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**In a Proceeding Before the
STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission**

In the Matter of:

HUNTINGTON BEACH ENERGY
PROJECT

Docket No. 12-AFC-02

**MONICA RUDMAN'S COMMENTS ON THE PRESIDING
MEMBERS PROPOSED DECISION**

I'm an Energy Specialist employed by the California Energy Commission (Energy Commission), however, I grew up in Huntington Beach and my mother still lives a little over a mile downwind from the proposed power plant project. I have an interest in the outcome of the Huntington Beach Energy Project (HBEP) siting case and have been closely following it. I choose to take the extra steps to voice my concerns as a Huntington Beach resident by formally intervening in the siting case. I am not representing the Energy Commission in this proceeding.

I have taken vacation time, sacrificed evenings and weekends and spent a considerable amount of my money to develop an understanding of HBEP, of its impacts and of the laws, ordinances and standards that apply to it and to communicate those findings.

I have learned that this gas-fired power plant will generate unhealthy emissions that can damage public health and our climate, will be unpleasantly visible to millions of beachgoers, will disturb wildlife on an adjacent wetlands, and will be vulnerable to hazards from earthquakes, floods and tsunamis. As I have pointed out, there are better and more cost-effective means to achieve the goal of reliably meeting energy needs. Further, thousands of Southern California residents have expressed their preference to the Energy Commission and to the Governor that the Energy Commission reject HBEP.

I was told that by intervening in an Energy Commission siting proceeding that the Energy Commission must address the issues that I raise. In fact, CEQA Sections 21091 and 15088 specify the obligations of lead agencies. Unfortunately, the Energy Commission's Presiding Members' Proposed Decision (PMPD) does not specifically address most of my testimony and evidence. I respectfully request that the Energy Commission evaluate my testimony and evidence and explain in the decision why the comments and suggestions were not accepted.

In addition, I offer the following edits and propose additional conditions of certification that if adopted can help to mitigate some of the significant impacts.

Air Quality

All parties agree that the air quality impacts of the project are significant and must be mitigated. HBEP will result in a massive increase in emissions when compared to the emissions generated by the power plants that it is displacing (existing Huntington Beach Generating Stations units 1 and 2 and the Redondo Beach Boilers 6 and 8). Further, the air quality impacts will have a greater local impact than as modeled. The PMPD determines air quality impacts by using meteorological data that is not characteristic of local conditions. South Coast Air Quality Management District's August 27th letter confirms that the modeling was based on data obtained from a weather station in a different climate zone (John Wayne Airport). The weather in the same climate zone as HBEP (Costa Mesa) was not used as an input when modeling the impacts. Local weather has less windy days and more inversions. These facts should be acknowledged and addressed.

While the PMPD fails to demonstrate that the air quality impacts will be mitigated to a less than significant level, in the interest of protecting local residents' health, I suggest the following changes to the Conditions of Certification. First, please add the concept of demolition where appropriate to AQ –SC1, to read as follows.

“AQ-SC1 Air Quality Construction and Demolition Mitigation Manager (AQCDMM)

The project owner shall designate and retain an on-site AQCDMM who shall be responsible for directing and documenting compliance with conditions AQ-SC3, AQ-SC4, AQ-SC5, AQ-SC6 and AQ –SC44 for the entire duration of project site construction and demolition. The on-site AQCDMM may delegate responsibilities to one or more AQCDMM delegates. The AQCDMM and AQCDMM delegates shall have full access to all areas of construction on the project site, and shall have the authority to stop any or all construction and demolition activities as warranted by applicable construction mitigation conditions. The AQCDMM and AQCDMM delegates may have other responsibilities in addition to those described in this condition. The AQCDMM may be replaced only after compliance with the selection process outlined below.

VERIFICATION: At least 60 days prior to the start of ground disturbance, the project owner shall submit to the CPM for approval the name, resume, qualifications, and contact information for the on-site AQCDMM and all AQCDMM delegates. The AQCDMM and all delegates must be approved by the CPM before the start of ground disturbance”.

Please add the following as Conditions of Certification.

AQ-SC44

The project owner shall regulate operations that may cause fugitive dust emissions. Emissions of fugitive dust from transport, handling, construction, demolition or storage activities shall not remain visible in the atmosphere beyond the property line of the emission source, or exceed 50 micrograms per cubic meter when determined as the difference between upwind and downwind samples collected on high volume samplers at the property line averaged over an hour. No person shall cause or allow PM10 levels to exceed 50 micrograms per cubic meter when determined, by simultaneous sampling, as the difference between upwind and downwind samples collected on high-volume particulate matter samplers or other U.S. EPA approved equivalent method for PM10 monitoring. Samplers shall be: (A) Operated, maintained, and calibrated in accordance with 40 Code of Federal Regulations (CFR), Part 50, Appendix J, or appropriate U.S. EPA-published documents for U.S. EPA-approved equivalent method(s) for PM10. (B) Reasonably placed upwind and downwind of key activity areas and as close to the property line as feasible, such that other sources of fugitive dust between the sampler and the property line are minimized.

The samplers shall be connected to a system that continuously records and transmits the information to the AQCDMM. The AQCDMM shall monitor the particulates and if they exceed the allowable levels shall stop construction and demolition and increase mitigation efforts. The AQCDMM shall produce twice monthly reports on the particulate levels found and submit the reports to the Energy Commission who shall make these available to the public.

AQ-SC45

The applicant shall install monitors for nitrogen oxides (NOx) and PM2.5 at Edison High School, Eader Elementary School, John Burke Elementary School, Gisler Middle School and Sowers Middle School. AQCDMM shall determine the best placement of the monitors and work with the school district to install the monitors. The monitors shall measure NOx and PM2.5 continuously and be connected to telemetry. The AQCDMM shall make a monthly report to the Energy Commission that presents the maximum one-hour NOx measurements for each day, as well as the monthly minimum and maximum and mean. If the levels ever exceed the allowable levels, the AQCDMM shall develop and implement a plan to reduce the levels to meet the standard. For PM2.5 the monitors may be placed at higher elevations than the NOx monitors. In addition, the applicant shall install a PM2.5 monitor upwind from the project to determine the background concentrations. The AQCDMM shall report to the Energy Commission, monthly, on the PM2.5 levels at the monitored sites and if the standards are exceeded, develop and implement a plan to reduce the levels to meet the standard. Mitigations may include limiting the operations of HBEP.

Greenhouse Gases (GHGs)

The PMPD assessment of no significant GHG impacts is based on insufficient evidence. Staff's evidence consists of very qualitative assessments of the need for the project to displace other resources and to integrate renewables. I submitted into evidence the results of a PLEXOS modeling analysis performed by Office of Ratepayer Advocates. This rigorous and quantitative assessment demonstrates that, using current assumptions, a gas-fired power plant, such as HBEP, is not warranted to integrate renewables. Further, my evidence shows that, given its high heat rate, HBEP will lead to an increase in the overall system heat rate for natural gas plants and thus increase GHGs. Please delete finding of fact #8. The PMPD claims that HBEP will allow less efficient power plants to retire but doesn't say which ones. My testimony points out that the power plants using once through cooling are operated so infrequently that they are practically retired. Further, under SCAQMD Rule 1304, the applicant is requesting exemptions from obtaining offsets by shutting down Huntington Beach Generating Station Units 1 and 2 and Redondo Beach boiler units 6 and 8. Thus, the two-year average of these plants' GHG emissions should be the baseline against which to compare the GHG impacts of HBEP. The Commission decision should address these points. Please delete finding of fact # 9, which states that HBEP will reduce system wide GHG emissions. Please add the following as a Condition of Certification: " The applicant shall develop, fund and implement a program to reduce fugitive methane emissions or underground pools in Huntington Beach. The program shall verifiably offset the quantity of methane so that the GHGs reduced from abating the methane equals the GHGs produced from operating HBEP."

Adaptation Policy

California is asking government at every level to safeguard the state by adapting to the impacts of climate change. There is substantial evidence that HBEP is vulnerable to the impacts of climate change. Both the Coastal Commission and Energy Commission staff testified that as sea levels rise, HBEP would be surrounded by floodwater. Further, the PMPD ignores the evidence I submitted that the impacts of flooding, storm surges and wave run up on supporting structures including pipelines, transmission lines and substations will be significant. The loss of these structures will affect reliability. Therefore, Finding of Fact #19 on page 5.2-23 should be deleted. Also, the Energy Commission should add a conclusion of law that HBEP's site is not appropriate because it is subject to the adverse impacts of climate change.

Visual Impacts

I presented evidence that Huntington Beach is the most visited beach in California and testified that HBEP will create unpleasant views affecting more than 36 million visitors every year. In addition, I introduced a new KOP into

evidence: the Newport Beach Pier. The PMPD declines to consider the KOP of the Newport Pier, claiming that I did not analyze the impacts at this location. However, I discussed how HBEP's colorful faux surfboard façade would be very discordant with its surroundings. In addition, I introduced evidence that shows that that Newport Beach hosts 8.3 million beach visitors. Please change the findings of fact to acknowledge that HBEP will have significant visual impacts.

Also, the South Coast Air Quality Management District's response letter to public comment docketed on 7/3/2014 confirms that at Huntington State Beach (a state park), HBEP would exceed Class I significance thresholds for plume contrast and color contrast through its emissions. While state parks are class II locations, Huntington State Beach is also one of California's most highly visited destinations and deserves to have its visual resources preserved. Therefore, please add the following as a finding of fact on page 6.5-31: "Visible vapor plumes are likely to occur and would be significant." In addition, delete the current finding of fact #6. Also, add the following as a Condition of Certification: "HBEP will be operated so that visible emissions will be limited to be no darker than Ringelmann No. 1 (20 percent opacity) for periods greater than three minutes in any hour".

Water Use

The feasibility of using wastewater should be made in comparison to other power plant projects. My testimony lists other power plant projects that the Energy Commission has required use non-potable water for their industrial purposes. These power plants projects must pay to develop the pipelines and other facilities to implement the Energy Commission's conditions. Therefore, it would be incorrect to single out HBEP as being exempt, as this creates an unfair competitive advantage. If it is truly infeasible to use the wastewater from a treatment facility that is located less than a mile down the road from HBEP, then please add the following Condition of Certification:

"The CPM shall prepare a report which presents the costs incurred by each power plant project approved by the Energy Commission in the last 10 years. The cost shall be expressed as dollars per acre-foot of non-potable water by power plant project. In addition, the CPM shall average the costs per acre-foot across the projects to develop a statewide average cost. The applicant shall pay to the Orange County Sanitation District an amount that equals this statewide average cost multiplied by the amount of annual acre-feet of water that HBEP will use for industrial purposes. The funds shall be dedicated to defray the costs of developing a program to recycle wastewater from the treatment plant #2 located in Huntington Beach".

Respectfully submitted,

MONICA RUDMAN

/s/ Monica Rudman

By: Monica Rudman

Monica Rudman
20951 Sparkman Lane
Huntington Beach, California 92646
(916) 549-7717
monica_rudman@hotmail.com

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