

DOCKETED

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VIA ELECTRONIC DOCKETING

The Honorable Andrew McAllister, Presiding Member
The Honorable Karen Douglas, Associate Member
Hearing Advisor Susan Cochran
1516 Ninth Street
Sacramento, CA 95814

**Re: Huntington Beach Energy Project (12-AFC-02)
Applicant's Comments on the Revised Presiding Member's Proposed Decision**

Dear Commissioners and Hearing Advisor Cochran:

On October 9, 2014, the Siting Committee issued its Revised Presiding Member's Proposed Decision ("RPMPD") for the Huntington Beach Energy Project ("HBEP"). On October 21, 2014, Applicant AES Southland Development, LLC ("Applicant") filed comments on the RPMPD. (TN# 203224.) As indicated in footnote 1 of Applicant's RPMPD comments, Applicant reserved the right to file additional comments within the RPMPD comment period. To that end, Applicant herein provides additional comments on the RPMPD related to Visual Resources.

VIS-1

Applicant reiterates and incorporates by reference the comments on VIS-1 included in Applicant's October 21, 2014 RPMPD comments (TN# 203224). Upon receipt and review of Staff's October 21, 2014 RPMPD comments (TN# 203223), Applicant has a few additional comments related to VIS-1. Applicant agrees that the first sentence of VIS-1 contradicts the timing in the Verification of VIS-1. As Applicant requested on page 10 of Applicant's October 21, 2014 RPMPD comments (TN# 203224), the first sentence of VIS-1 (RPMPD page APP-153) should be deleted so the timing matches the timing set forth in the Verification, as follows:

~~Prior to submitting the master drawings and master specifications list for the project to the Chief Building Official (CBO) and the Compliance Project Manager (CPM),~~ The project owner shall prepare and submit a Visual Screening and Enhancement Plan for Project Structures (Plan) that includes methods and materials to visually screen and treat surfaces of publicly visible power plant structures. ***



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Applicant vehemently disagrees with Staff's interpretation of GEN-2 and Staff's comments regarding the timing of the Plan submission required by VIS-1. GEN-2 requires submittal of a schedule specifying when the required submittal packages will be provided to the CBO and CPM for review and approval. In addition to the schedule described above, GEN-2 clearly requires submission of a list of submittal packages related to designs, calculations and specifications for major structures, systems, equipment, and architectural enhancements- but it only requires a list identifying future submittal packages. This list must identify the documents that will be submitted at a future date for review and approval, according to the submitted schedule. Thus, the language in the verification for VIS-1 as included in the RPMPD does not contradict GEN-2 and, in fact, further specifies the schedule for when the submittal of such plan will be provided to the CPM; specifically, no more than 45 calendar days after submitting the list to the CBO required in GEN-2.

Based on the foregoing, the Verification for VIS-1 should remain as published in the RPMPD and the first sentence of VIS-1 should be deleted for consistency within the Condition.

VIS-2

Applicant reiterates and incorporates by reference the comments on VIS-2 included in Applicant's October 21, 2014 RPMPD comments (TN# 203224). Applicant agrees with Staff that the Perimeter Screening and On-site Landscape and Irrigation Plan required by VIS-2 is unrelated to the list and schedule required by GEN-2. However, Staff has failed to identify any issue with tying the timing of submission of the Plan to the CPM for review and approval to the date of the submission of the list and schedule required by GEN-2. There is no need for the Plan to be provided 90 days prior to site mobilization as requested by Staff because the purpose of the Plan is to screen views of power plant structures. In fact, submission of the plan after submission of the list and schedule required by GEN-2 makes far more sense than requiring it in advance of site mobilization.

Applicant concurs with Staff's comment that the outstanding reference to the Coastal Commission on RPMPD page APP-160 should be deleted. Thus, VIS-2 should be revised as follows (Applicant's changes to the RPMPD version are shown in *italicized-strikethrough*):

VERIFICATION: No more than ~~At least 90~~ 45 calendar days ~~before site mobilization~~ after submitting the master drawings and master specifications list to the CBO (in accordance with the requirements of GEN-2), the project owner shall submit the Perimeter Screening and On-site Landscape and Irrigation Plan to the CPM for review and approval. The project owner shall, simultaneously



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with the submission to the CPM, submit seven copies of the Perimeter Screening and On-site Landscape and Irrigation Plan to the City of Huntington Beach Planning and Building Department ~~and one copy to the Executive Director of the Coastal Commission~~ for review and comment.

VIS-3

Applicant reiterates and incorporates by reference the comments on VIS-3 included in Applicant's October 21, 2014 RPMPD comments (TN# 203224).¹ Applicant agrees with Staff that the Construction Screening, Landscape Protection, and Site Restoration Plan is unrelated to the schedule and list required by GEN-2. Applicant is amenable to providing the Plan prior to site mobilization and requests the following timing be included in the VIS-3 Verification:

VERIFICATION: At least 60 ~~No later than 45 calendar~~ days (or a project owner- and CPM-approved alternative timeframe) after submittal of the documentation required by GEN-2 before the start of site mobilization, the project owner shall submit a Construction Screening, Landscape Protection, and Site Restoration Plan to the CPM for review and approval. ***

The comments set forth herein, along with Applicant's October 21, 2014 RPMPD comments (TN# 203224) constitute Applicant's comments on the RPMPD. Applicant appreciates the Committee's diligence in preparing a comprehensive RPMPD and looks forward to participating in the full Commission's hearing, and possible approval of HBEP, on October 29, 2014.

Respectfully submitted,

Kristen T. Castaños

KTC:jmw

¹ Applicant inadvertently left out the heading "VIS-3" from Applicant's October 21, 2014 RPMPD comments (TN# 203224). The last comment on the bottom of page 12 of TN # 203224 regarding the deletion on RPMPD page APP-163 pertains to VIS-3.