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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of
Application for Certification of the
Puente Power Plant

Docket Number 15-AFC-01

ROBERT SARVEY'S STATEMENT ON TOPICS FOR BRIEFING

Pursuant to the Hearing Officer's invitation for the parties to submit a statement of issues to be briefed after the close of evidentiary hearings Robert Sarvey hereby provides the following statement of issues. These are initial issues which I intend to brief. After receipt of the other parties opening briefs the list of issues may change.

- 1) Environmental Justice- The CEC has failed the basic requirements of any environmental justice analysis. First while the staff recognizes the minority community staff has failed to provide most of the project information in Spanish which is necessary for the minority community to participate. Staff's approach is to evaluate the project's impacts and if they don't identify any significant environmental impacts the project has no environmental justice impacts. Environmental Justice analysis requires first identifying the minority community's exposure to environmental pollution and their current health situation. It is appropriate to engage the environmental justice community and their health care providers to identify existing impacts and concerns of the environmental justice community. This is accomplished by meeting with community leaders including churches, civic groups, and other community organizations and performing outreach which has not happened.
- 2) Land Use- The FSA recommends that the Mandalay Generating Station be removed to ground level and that the underground infrastructure remain in place. This violates coastal polices related to public access and creates hazards to future visitors in the later part of the century when erosion and wave action will have exposed these underground structures. The PSA should also require a demolition plan and a financing mechanism

for the removal of the Puente Power Project at the end of its useful life to comply with the coastal policies related to public access.

- 3) Sea Level Rise- The FSA evaluates the impacts of sea level rise on the project assuming the useful life of the project is only 30 years. The two peaking units currently operating in the Moorpark sub area are both owned by the applicant NRG and both have been in operation for over 40 years. Neither project is expected to retire any time soon. The Ellwood Peaker one of NRG's peaking units in the Moorpark subarea began operation in 1973 and is going to be refurbished to extend its useful life by 30 years.¹ The 30 year expected life is basically an industry standard for evaluating the economic performance of a power plant and certainly in this instance does not represent the expected useful life of an NRG peaker in the Moorpark sub area.
- 4) The FSA's alternative analysis is impermissibly narrow and eliminates all alternative sites based on the false conclusion that only the Puente Power Project will result in removal of the Mandalay Generating Station. The alternative analysis also eliminates all preferred resource alternatives based solely on the decision by the CPUC to approve the PPA contract for P3.
- 5) The CEC Staff should include a condition or certification which requires that the applicant use a zero liquid discharge system to eliminate all process wastewater issues. Zero liquid discharge is a feasible alternative used by many combustion turbine facilities including ones permitted by the CEC.

¹ Exhibit 5000