

## DOCKETED

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
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**APPLICATION FOR CERTIFICATION FOR THE  
HUNTINGTON BEACH ENERGY  
PROJECT**

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

**ORDER AFTER PREHEARING CONFERENCE**

**Background:**

On July 10, 2014, the Committee conducted a Prehearing Conference to determine readiness to proceed to the Evidentiary Hearing on July 21, 2014. The Prehearing Conference was preceded by a Status Conference on April 10, 2014, at which time the Committee asked that specific matters be addressed in the Final Staff Assessment. See "Third Revised Scheduling Order", pp. 3-4 (this document may be found here: [http://docketpublic.energy.ca.gov/PublicDocuments/12-AFC-02/TN202242\\_20140425T130016\\_Third\\_Revised\\_Committee\\_Scheduling\\_Order.pdf](http://docketpublic.energy.ca.gov/PublicDocuments/12-AFC-02/TN202242_20140425T130016_Third_Revised_Committee_Scheduling_Order.pdf))

After reviewing the FSA and considering the statements made at the Prehearing Conference, the Committee continues to have questions about specific matters that will be in dispute at the Evidentiary Hearing.

**Order:**

The Committee hereby **ORDERS** the parties to provide evidence and/or additional discussion on or before July 21, 2014, to respond to the following questions and issues:

- I. Project Description:
  - a. Reconcile the applicable construction/demolition time frame and apply it consistently throughout. In the majority of the FSA, the construction/demolition phase is stated as being 7½ years or 90 months. (See, e.g., p. 4.1-1, discussion Air Quality). Compare that to 8 years as the identified timeframe for the effect of construction noise (p. 4.6-7); dust generation (p. 4.12-28); and nighttime construction light impacts (p. 4.12-30). A seven-year time for construction and demolition on the site is called out in Waste Management (p. 4.13-7).
  - b. At the Prehearing Conference, the parties were asked, given the lengthy time to demolish the existing facilities and construct the new plant, to

address (1) the effect of potential changes in technology (whether for generation or for emissions control) and (2) how such changes could be integrated into the project. This topic includes a discussion of how the project will handle obsolescence or non-availability of approved equipment and changes in electricity demand based on improved technologies in electricity grid management (e.g., storage of renewable-generated energy).

- c. In the Project Description, the synchronous condensers are described as being removed prior to demolition of the remaining structures for Units 3 and 4.
    - i. What will happen to the condensers?
    - ii. Are the synchronous condensers suitable for use to improve reliability elsewhere in the Los Angeles basin or San Diego areas?
- II. Specific Subject Matters:
- a. Alternatives:
    - i. How do the parties view the impact over time of preferred resources, such as renewables and demand-response programs, becoming more readily available and economically competitive?
    - ii. How might such preferred resources affect sizing of the project or any of its other aspects, given its long construction timeline?
  - b. Water Resources:
    - i. Are there potential improvements to water treatment systems that may reduce the need for potable water?
    - ii. If these improvements occur soon after completion of the first phase of construction and beginning of operation, will those units then be using obsolete equipment and/or technology?
    - iii. What would be the likely impacts of such improvements on both energy and water consumption of the plant?
  - c. Biological Resources:
    - i. What is the impact of construction noise on sensitive species near the project site?

- d. Visual Resources:
  - i. Condition of Certification VIS-2 calls for the installation of a grass lawn. In light of California's state of emergency on the drought (Proclamation number 1-17-2014), Governor Brown's two executive orders regarding the drought, including one to reduce water usage by 20 percent (April 25, 2014), and the State Water Board's pending regulations that would trigger penalties of up to \$500 a day for wasting water, is a lawn truly necessary to mitigate the impact created?
- e. Fracking/Seismic Impacts: Given the proximity of oil wells in the Huntington Beach community, one of the intervenors has raised the issue of fracking and potentially related seismic activity.
  - i. Would regional fracking create additional potential seismic impacts affecting the HBEP, over and above the seismic activity already present in Southern California?
  - ii. Can such regional fracking-related seismic impacts be differentiated from and quantified compared to existing seismic activity in the area of the HBEP?
  - iii. If regional fracking-related seismic impacts can be differentiated from existing seismic activity in the area of the HBEP, how does that affect the analysis of impacts already presented?
  - iv. Discuss whether mitigation beyond existing seismic building standards is necessary for the HBEP.
- f. Conditions of Certification:
  - i. How do we make sure that there is consistency between the various subject matters relating to selection, approval, substitution, and replacement of on-site monitoring personnel?
    1. Cultural
    2. Biological
    3. Engineering/facility design
    4. Other relevant disciplines
  - ii. How do we provide sufficient flexibility to respond to on-site conditions that may vary from those anticipated in the approval process without undermining the analysis of impacts that is a key part of the ultimate decision on the application for certification?

- iii. Cultural Resources: Condition of Certification Cul-1 uses the term “noncompliance of the CRS”.
  - 1. What is noncompliance of the CRS?
  - 2. How is non-compliance determined?
- iv. In the “Noise” conditions:
  - 1. What is a “legitimate” noise complaint?
  - 2. How is this defined?
  - 3. Who makes this determination?
- v. In “Hazardous Materials”: Condition of Certification HAZ-6 limits transportation of any hazardous materials to a specified route.
  - 1. In addition to aqueous ammonia, what other specific hazardous materials require use of a single delivery route?
  - 2. What characteristics of such other specific hazardous materials, if any, require limiting the route to certain specified streets?

### **Public Adviser and Public Participation**

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](mailto:publicadviser@energy.ca.gov).

### **Information**

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

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

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

Information regarding the status of the project, as well as notices and other relevant documents pertaining to this proceeding, 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: July 17, 2014, at Sacramento, California

***Original Signed By:***

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ANDREW McALLISTER  
Commissioner and Presiding Member  
Huntington Beach Energy Project Committee

***Original Signed By:***

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KAREN DOUGLAS  
Commissioner and Associate Member  
Huntington Beach Energy Project Committee