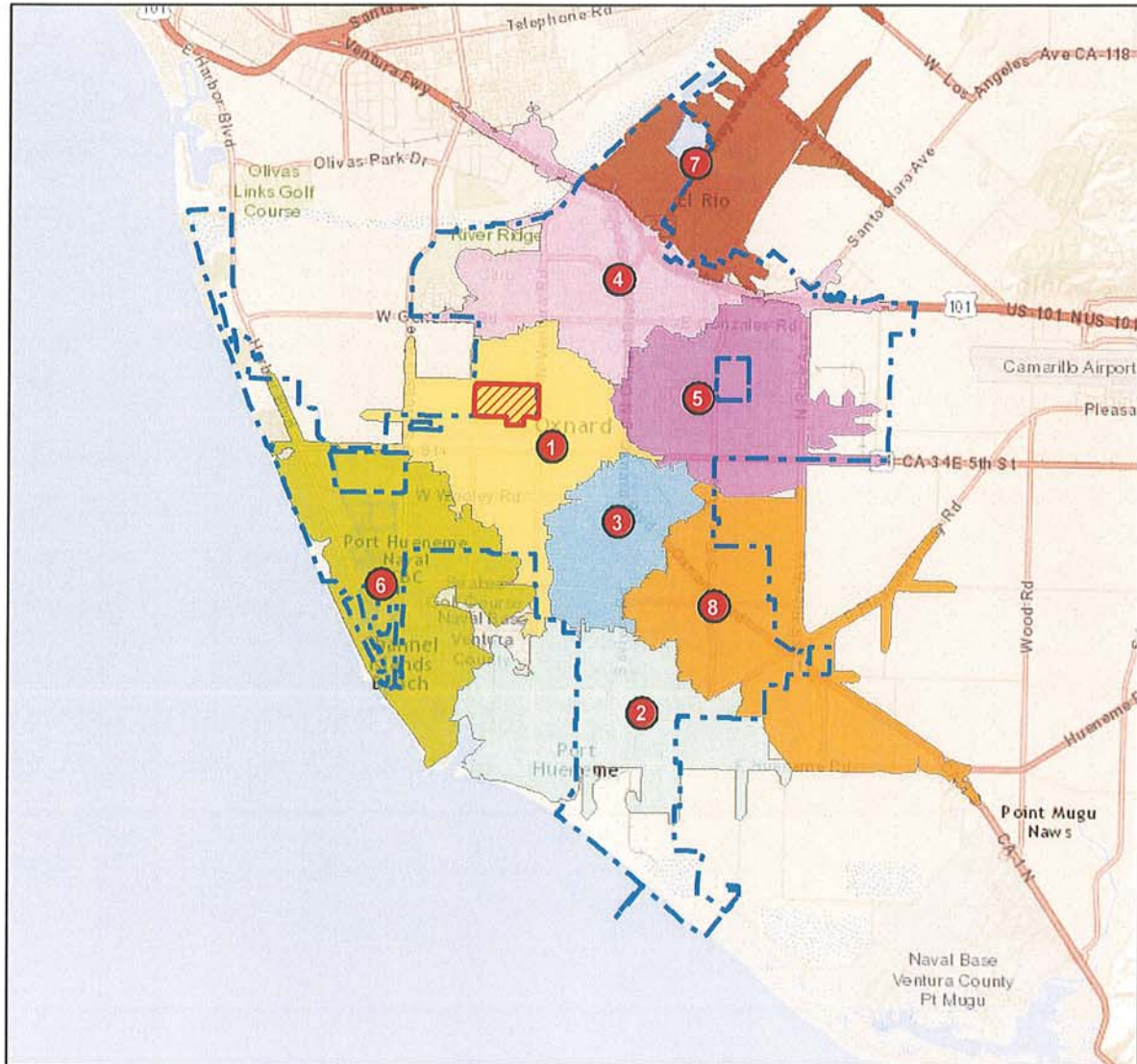
- Apparatus: TBD
- Personnel: TBD
- Secondary Focus: TBD

The OFD, among its 108 total staff, currently has 35 uniformed personnel (firefighters), which equates to 0.17 firefighters for every 1,000 people in the City, based on its current population of 203,645 (California Department of Finance, May 2014). The International City Managers Association recommends a ratio of 1 firefighter per 1,000 people (Rod Thorp, June 2012). The City is divided into seven overlapping response areas (see Figure 4.12-1). Each fire station has a primary service area in which its personnel respond to calls for service. Each station also has a secondary and tertiary response area to ensure adequate coverage of the City in case the primary engine is out on a call. Secondary response units are also dispatched to any structure fire along with the primary response unit. The OFD has identified a response time goal of five minutes for 90% of all emergency responses, which is consistent with the National Fire Protection Association Standard 1710 response time goal. The OFD achieves the five minute response time goal 62% of the time (Rod Thorp, July 2012).

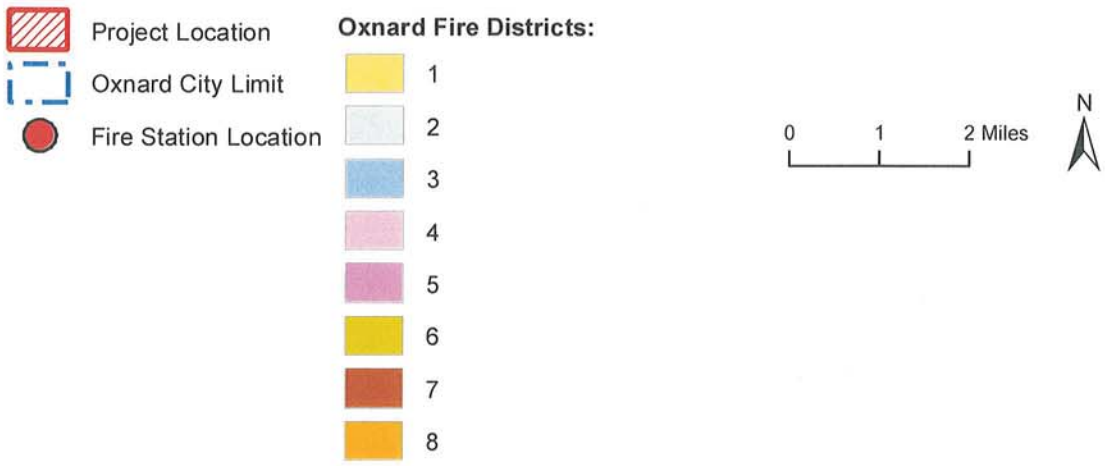
The OFD is also the Certified Unified Program Agency (CUPA) for the City of Oxnard. Senate Bill 1082, passed in 1993, created the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program), which requires the administrative consolidation of six hazardous materials and waste programs (program elements) under one agency, called a CUPA. The program elements consolidated under the Unified Program are as follows:

1. *Hazardous Materials Inventory and Business Plan Program.*
2. *Hazardous Waste Generator.*
3. *Onsite Hazardous Waste Treatment (Tiered Permitting) Programs.*
4. *Underground Storage Tank (UST) Program.*
5. *Aboveground Storage Tank Spill Prevention Control and Countermeasure Plan (SPCC) Program.*
6. *California Accidental Release Prevention (CalARP) Program.*





Imagery provided by ESRI and its licensors, 2015. Additional data layers from City of Oxnard, 2015.



Response Areas for Fire Stations

Figure 4.12-1
 City of Oxnard



Under the Unified Program, application forms are standardized and consolidated, inspections are combined where possible, annual fees for each program element are merged into a single fee system, and enforcement procedures are made more consistent. The goal of the Unified Program is to create a more cohesive, effective and efficient program to address the management of hazardous materials. As part of this program, the State has assessed a service fee (surcharge) to fund their oversight activities; the local agency collects the surcharge for the state, but retains no portion of it. For more information on hazardous materials response, see Section 4.7, *Hazards and Hazardous Materials*.

b. Police Protection. Police protection services in Oxnard are provided by the City of Oxnard Police Department (OPD), which operates from the police station located at 251 South C Street. The station is located approximately 0.9 miles east of the project area. The City is divided into four Police Districts, each of which is further divided into smaller response beats (see Figure 4.12-2). Each beat is patrolled 24 hours a day, seven days a week in three overlapping 12-hour shifts. The project site is located in Beat 22, which is part of District 2. In addition to its police stations, the OPD operates eight storefront police substations.

The OPD currently has 237 sworn officers and 156 civil support personnel (Cliff Waer, OPD, pers. comm. January 2015). With a current population of 203,645 (California Department of Finance, May 2014) and 237 sworn officers, Oxnard's police officer to population ratio is currently 1.16 officers for every 1,000 persons.

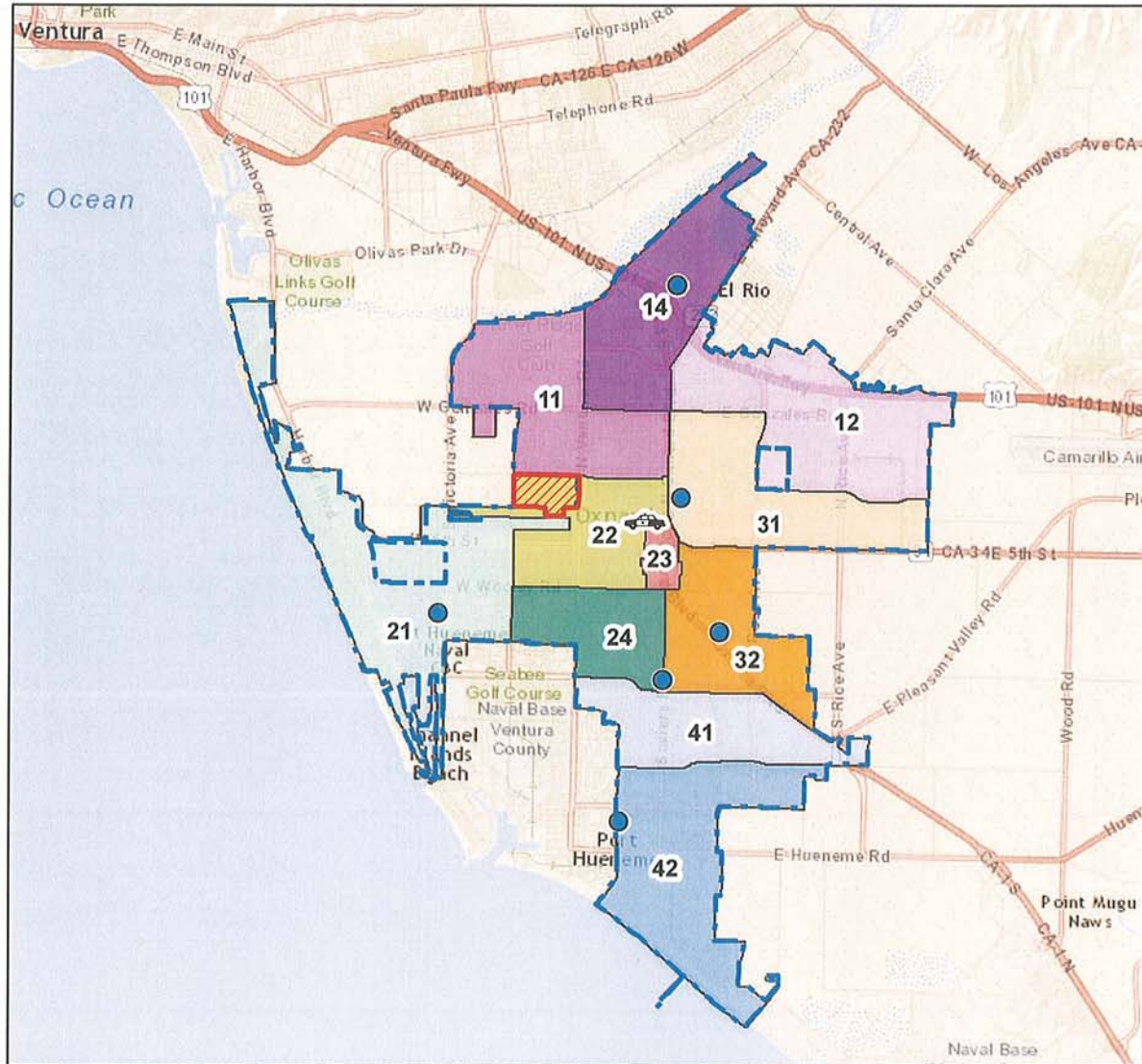
The OPD's total calls for service in 2014 were 101,783. Response times vary based on the type of call and the priority that each call is assigned when it is received. Response times start when a call is received in the dispatch center and entered into the Computer Aided Dispatch System. The clock continues to run until the first emergency unit arrives on scene. Current response times are the following (Cliff Waer, OPD, pers. comm. January 2015):

- Priority 1+ = 4.37 minute response time (Highest Priority).
- Priority 1 = 9.41 minute response time (Medium Priority).
- Priority 2 = 21.49 minute response time (Lowest Priority).

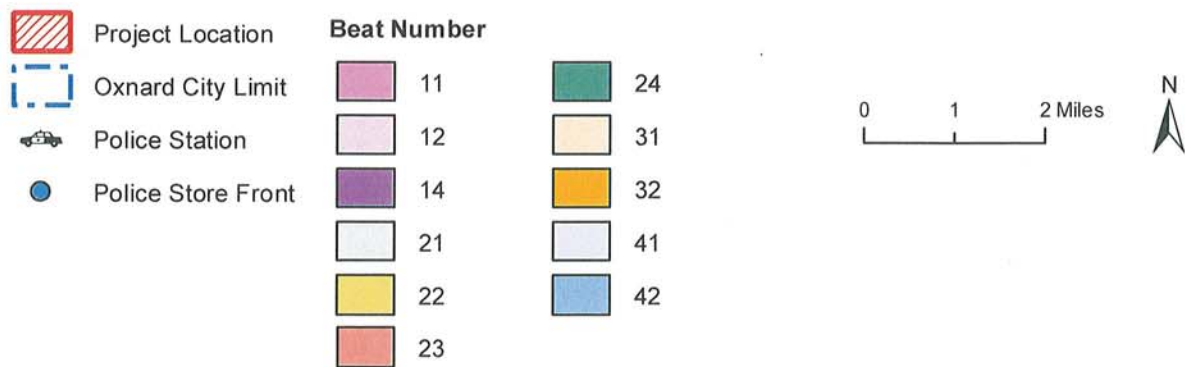
c. Schools. In the project area, public education is provided by the Oxnard School District (OSD) and the Oxnard Union High School District (OUHSD) (see Figure 4.12-3). The OSD provides educational services for kindergarten through eighth grade students, while the OUHSD provides educational serves for ninth through twelfth grade students. The attendance boundaries of individual schools are adjusted by the school districts periodically on an as-needed basis. For this reason, students from homes developed in the TCSP area could potentially affect enrollment at any school within the District. As such, it is unknown which specific schools could be impacted, although there is a school site proposed within the project area. For this reason, the analysis focuses on overall school district capacities. The capacity and enrollment for each school in the district is summarized in Table 4.12-1. As shown, OSD is operating at 112% capacity and OUHSD is operating at 119% capacity. Neither school district is on a multi-track, year round calendar at this time. A year-round calendar can increase capacity by 25-30%.



Oxnard Teal Club Specific Plan Project EIR
 Section 4.12 Public Services



Imagery provided by ESRI and its licensors, 2015. Additional data layers from City of Oxnard, 2015.



Police Beats for Police Stations

Figure 4.12-2
 City of Oxnard



Law Enforcement Needs Assessment Form	
Project Characteristics, as Proposed by the Project Applicant	
Type, Location, Size, and Site Access:	Power generating facility proposed on the site of the existing and operating Mandalay Generating Station (393 North Harbor Boulevard) in the city of Oxnard, California. Primary access to the site would be through the existing entrance off North Harbor Boulevard, between West Gonzales Road to the north and West 5 th Street to the south.
Estimated Schedule:	If approved, construction would begin in October 2018 and conclude in June 2020 (21 months). See Table 2.9-1 on page 2-53 – 2-55 in the AFC, for a list of the project construction workforce and schedule.
Construction (Traffic and Workforce):	There would be an average construction workforce of 48 workers over the 21-month construction period. During peak construction in May 2019, the construction workforce would total about 90 workers. Combined with truck deliveries, an estimated 210 daily trips (105 inbound and 105 outbound) would occur, representing the peak traffic generation period. Peak truck traffic would occur November 2018 – March 2019 with an estimated 24 truck trips per day. Truck deliveries of construction materials and equipment would generally be made on weekdays between 7:00 a.m. and 5:00 p.m. Construction parking would be provided on the project site.
Operation (Staff and Traffic):	The 17 full-time workers needed for the project would be drawn from existing MGS staff. There would be no additional operations workers hired.
Security:	An existing perimeter fence surrounds the Mandalay Generating Station. A guard stationed at designated gates to control access during construction, construction employee training, and work rules round out the applicant's construction site security plans. No security information for project operations was provided in the AFC. An example of two typical site security Conditions of Certification that are applied to projects like the P3 have been included for your consideration.
Existing Law Enforcement Resources and Services in the Project Area (attach additional paper if more room is needed to answer questions)	
Names and addresses of the facilities (e.g., police substations) serving the project area, and distance of closest dispatch facility to the project site:	Oxnard Police Department 251 South "C" Street Oxnard, CA 93030 5.2 Miles
Adopted or desired service standard (e.g., one sworn officer per 1,000 population) applicable to the project site:	Actual sworn per 1000 is 1.19 Desired sworn per 1,000 is 1.9 (BJA)
Existing staffing levels for facilities serving the project area (including sworn officers and civilians, totals and per shift):	239 sworn officers 125 civilian employees 13 sworn officers per shift x 3 shifts
Estimated response times to the project site: Priority calls: Non-Priority calls:	Less than 5 minutes 20-45 minutes
Current needs (e.g., facilities and staff) to maintain or meet existing service levels: Additional needs beyond those identified above to maintain or meet existing service levels with the project:	Police station, 236 sworn, 125 civilian. No additional needs
Exchange of general law enforcement responsibilities (e.g., formal and/or informal agreements with local municipalities for provision of services) in the project area:	Law enforcement responsibilities in the project area provided by City of Oxnard Police Department

Law Enforcement Needs Assessment Form	
Current inventory of specialized equipment (e.g., helicopters or other aircraft):	Armored SWAT vehicle (Bearcat), Patrol boat used for harbor
Estimated Need for Law Enforcement Services, Equipment, and Facilities (attach additional paper if more room is needed to answer questions)	
Is there a process or formula used by your department to determine the need for additional law enforcement services to serve a new large-scale power plant? Please explain.	No
Could the project trigger a need for additional law enforcement services for on-site crimes against persons, theft of materials, and/or vandalism? Please explain. During project construction: During project operation:	Theft of construction materials may occur during construction due to a heavy transient population in area. This has been our experience in the past with large construction projects. No forecasted issues during project operation
Could increased project-related traffic affect circulation and access on roads near the project site to the extent that an impact to emergency response times might occur? Please explain. During project construction: During project operation:	Yes. Harbor Boulevard is a two-laned roadway that is often congested during peak traffic hours. Partial or complete road closures during construction along roadways adjacent to project site could delay emergency responses. During project operation, emergency response delays are unlikely.
Do law enforcement personnel review development site plans for projects to assess potential law enforcement issues (e.g., lighting and other safety factors)? Please explain.	Yes, the City's Planning Division includes a law enforcement liaison in planning. (DAC Review).
Are specific measures recommended to reduce the potential for crimes to occur at or near the project site (e.g., specific types of security fencing)? Please explain.	Ensure that existing fencing is intact. Video surveillance of all access points and perimeter fencing. 24/7 guard services.
Please explain any other law enforcement concerns that have not been addressed by this needs assessment form.	See statements in the cover letter.
Person Completing This Needs Assessment Form	
Name:	Randy Latimer
Title/Position:	Commander/Special Projects
Telephone No:	805-385-7619
E-mail Address:	randy.latimer@oxnardpd.org