

DOCKETED

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**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**

***APPLICATION FOR A SMALL POWER PLANT EXEMPTION
FOR THE
POMONA REPOWER PROJECT***

Docket No. 16-SPPE-01

COMMITTEE SCHEDULING ORDER

Background

On March 21, 2016, AltaGas Pomona Energy, Inc. (AltaGas or Applicant) submitted an Application for a Small Power Plant Exemption to the California Energy Commission (Energy Commission) seeking an exemption from the Energy Commission's permitting jurisdiction over a proposed 100-megawatt (MW) natural-gas-fired power generation facility, the Pomona Repower Project (PRP or Project). The Project would be located at 1507 Mt. Vernon Avenue in the city of Pomona, entirely within the footprint of the existing San Gabriel Cogeneration Facility (SGCF), an operating power plant generating 44.5 MW.

Under Public Resources Code section 25541, thermal power plants that generate up to 100 MW, or additions of less than 100 MW to existing power plants, may be exempted from the Energy Commission's licensing process if the Energy Commission determines a project proposal qualifies for such an exemption, called a Small Power Plant Exemption (SPPE).

To qualify for an SPPE, it must be found that the construction or operation of the proposed facility will have no unmitigated adverse impacts on the environment or energy resources. The SPPE process, which incorporates requirements equivalent to those of the California Environmental Quality Act (CEQA), considers all relevant engineering and environmental aspects of the proposed Project. The Energy Commission acts as the lead agency under CEQA and will prepare an Initial Study and either a Negative Declaration or a Mitigated Negative Declaration that examines public health and safety, along with environmental impacts of the proposed Project, which includes all related facilities such as electric transmission lines, natural-gas pipelines, and water pipelines. If the SPPE is granted, the Applicant must secure the appropriate licenses and permits from relevant local, state, and federal agencies.

The proposed Project would replace an aging gas-fired, steam-generating unit at the existing SGCF, with a new General Electric (GE) LMS100PA natural-gas-fired combustion turbine generator (CTG), nominally rated at 100 MW, and associated auxiliaries. Construction laydown and parking areas would be directly adjacent to the existing SGCF site. The PRP would upgrade and repurpose existing SGCF infrastructure to the extent feasible. No off-site linear developments are currently proposed as part of the Project. If the PRP is approved, the existing SGCF unit would

be demolished and removed from the site before the commencement of construction of the Project. The environmental review for the demolition of the SGCF is currently part of the SPPE application. The Energy Commission Staff (Staff) will review and address the demolition impacts in its study.

The Energy Commission designated a Committee of two Commissioners¹ to conduct proceedings on the exemption. The Committee held a public Site Visit and Informational Hearing at the Pomona City Council Chambers in Pomona, California, on May 18, 2016, to discuss the SPPE process and to identify issues that could affect the review schedule. Pursuant to California Code of Regulations, title 20, section 1945, the attached Committee Schedule is based on the Staff's proposed schedule and related discussions at the Informational Hearing.

Committee Schedule and Issues Identification

The schedule contains a list of events that must occur in order to complete the exemption process. This proposed schedule covers the period up to publication of the Final Initial Study and Negative Declaration Recommendation (FIS) with the balance of the schedule to be determined thereafter by the Committee. The Committee encourages the parties to consider this schedule an outer boundary and make their best efforts to complete the milestones ahead of these dates. Some deadlines may be contingent upon reviews to be conducted by federal, state, and local agencies. AltaGas must provide sufficient review time for the responsible agencies to meet the deadlines specified in the schedule.

Staff's Issues Identification Report identified technical issues in the areas of air quality, greenhouse gases, and transmission system engineering. Resolution of these issues, and others that may arise during the review process, shall be addressed during the data exchange process and in public meetings with the parties, interested governmental agencies, and the public.

The attached schedule requires AltaGas to provide data requested by Staff. The burden is on AltaGas to produce the necessary data according to the schedule, or to reach agreement with Staff on extending the deadlines to produce certain data. The schedule also requires periodic status reports to be submitted by all parties for determining whether case development is progressing satisfactorily and to bring potential schedule delays or other relevant matters to the Committee's attention. To facilitate the process, each party shall serve and file a status report on or before the 15th of each month, starting June 2016 until the Final Initial Study and Negative Declaration Recommendation is filed.

If there are delays, the Committee may adopt a performance approach resulting in a commensurate lengthening of the schedule. Please note that the Committee retains the authority to modify the schedule at any time upon either its own motion or that of a party. (Cal. Code Regs., tit. 20, § 1945.)

¹ The Committee consists of Commissioner Janea A. Scott, Presiding Member, and Commissioner Karen Douglas, Associate Member. The full Energy Commission made this Committee assignment at an Energy Commission Business Meeting on April 13, 2016. (TN 211152.)

Parties must file (docket) and serve documents using the e-filing system on the California Energy Commission's website. Click on the "Submit e-Filing" link in the "Original Proceeding" box at: <http://www.energy.ca.gov/sitingcases/pomona/index.html>.

Public Adviser and Public Participation

The Energy Commission invites members of the public and other interested parties to participate either on an informal basis or by intervening in the proceeding. Both types of participation allow written and oral comments. At the informal participation level, written and oral comments are considered by the Committee and are part of the record, but are not part of the formal evidentiary record. Intervenors have the right to introduce evidence into the evidentiary record and cross-examine the other parties' witnesses.

The Energy Commission Public Adviser's Office is available to assist the public in participating in the application review process. For information on how to participate, contact Alana Mathews, Public Adviser, at (916) 654-4489 or (800) 822-6228, or by e-mail at publicadviser@energy.ca.gov.

If you have a disability and need assistance to participate, contact Lourdes Quiroz at (916) 654-5146 or e-mail at lou.quiroz@energy.ca.gov.

Information

Questions of a legal or procedural nature should be directed to Raj K. Dixit, Hearing Officer, at (916) 654-4872, or e-mail at Raj.Dixit@energy.ca.gov.

Technical questions concerning the Project should be addressed to Leonidas ("Lon") Payne, Staff Project Manager, at (916) 651-0966, or e-mail at Leonidas.Payne@energy.ca.gov.

Media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989, or e-mail at mediaoffice@energy.ca.gov.

Information concerning the status of the Project, as well as notices and other relevant documents, may be viewed on the Energy Commission's Internet website at <http://www.energy.ca.gov/sitingcases/pomona/>.

Dated: May 26, 2016, at Sacramento, California

ORIGINAL SIGNED BY

JANE A. SCOTT
Commissioner and Presiding Member
Pomona Repower Project SPPE Committee

ORIGINAL SIGNED BY

KAREN DOUGLAS
Commissioner and Associate Member
Pomona Repower Project SPPE Committee

COMMITTEE SCHEDULE
POMONA REPOWER PROJECT
16-SPPE-01

	ACTIVITY	Date
1	Application for Small Power Plant Exemption submitted	3-21-16
2	Committee appointed	4-13-16
3	Staff Provided Data Requests to Applicant	4-27-16
4	Staff Filed Issues Identification Report	5-6-16
5	Informational Hearing and Site Visit	5-18-16
6	Applicant provides initial Data Responses	5-27-16
7	Data Response and Issue Resolution Workshop (if needed)	6-13-16*
8	Status Reports due	6-15-16
9	Applicant provides remaining Data responses	6-27-16**
10	Status reports due	7-15-16
11	Draft Initial Study and Negative Declaration Recommendation (DIS) To Be Filed	7-27-16*
12	Status Report Due	8-15-16
13	DIS Workshop	8-10-16*
14	Agency, Applicant, and public comments on the Application and DIS	8-29-16*
15	Prehearing Conference	Week of 9-5-16*
16	Final Initial Study and Negative Declaration Recommendation (FIS) To Be Filed	Week of 9-12-16*
17	Evidentiary Hearings	Week of 9-26-16*
18	Committee Files Proposed Decision	Week of 10-17-16*

19	Comments on the Initial Study and Proposed Decision due	Week of 10-24-16*
20	Full Energy Commission Hearing and Decision	November

***Approximate.**

**** Per TN 211460, the Applicant requested at least an additional 30 days beyond May 27, 2016, to respond to Data Requests 6, 7, 29, 38, 39, 40, 41, 42, 43, and 45.**