

## DOCKETED

<b>Docket Number:</b>	12-AFC-02C
<b>Project Title:</b>	Huntington Beach Energy Project - Compliance
<b>TN #:</b>	212752
<b>Document Title:</b>	Response to City of Huntington Beach Comments on the PSA
<b>Description:</b>	N/A
<b>Filer:</b>	Judith Warmuth
<b>Organization:</b>	Stoel Rives LLP
<b>Submitter Role:</b>	Applicant
<b>Submission Date:</b>	8/11/2016 3:59:50 PM
<b>Docketed Date:</b>	8/11/2016



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August 11, 2016

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**VIA ELECTRONIC FILING**

Mr. John Heiser, Project Manager  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

**Re: Huntington Beach Energy Project - Petition to Amend (12-AFC-02C)  
Response to City of Huntington Beach Comments on the PSA**

Dear Mr. Heiser:

Project Owner AES Southland Development, LLC (“Project Owner”) herein provides additional information in support of the pending Petition to Amend (“PTA”) for the Huntington Beach Energy Project (“HBEP”). Pursuant to California Code of Regulations, title 20, section 1769, the scope of CEC Staff’s analysis of the PTA is limited to an evaluation of the impacts of the proposed modifications on the environment and the proposed modifications compliance with LORS. Further, CEC Staff’s evaluation of a PTA must be consistent with the requirements of CEQA Guidelines section 15162, which governs the requirements for subsequent environmental review under CEQA after a project has been approved. Section 15162 limits additional environmental review to “substantial changes” that will result in greater environmental impacts than what was analyzed in the Final Decision, and provides for reliance on the Final Decision (the prior environmental review) for areas that will not have substantial changes.

The Amended HBEP does not include any “substantial changes” that will result in new significant environmental impacts or a substantial increase in the severity of previously identified significant effects that would require additional analysis. (CEQA Guidelines, § 15162.)

Project Owner has received and reviewed the comments filed by the City of Huntington Beach (“City”) dated July 22, 2016 (TN#s 212437, 212438, 212439). Project Owner provides the following information in response to certain PSA comments docketed by the City on July 22, 2016.

Mr. John Heiser, Project Manager  
August 11, 2016  
Page 2

City Department of Planning and Building<sup>1</sup>

2. The City requested that the construction laydown activities proposed for the 22-acre Plains site “be more fully described.” As set forth in Project Owner’s May 9, 2016 correspondence to John Heiser (TN# 211411), Project Owner outlined some examples of construction laydown activities as including the following: loading/unloading and stacking of construction supplies; preparation and cutting of materials for transport to the HBEP site; temporary warehousing of material in mobile trailers. In addition, the PTA for the Amended HBEP states that a “gravel surface will also be installed on the portion of the site used for equipment laydown and parking to minimize dust and manage stormwater.” (PTA at section 2.3.2.3.<sup>2</sup>) The PTA and subsequent submittals by Project Owner fully evaluate the potential impacts of using the Plains Site for construction parking and laydown and correctly conclude that use of the Plains site will not result in significant impacts. (See PTA Section 1.4 p. 1-2 to 1-3 (TN# 206087); Project Owner’s Response to City of Huntington Beach Comments on PTA, Att. A (TN# 210262).)

3. The Amended HBEP is a defined project and the CEC is evaluating the environmental effects of the proposed Amended HBEP. Demolition of Units 1 and 2 to the existing turbine deck is part of the defined Amended HBEP. The CEC has no legal basis for requiring additional demolition beyond that proposed by Project Owner. While demolition to the turbine deck is the current proposal, final design of the architectural screening may necessitate demolition of Units 1 and 2 to grade, which was evaluated as part of the Licensed HBEP AFC proceeding. If demolition to grade is required, Project Owner will work with the CPM to ensure compliance with all Conditions of Certification. Also see responses to Items 6 and 10 below.

4. As set forth in the Petition to Amend (“PTA”), large and heavy components of the generating units (e.g., turbines, generators, transformers and other heavy components) will arrive by ship or rail at the Port of Long Beach. From the Port of Long Beach, the large components of the generating units will be hauled directly to the HBEP site for immediate installation. In the event heavy equipment arrives but cannot be transported and transferred directly into its final position at the HBEP, it will be hauled to the Alamitos Generating Station (“AGS”) site as a temporary storage location. Large or oversize equipment and materials (such as pipe, air cooled condenser and HRSG components) will be transported to Plains All American Tank Farm site (see PTA Figure 2.3-1) as will other construction material. When the components stored at the offsite laydown

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<sup>1</sup> The numbers listed herein correspond to the similarly numbered comments provided by the City Department of Planning and Building.

<sup>2</sup> The AFC for the Licensed HBEP AFC contained the same statement regarding construction laydown.

Mr. John Heiser, Project Manager  
August 11, 2016  
Page 3

area are ready for installation at HBEP, they will be hauled to project site using the specific heavy haul route. The Alamitos Generating Station (“AGS”) site is only proposed for the stopover of oversized trucks en route from the Port of Long Beach to the HBEP site if they are unable to deliver directly to the HBEP site upon leaving the Port. See response to Item 2 above.

5. The PTA does not seek to remove any of the previously licensed construction parking areas from the license. The PTA seeks to add the additional land at the Plains site (increasing the area from 1.9 acres as set forth in the Licensed HBEP decision to 22 acres). Contrary to the City’s comment, the other identified offsite parking areas set forth on the top of page 4.10-3 of the PSA (1.5 acres at the HBGS site, 3 acres across from the HBEP site on Newland Street, 2.5 acres of paved parking at the corner of PCH and Beach Blvd., and 1.9 acres at the Plains site) remain needed and should not be removed from the license.

6. The CAISO, not the CEC, determines when HBGS Units 3 & 4 are no longer needed. In addition, Units 3&4 are not covered by the existing HBEP license- they are governed by a previous CEC license (00-AFC-13C) and are owned by a separate company, Edison Mission Huntington Beach, LLC. Complete removal of HBGS Units 1 & 2 is not part of the Amended HBEP Project Description and, thus, the CEC is not evaluating their complete removal. While demolition to the turbine deck is the current proposal, final design of the architectural screening may necessitate demolition of Units 1 and 2 to grade, which was evaluated as part of the Licensed HBEP AFC proceeding. If demolition to grade is required, Project Owner will work with the CPM to ensure compliance with all Conditions of Certification. See also response to Item 3 above.

10. Contrary to the City’s comment, demolition of Units 1&2 to the turbine deck is part of the Amended HBEP and is not a cumulative project, thus such demolition should not be included in the cumulative projects list. In addition, as set forth in response to Items 3 and 6 above, any demolition beyond what is defined by the PTA is not a project under review by the CEC.

11. See response to Item #4 above.

12. Contrary to the City’s comments, the Amended HBEP is not larger than the Licensed HBEP nor is it closer to residential on the east or northeast sides of the project. Although the Amended HBEP seeks to increase the site by 1.4 acres from 28.6 acres to 30 acres, that increase only adds a small area of land in the center of the site- it does not change the outer boundaries of the project site. In addition, while the Amended HBEP has a different general arrangement than the Licensed HBEP, the equipment associated

Mr. John Heiser, Project Manager  
August 11, 2016  
Page 4

with the Amended HBEP will not be located any closer to residential area than the Licensed HBEP, nor will offsite noise impacts be substantially different than the Licensed HBEP. Further, the Licensed HBEP would have included a 20' wall on part of the east/northeast side of the facility, and the Amended HBEP includes a 50' wall. The wall is part of the project description and will be completed prior to operation of the Amended HBEP. Project Owner is not seeking any changes to the existing Noise Conditions of Certification as part of the Amended HBEP.

14. Project Owner will comply with all noise Conditions of Certification included in the Final CEC Decision for the Licensed HBEP. Existing Condition of Certification NOISE-6 incorporates the City's Noise Element requirements related to construction noise. The Final Decision for the Licensed HBEP notes that the "applicable local noise LORS do not limit the loudness of construction noise" but that "Applicant commits to performing noisy construction work during the times specified in the City of Huntington Beach Noise Element."

16. The City's comment states that supplemental environmental analysis is required for traffic and transportation for various items. Project Owner respectfully disagrees, as outlined below. However, Project Owner is aware of and will comply with the City's requirements for encroachment permits set forth in [http://www.huntingtonbeachca.gov/files/users/public\\_works/development\\_services/encroachment-permit-Procedure.pdf](http://www.huntingtonbeachca.gov/files/users/public_works/development_services/encroachment-permit-Procedure.pdf).

a. It remains unknown if any street parking will actually be lost by the modification of the intersection at Magnolia and Banning. The area along Magnolia at the existing Banning intersection is red-curbed. No right hand turns into the Plains site will be allowed. In a similar vein, only right hand turns will be allowed when leaving the Plains site. As discussed in Project Owner's February 10, 2016 Response to City's comments (TN# 210262) and Project Owner's PSA Comments (TN# 212379), Project Owner is willing to accept a Condition of Certification confirming that the project will comply with City LORS related to replacement parking.

b. Site access from the Newland Street parking area to the Project site will be via an existing unmarked crosswalk. As required by existing Condition of Certification TRANS-3, the Project Owner will coordinate with the City and the CPM on this construction worker crossing as part of the Traffic Control Plan required by existing Condition of Certification TRANS-3.

Mr. John Heiser, Project Manager  
August 11, 2016  
Page 5

- c. The need for two ingress lanes and two egress lanes to the Amended HBEP site is to ensure separation of traffic associated with the ongoing operation of the existing HBGS facility from traffic related to HBEP construction activities. This information will be outlined in more detail in the Traffic Control Plan required by existing Condition of Certification TRANS-3 and is also covered in the Condition of Certification proposed in Project Owner's February 10, 2016 Response to City's comments (TN# 210262) and Project Owner's PSA Comments (TN# 212379).
- d. Project Owner acknowledges that the City will need to review and approve various design plans and information prior to issuing an encroachment permit and approval for the intersection work or any other improvements that may be required on City property (e.g. traffic lane striping, pedestrian crosswalk markings). See above.
- e. Cumulative impacts of the HBEP, Poseidon, and Ascon were evaluated during the Licensed HBEP proceeding. Further, Project Owner provided additional information related to the cumulative traffic impacts of the three projects in Attachment A to Project Owner's February 10, 2016 Response to City's comments (TN# 210262).

City of Huntington Beach Fire Department

*Fire Apparatus Access, Comments 1-3:* As set forth in existing Condition of Certification WORKER SAFETY-6, Project Owner will submit the Emergency Access Plan to the City of Huntington Beach Fire Department for review and comment prior to the start of construction. The Plan will adhere to all relevant City of Huntington Beach Specifications.

Please feel free to contact me or Robert Mason at CH2M Hill at (714) 435-6113 if you have any questions or need additional information.

Very truly yours,



Melissa A. Foster  
MAF:jmw