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DOCKET

07-AFC-3

DATE JUN 01 2010

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

In the Matter of:

Application for Certification for the
CPV SENTINEL ENERGY PROJECT

Docket No. 07-AFC-03

PREHEARING CONFERENCE STATEMENT
OF INTERVENOR COMMUNITIES FOR A
BETTER ENVIRONMENT

Pursuant to this Commission's Second Revised Notice of Prehearing Conference and Evidentiary Hearing on the Limited Issue of Air Quality, which was issued May 20, 2010, Intervenor Communities for a Better Environment ("CBE") respectfully submits this prehearing conference statement. Pursuant to the Second Revised Notice, this Prehearing Conference Statement, which Includes a List of Issues and Witnesses.

Except to the extent addressed below, CBE has no changes to the prehearing conference statement submitted on May 13, 2010.

2. The Air Quality issues that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefor

The question of whether the creation and transfer of the emission reduction credits offered by the South Coast Air Quality Management District ("AQMD") satisfy all legal requirements must be resolved separately from the certification process for the CPV Sentinel plant.

4. The identity of each witness sponsored by each party (note: witnesses must have professional expertise in the discipline of their testimony); the topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness;

CBE SECOND PREHEARING CONFERENCE STATEMENT

June 1, 2010

Page 2

qualifications of each witness; and the time required to present direct testimony by each witness

- Identity: Julia E. May
- Topic area: Emissions. Ms. May's testimony is offered to assist in the Commission's separate evaluation of the creditability of emission reduction credits.
- Summary of testimony: Ms. May will evaluate the materials received by CBE on May 13, 2010 that AQMD offered as the basis of the District's credits calculations. Specifically, Ms. May will summarize and evaluate the types and sources of the data provided by the District. She will evaluate whether these materials can be used to determine actual reductions in emissions on which offsets can be based.
- Qualifications: Ms. May has more than 20 years experience reviewing permitting and monitoring information for existing and proposed sources of air emissions. Over the course of her career Ms. May has provided technical assistance to government agencies as well as community groups, and is extremely well-qualified to assist the Commission with their technical responsibilities. Ms. May's curriculum vitae is attached hereto.
- Time for direct: 30 minutes.

Dated: June 1, 2010

Respectfully submitted,

[Original signed]
Shana Lazerow
Staff Attorney
Communities for a Better Environment

DECLARATION OF SERVICE

I, Shana Lazerow declare that on June 1, 2010, I served and filed copies of the document entitled

PREHEARING CONFERENCE STATEMENT OF INTERVENOR COMMUNITIES FOR A BETTER ENVIRONMENT

The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[<http://www.energy.ca.gov/sitingcases/sentinel/index.html>]

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CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 07-AFC-3

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 1, 2010 at Oakland, California.

 [Original signed] _____

Shana Lazerow

Julia E. May

Senior Scientist / Environmental Consultant

510/658-2591

jmay@sbcglobal.net

Experience

1989-present

Industrial Air Pollution & Pollution Prevention Technical Evaluation / Science team manager

Identification and quantification of industrial air pollution sources including criteria pollutants, toxics, and greenhouse gases. Identification of pollution prevention methods and engineering solutions for communities facing continuous and episodic chemical releases. Research of best and worst industrial practices, and chemical phase-out methods. Analyzing permitting, emissions and air monitoring data; compiling available health and environmental impacts data. Evaluation of technical basis of regulatory compliance with environmental laws. Working through practical technical issues of regulation, negotiating with industry and government agencies to craft most health-protective policy and regulatory language. Translating inaccessible technical information into lay language and educational materials. Providing technical assistance and cumulative impacts analyses to communities of color that face severe pollution burdens. Assisting communities and workers in developing proposals for environmental health protection regulation, permitting, and policy. Managed four-person science department for statewide environmental organization. Hired by regulatory agency as technical advisor to identify feasible air pollution control methods not previously adopted, and to assist communities submitting comments during regulatory proceedings.

Project examples:

- **Evaluation of air emission and other impacts from proposed permits for individual fossil fuel industry expansions including refineries, oil drilling, pipelines, and coal gasification:** Evaluation of refinery emissions and solutions regarding permitting of feedstock switches to Canadian tar sands crude oil at ConocoPhillips Wood River, BP Whiting, Detroit Marathon, and proposed new MHA Nation, North Dakota, refineries, as well as dozens of refinery expansions in Northern and Southern California. Evaluation of oil drilling operations, air impacts, public safety hazards, earthquake and subsidence hazards, public nuisance hazards and solutions in residential neighborhood. Evaluation of pipeline transport impacts of crude oil, hydrogen, and other oil industry feedstocks in California and Midwest. Evaluation of coal gasification plant emissions. (1990s to present)
- **Development of model California oil industry criteria pollutant regulation, and proposed greenhouse gas regulation and alternatives analysis:** Developed multiple proposals ultimately adopted for addition to ozone attainment plans in Northern and Southern California of model oil refinery regulations for flares, pressure relief devices, tanks, leakless fugitives standards, petroleum product marine loading, and others. Technical working group member in State of California regulation of greenhouse gas and co-pollutants. Developed recommendations for regulation of oil industry greenhouse emissions, sources, alternatives, and reporting; the State found these feasible and recommended regulation. (1990s to present)
- **Evaluation of emissions and phaseout opportunities for smaller industrial sources including metal finishing, foam manufacturing, wood finishing, electronics, consumer products, etc.:** Evaluation of air emissions and unnecessary use of ozone depleters, carcinogens, and reproductive toxins, direct negotiation with individual companies to identify specific chemical elimination options in lieu of penalties for environmental violations. For example, metal degreasing was replaced with benign alternatives (soap and water) or grease use eliminated, by talking through use with manufacturers. Phaseout of chemicals was over a million pounds of various substances from many sources. (1990s)

Education

1981

B.S. Electrical Engineering, University of Michigan, Ann Arbor

Engineering principles, mathematics, thermodynamics, physics, materials science, chemistry, electronic circuit design, solid-state physics, and others.

Positions

- 2004- present **Independent Environmental Consultant (2004 - ongoing) and Senior Scientist, Communities for Better Environment (2006 – present)** -- Industrial pollution quantification, including analysis of proposed and existing industrial permits. Analysis of impacts and solutions to environmental problems including trends in oil industry crude feedstocks, associated equipment changes, emissions of criteria pollutants, toxic emissions, and greenhouse gases. Technical consultant and strategist in community campaigns on industrial regulation and pollution prevention. Geographic areas include Southern California, Northern California, and multiple U.S. states.
- 2001-2003 **Statewide CBE Lead Scientist, CBE, Oakland, CA**
Responsible for accuracy and strategic value of CBE's technical evaluations within community and environmental law enforcement campaigns, also led statewide technical staffing. Identified underestimations in electrical power plant expansion air emissions in a community of color which had very high asthma rates; identified alternatives option including sufficient conservation, clean energy generation, and transmission available to prevent need for fossil fuel expansion, documented facts in California Energy Commission proceedings. Analysis of and recommendations on adding regulation to Bay Area Ozone Attainment Plan (concerning flares, pressure relief devices, wastewater ponds, storage tanks, and others) which were ultimately adopted. Evaluated Environmental Impact Reports and Title V permits for refineries and chemical plants; identified emissions, potential community impacts and alternatives. Successfully assisted negotiating Good Neighbor Agreements by identifying technical solutions to environmental violations to bring facilities into compliance.
- 1990-2001 **Clean Air Program Director, Northern California Region, CBE**
Analysis of permits, regulation, air pollution inventories and other emissions information for oil refinery, power plant, cement kiln, smelter, dry cleaner, consumer product, lawn mower, mobile source, and other air pollution sources, neighbor and worker health impacts, with pollution prevention policy development. Successfully advocated for national models of oil refinery regulation. Evaluated and documented root causes of industrial chemical accidents as part of community campaigns for industrial safety. Technical assistance to community members negotiating Good Neighbor Agreements with refineries. Successful advocacy for adoption of policies eliminating ozone depleters in favor of benign alternatives.
- 1987-1990 **Research Associate, CBE**
Led successful campaign working closely with maritime workers and refinery neighbors for adoption of strict oil refinery marine loading vapor recovery regulation, which became statewide and national model. Member of technical working group at BAAQMD evaluating emissions, controls, safety, and costs. Also analyzed school pesticide use and won policy for integrated pest management on school grounds.
- 1986 **Assistant Editor of appropriate technology publication, Rain Magazine, Portland, OR**
Production of publication on innovative environmental success models around the U.S. and the world. Compiled, co-edited, wrote, and provided production for non-profit publication.
- 1981-1985 **Integrated Circuits Design Engineer, National Semiconductor Corp., Santa Clara, CA**
Electronics engineering design team member for analog-to-digital automotive engine controls for reducing air emissions. Troubleshooting hardware and evaluating fault-analysis software efficacy.

A few special activities

- 2002-2003 **Roundtable on Bay Area Ozone Attainment Progress**
Invited member of problem-solving group of decision makers including BAAQMD board members, City Council members, industry CEOs and trade group directors, California Air Resources Board (CARB) and US EPA officials, and others, for reviewing progress and proposing action to control San Francisco Bay Area regional smog.

- 1995-2003 **Negotiator for Optical Sensing Air Pollution Monitoring Equipment on oil refinery fenceline**
CBE signatory to enforceable Good Neighbor Agreement with Rodeo, California oil refinery, providing technical analysis for community negotiators, resulting in permanent installation of a state-of-the art air pollution monitoring system on the refinery fenceline, using optical sensing to continuously measure air pollution and broadcast data to a community computer screen. Researched and reviewed manufacturer specifications, developed Land Use Permit language, and worked with refinery and manufacturer for better Quality Assurance/Quality Control. Worked with US EPA, Contra Costa County, and community groups evaluating the system and publishing report evaluating monitoring of emissions.
- 1998-2002 **Program Administrator for Bucket Brigade air pollution monitoring.** Coordinated community groups of Contra Costa County Bucket Brigade project (funded by US EPA) who carried out training events in several communities surrounding major Bay Area refineries and chemical plants. The Bucket Brigade used low-tech air pollution monitors community members can build and operate, based on a standard air pollution sampling tedlar bags analyzed at certified laboratories. Provided community information on laboratory results, administered complex federal grant including quality assurance plan.
- 1997 **Installation of Photovoltaic Panels,** Solar Energy International, Colorado. Completed practical training on solar energy system design and installation for general electrical energy uses including water pumping, house cooling, etc, and applying energy conservation principles.
- 1993 **Chemistry of Hazardous Materials** course, U.C. Berkeley Extension, for environmental professionals

Publications and written comments (examples)

1. ***California statewide Oil Refinery Sector GHG emissions and recommendations***, technical comments submitted to the State of California on refinery greenhouse gases statewide, entitled: *Recommendations on AB 32 Scoping Plan on Corn Ethanol Refineries, Electricity Generation, and Oil Refineries from Environmental Justice Organizations*, by Communities for a Better Environment (CBE), the Environmental Health Coalition (EHC), the Association of Irrigated Residents (AIR), and the Center on Race Poverty and the Environment (CRPE), May 2008.
2. ***Evaluations of major oil refinery expansions and crude switch modifications at various U.S. refineries: Comments on ConocoPhillips Wood River CORE Project (Coker and Refinery Expansion), New Source Review Permit Application***, Comments on BP Whiting Significant Source Modification No.: 089-25484-00453 and Significant Permit Modification No.: 089-25488-00453, *Comments on DEIS for Mandan, Hidatsa and Arikara Nation's Proposed Clean Fuels Refinery Project*, providing detailed evaluation of a new refinery proposed to be sited without air permits on MHA Nation reservation, among others. *CBE's Comments on Chevron Refinery Draft Title V Permit*, September 27, 2002, Julia May and Will Rostov, (documenting extensive inadequacies in voluminous Chevron operating permits under Title V of the Clean Air Act).
3. ***Reports on California refinery sources: The Increasing Burden of Oil Refineries and Fossil Fuels in Wilmington, California and How to Clean them Up***, a report including information on oil industry concentration in Southern California, trends in heavy crude oil use, and local oil drilling issues, April 2009. *Refinery Flaring in the Neighborhood*, Report on Refinery flaring in the San Francisco Bay Area, the need for new regulation and better law enforcement, and the community campaign to get there, CBE, Julia May, February 2004
4. ***Optical Open Path Monitors at the Tosco San Francisco Refinery at the Rodeo Fenceline***, May 2001, coauthors Julia May (CBE), Elinor Blake, Jim Gallagher, Randy Sawyer (Contra Costa County Health Services), Andy Mechling, Kasha Kessler, and Sandra Dare, (Shoreline Environmental Alliance, SEA), with assistance from US EPA Region IX, and advisory committee made up of the BAAQMD, Cal/EPA, California Dept. of Health Services, Occupational Health and Environmental Health Branches, and the Tosco Rodeo Refinery (now Phillips)
5. ***Evaluation of Ozone Attainment Plans: For example: These Readily-Available Stationary Control Measures should be included in the Bay Area Clean Air Plan***, 5/14/2001, to Celia Bloomfield, Planning Office, [AIR-2], Air Division, U.S. Environmental Protection Agency, Region IX, CBE, Julia May, and *CBE Comments on the BAAQMD/ MTC/ABAG Proposed Final 2001 Ozone Attainment Plan (June 2001 version*, July 16, 2001, to Chairperson Randy Attaway and Members of the Board, Bay Area Air Quality Management District (BAAQMD), Richard Toshiyuki Drury, Julia May



**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 CERTIFICATION FOR THE
CPV SENTINEL ENERGY PROJECT
BY THE CPV SENTINEL, L.L.C**

DOCKET No. 07-AFC-3

**PROOF OF SERVICE
(Revised 3/24/2010)**

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DECLARATION OF SERVICE

I, _____, declare that on _____, I served and a filed copy of the attached document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:
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I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.
