

## 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 CERTIFICATION FOR THE  
HUNTINGTON BEACH ENERGY PROJECT***

**Docket No. 12-AFC-02**

## **AMENDED THIRD REVISED COMMITTEE SCHEDULING ORDER**

### **Background**

On June 27, 2012, AES Southland Development, LLC (AES-SLD) submitted an Application for Certification (AFC) to the California Energy Commission seeking permission to construct and operate a power generation facility, the Huntington Beach Energy Project (HBEP), in the city of Huntington Beach just north of the intersection of the Pacific Coast Highway and Newland Street. The project would be located entirely within the footprint of the existing AES Huntington Beach Generating Station, an operating power plant.

The HBEP is a proposed natural-gas fired, combined-cycle, air-cooled, 939-megawatt (MW) electrical generating facility that would replace the AES Huntington Beach Generating Station. HBEP will consist of two independently operating, three-on-one, combined-cycle gas turbine power blocks. Each power block will consist of three gas-fired combustion turbine generators (CTG), three supplemental fired heat recovery steam generators (HRSG), one steam turbine generator (STG), an air-cooled condenser, and related ancillary equipment. Other equipment and facilities to be constructed and shared by both power blocks include natural gas compressors, water treatment facilities, emergency services, and administration and maintenance buildings.

The Energy Commission assigned a Committee of two Commissioners to conduct proceedings on the AFC. The Committee held a public Site Visit and Informational Hearing at the Central Library in Huntington Beach on September 10, 2012, to discuss the review process and to identify issues that could affect the schedule. Pursuant to California Code of Regulations, Title 20, section 1709.7(c), a Committee Scheduling Order was issued on October 1, 2012 (the October 2012 Scheduling Order). The October 2012 Scheduling Order reserved to the Committee the power to modify the schedule at any time upon either its own motion or that of a party. (Cal. Code Regs., tit. 20, § 1709.7 (c).)

## **Prior Orders and Actions**

On March 7, 2013, the Committee issued a Revised Committee Scheduling Order (the March 2013 Scheduling Order). The March 2013 Scheduling Order listed the events that needed to occur in order to complete the certification process, including the issuance of the Preliminary Determination of Compliance (PDOC) by the South Coast Air Quality Management District (SCAQMD).

On July 31, 2013, the Committee issued a Second Revised Scheduling Order (the July 2013 Scheduling Order) because of uncertainty in the timing of the issuance of the PDOC and the desire of the Committee to be able to help streamline review once the PDOC was issued. The July 2013 Scheduling Order outlined a process where the Preliminary Staff Assessment (PSA) would be released in parts: Part “A”, the PSA without the Air Quality and Public Health analysis sections; and Part “B”, the two remaining sections, Air Quality and Public Health, to be issued after receipt of the PDOC.

Staff filed Part “A” of the PSA on October 10, 2013. Part “A” consisted of: Biological Resources, Cultural Resources, Efficiency, Executive Summary, Facility Design, Compliance, Geology/Paleontology, Hazardous Materials, Introduction, Land Use, Noise and Vibration, Project Description, Reliability, Socioeconomics, Traffic and Transportation, Transmission Line Safety and Nuisance, Transmission System Engineering, Visual Resources, Worker Safety and Fire Protection, Waste Management, and Soil and Water.

On December 20, 2013, staff filed a “Supplemental Focused Analysis for the Preliminary Staff Assessment—Part A”, providing greater detail on Biological Resources, Cultural Resources, Compliance, Land Use, Noise and Vibration, Socioeconomics, Traffic and Transportation, Visual Resources, Worker Safety and Fire Protection, Waste Management, and Soil and Water.

SCAQMD issued the PDOC for the Project on January 27, 2014; it issued a revised PDOC on April 2, 2014.

Staff filed Part “B” of the PSA on March 7, 2014, containing its analysis of: Air Quality, Alternatives, and Public Health.

## **April 8, 2014 Status Conference**

The Committee noticed and held a Status Conference in Sacramento, California, at the Energy Commission, on April 8, 2014. The purpose of the Status Conference was to outline areas of concern with the analysis of certain substantive issues in the PSA; to obtain additional information from SCAQMD on the preparation of the Final Determination of Compliance (FDOC); and to discuss the scheduling of future events in the certification process, including evidentiary hearings on the project.

## ***Air Quality***

At the Status Conference, Mohsen Nazemi, Deputy Executive Director in charge of Engineering and Compliance with SCAQMD stated that with the issuance of the revised PDOC, the last day to request a public hearing on the PDOC would be April 19, 2014. The comment period on the PDOC would end on May 5, 2014.

Mr. Nazemi also discussed the review of the PDOC under the National Environmental Protection Act (NEPA). SCAQMD cannot issue the FDOC until the NEPA process is complete. The NEPA process on the PDOC was then scheduled to end on May 15, 2014.

Based on the foregoing, Mr. Nazemi outlined two potential timetables for issuance of the FDOC. If no public hearing was requested by April 19, 2014, the FDOC could be issued in late May/early June. If a public hearing was requested or if SCAQMD received extensive comments on either the PDOC or the NEPA document, the timetable for issuing the FDOC would be extended by 30 more days.

## ***Other Issues***

In addition to air quality, the Committee also highlighted areas needing additional discussion and analysis in the FSA:

1. In the Alternatives discussion, the Committee would like a more robust description of the “no project” alternative, with a focus on a description of what the project site would look like in practice under current and reasonably foreseeable operations.
2. The FSA needs to include a Water Supply Assessment and analysis, consistent with the requirements of the state Water Code (SB 610).
3. Further analysis was also requested on the construction laydown yard. The facility is proposed to be located in the city of Long Beach, approximately 20 miles from the project site. The Committee would like analysis on local ordinances regarding the use of the site for a laydown yard and the potential impacts associated with noise, air quality, and visual.
4. Finally, the Committee noted the extremely long term for construction and demolition (up to 9 years) for the project heightening the potential impacts to noise, traffic, and air quality. A thorough discussion of the reasons for this proposed extended demolition/construction schedule would be helpful. Consistent with the Status Conference discussion, the Committee also needs to see public health addressed in relation to the construction and demolition.

Information on these topics should be included in the FSA and may also be provided by the Applicant, in either its comments on the FSA or in its status reports.

## **Schedule**

The attached Committee Schedule is based on the proposed schedules received from Staff and Applicant and related discussions at the Status Conference. The Committee may modify the schedule at any time upon either its own motion or that of a party. (Cal. Code Regs., tit. 20, § 1709.7 (c).) Please note the change in the date for the evidentiary hearing; all other dates remain unchanged.

## **Status Reports and Status Conferences**

The attached schedule continues the requirement that all parties file status reports. **The Committee specifically requests that the SCAQMD file a Status Report detailing its schedule and activities in the issuance of the FDOC.** Status reports shall inform the Committee whether or not case development is progressing satisfactorily, and bring potential schedule delays and other relevant matters to the Committee's attention.

The reports shall be **filed electronically with the Commission's Docket Unit and served no later than 3:00 p.m.** on the due date. The Commission's Docket Unit is located at 1516 Ninth Street, MS-4, Sacramento, California, 95814-5512. Status Reports must contain, "Huntington Beach Energy Project, Docket No. 12-AFC-02" in the caption or heading.

## **Formality of Hearings**

The Committee intends to conduct the pre-hearing and evidentiary hearings on Staff's assessment and recommendations using an informal hearing format. The parties will identify witnesses and exhibits prior to the hearing. During the hearing, all of the witnesses for a topic will be seated as a panel to answer questions from the parties and the Committee. While a question can be directed to a particular witness in the first instance, the other panelists may also answer the question if they choose. Panelists may also ask questions of each other. This format has been effective in recent cases, providing a more coherent discussion of the issues that is easier to follow for the parties, public and the Committee.

The Committee reserves the right to convert to a more formal hearing format for any issues.

## **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 public 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's Public Adviser's Office is available to provide the public with an understanding of a proceeding and to make recommendations for meaningful participation. For assistance, contact Alana Mathews, Public Adviser, at (916) 654-4489 or (800) 822-6228 or e-mail at: publicadviser@energy.ca.gov.

### **Contact Information**

Questions of a legal or procedural nature should be directed to Susan Cochran, the Hearing Adviser, at (916) 654-3965, or e-mail at: susan.cochran@energy.ca.gov.

Technical questions concerning the project should be addressed to Felicia Miller, the Staff Project Manager, (916) 654-4640, or e-mail at: felicia.miller@energy.ca.gov.

Media inquiries should be directed to the Energy Commission's Media Office at (916) 654-4989, or e-mail at: mediaoffice@energy.ca.gov.

If you have a disability and need assistance to participate, please contact Lourdes Quiroz at (916) 654-5146, or e-mail at: lou.quiroz@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 web page at: [http://www.energy.ca.gov/sitingcases/huntington\\_beach\\_energy/](http://www.energy.ca.gov/sitingcases/huntington_beach_energy/).

Dated: April 29, 2014, at Sacramento, California.

### ***Original Signed By:***

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ANDREW McALLISTER  
Commissioner and Presiding Member  
Huntington Beach Energy Project AFC Committee

### ***Original Signed By:***

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KAREN DOUGLAS  
Commissioner and Associate Member  
Huntington Beach Energy Project AFC Committee

**COMMITTEE SCHEDULE  
HUNTINGTON BEACH ENERGY PROJECT**

	<b>ACTIVITY:</b>	<b>DATE:</b>
1	Application for Certification determined to be "Data Adequate" at Commission Business Meeting	Aug. 9, 2012
2	Status Reports	The first of every month, commencing December 1, 2013
3	Local, State and Federal Agency preliminary determinations, including Air District's Preliminary Determination of Compliance (PDOC)	March/April 2014 (PDOC comment period ends May 5, 2014)
4	Local, State and Federal Agency final determinations, including Air District's Final Determination of Compliance (FDOC)	Late May/early June if no request for public hearing on PDOC; late June/early July if a public hearing is requested on PDOC
5	Final Staff Assessment (FSA) published	May 30, 2014
6	Petitions to Intervene Due	June 23, 2014 <sup>1</sup>
7	Last day to Comment on the FSA	June 30, 2014
8	Parties' opening testimony, witness list, and issues identification report	June 30, 2014
9	Staff workshop on the FSA	TBD
10	Prehearing Conference Statements	July 7, 2014
11	Prehearing Conference	July 10, 2014
12	Parties' rebuttal testimony	July 11, 2014
13	Evidentiary Hearings	July 21, 2014
14	Presiding Member's Proposed Decision (PMPD) issued for 30-day comment period	September 2, 2014
15	Comments on PMPD due	October 2, 2014
15	PMPD Committee Conference (Comment Hearing)	TBD (usually near end of comment period)
16	Revised PMPD issued for 15 day review period <sup>2</sup>	TBD (after PMPD comment period ends)
17	Energy Commission Decision Adoption Hearing	October 8, 2014

<sup>1</sup> Unless good cause is shown, Petitions to Intervene are due the earlier of the Prehearing Conference OR 30 days prior to first Evidentiary Hearing (Cal. Code Regs., tit. 20, § 1207).

<sup>2</sup> If necessary.