



500 Capitol Mall, Suite 1600
Sacramento, CA 95814
main 916.447.0700
fax 916.447.4781
www.stoel.com

July 8, 2013

MELISSA A. FOSTER
Direct (916) 319-4673
mafoster@stoel.com

VIA EMAIL

The Honorable Andrew McAllister, Presiding Member
The Honorable Karen Douglas, Associate Member
Siting Project Committee
California Energy Commission
1516 Ninth Street
Sacramento, California 95814



**Re: Huntington Beach Energy Project (Docket No. 12-AFC-02)
Applicant's Status Report #4**

Dear Commissioners:

In response to the Committee's March 7, 2013 Revised Scheduling Order, Applicant AES Southland Development, LLC submits this Status Report regarding the Application for Certification ("AFC") process for the Huntington Beach Energy Project ("HBEP"). In addition, as further discussed below, Applicant requests that the Committee issue a revised scheduling order that allows Staff to publish the Preliminary Staff Assessment ("PSA") in two parts.

I. STATUS SUMMARY, CURRENT ISSUES, AND ACTIVITIES

In Applicant's May 24, 2013 Status Report, Applicant reported on the status of data requests, impediments to the current AFC schedule, and provided a revised proposed schedule. Herein, Applicant provides an update to each of those items.

A. Data Requests and Responses

Prior to the submittal of Applicant's May 24, 2013 Status Report, Staff requested that Applicant provide revisions to visual renderings prepared for the project (Figures 5.13-5, 5.13-8, and 5.13-9, or KOPs 1, 4, and 5, respectively). Applicant provided Staff with the requested information on June 19, 2013.

On May 29, 2013, Applicant again met with the South Coast Air Quality Management District ("District") to discuss information needed by the District to prepare the HBEP Preliminary Determination of Compliance ("PDOC"). On May 31, 2013, the District provided written



The Honorable Andrew McAllister, Presiding Member
July 8, 2013
Page 2

comments regarding Applicant's air dispersion modeling protocol (submitted to the District on March 22, 2013) with a listing of cumulative emission sources that needed to be included in the 1-hour nitrogen dioxide (NO₂) cumulative air modeling assessment as well as on the need for Applicant to conduct a quantitative PSD Class II visibility assessment. Immediately upon receipt of the District's comments on May 31, Applicant requested the necessary air dispersion modeling information (emissions, exhaust parameters, and physical locations) of these sources. The District responded to Applicant's request on June 14, 2013, noting that the District could provide air dispersion modeling information for one of the sources (shipping lanes used to access coastal ports), but that the Applicant would need to continue to request data for the other two sources (Beta Offshore - an offshore petroleum production platform - and the Orange County Sanitation District) through the District's Public Records Request (PRR) program. The Applicant subsequently submitted a PRR for the Beta Offshore petroleum platform emission sources requesting emissions and exhaust stack parameters.¹ As of July 3, 2013, the Applicant has collected approximately half the necessary information for the Beta Offshore source and will continue to work with the District to obtain the remaining information. Once the remaining information is obtained, Applicant will submit the 1-hour NO₂ cumulative impact assessment and a quantitative PSD Class II visibility assessment to the District.

B. Impediments to the Current AFC Schedule

Applicant's May 24, 2013 Status Report noted that the District's delay in issuing the PDOC appeared to be delaying the publication of Staff's PSA. At that time, and as proposed in Applicant's April 15, 2013 Status Report, Applicant proposed that the Committee allow Staff to issue its PSA in two parts. In its May 30, 2013 Status Report, Staff anticipated publishing the PSA for HBEP by August 2013 even if the District's PDOC has not yet been issued. Staff also indicated that they would proceed with publication of the PSA without the air quality and public health sections and, once the PDOC is issued, would separately issue the air quality and public health sections of the PSA.

Applicant fully supports Staff's proposal for publishing the PSA in two parts and, as such, Applicant respectfully requests that the Committee issue a Revised Scheduling Order that requires the timely publication of a two-part PSA. Applicant believes such a proposed schedule will keep the HBEP AFC proceeding on track for consideration and approval by the full

¹ The Applicant had previously collected the necessary air dispersion modeling information for the Orange County Sanitation District.



The Honorable Andrew McAllister, Presiding Member
July 8, 2013
Page 3

Commission by first quarter 2014. In the next section, Applicant proposes a revised schedule, which takes into account a two-part PSA.

II. PROPOSED SCHEDULE

Below is Applicant's proposed revised schedule.

Action	Applicant's Proposed Schedule
Preliminary Staff Assessment (PSA) Published (Part A, without Air Quality and Public Health)	August 12, 2013
Preliminary Determination of Compliance (PDOC)	TBD
PSA Part B (Air Quality and Public Health)	2 weeks after PDOC issued by the District
PSA Workshop	TBD
Final Determination of Compliance (FDOC)	TBD
Final Staff Assessment (FSA) Published	TBD

Applicant is confident that Staff has the necessary information to proceed with publication of a PSA, excluding the air quality and public health sections, by August 12, 2013. Applicant looks forward to moving the HBEP AFC toward a Final Decision.

Respectfully submitted,

Melissa A. Foster

MAF:jmw

cc: Proof of Service List



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
PROOF OF SERVICE
(Revised 07/03/2013)**

SERVICE LIST:

APPLICANT

AES Southland Development, LLC
Stephen O'Kane
Jennifer Didlo
690 Studebaker Road
Long Beach, CA 90803
stephen.okane@aes.com
jennifer.didlo@aes.com

APPLICANT'S CONSULTANTS

CH2MHill
Robert Mason
Project Manager
6 Hutton Centre Drive, Suite 700
Santa Ana, CA 92707
robert.mason@CH2M.com

APPLICANT'S COUNSEL

Melissa A. Foster
Stoel Rives, LLP
500 Capitol Mall, Suite 1600
Sacramento, CA 95814
mafoster@stoel.com

INTERVENOR

Jason Pyle
9071 Kapaa Drive
Huntington Beach, CA 92646
jasonpyle@me.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

INTERESTED AGENCIES

California Coastal Commission
Tom Luster
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
tluster@coastal.ca.gov

California State Parks
Huntington State Beach
Brian Ketterer
21601 Pacific Coast Highway
Huntington Beach, CA 92646
bketterer@parks.ca.gov

City of Huntington Beach
Planning & Building Department
Jane James
Scott Hess
Aaron Klemm
2000 Main Street, 3rd floor
Huntington Beach, CA 92648
jjames@surfcity-hb.org
shess@surfcity-hb.org
aaron.klemm@surfcity-hb.org

City of Huntington Beach
City Council
Cathy Fikes
Johanna Stephenson
2000 Main Street, 4th floor
Huntington Beach, CA 92648
cfikes@surfcity-hb.org
johanna.stephenson@surfcity-hb.org.

INTERESTED AGENCIES

Santa Ana Regional
Water Quality Board
Gary Stewart
3737 Main Street, Suite 500
Riverside, CA 92501-3339
gstewart@waterboards.ca.gov

Huntington Beach
Wetlands Conservancy
Jack Kirkorn, Director
21900 Pacific Coast Highway
Huntington Beach, CA 92646
jfk0480@aol.com

ENERGY COMMISSION STAFF

Felicia Miller
Project Manager
felicia.miller@energy.ca.gov

Kevin W. Bell
Staff Counsel
kevin.w.bell@energy.ca.gov

**ENERGY COMMISSION –
PUBLIC ADVISER**

*Alana Mathews
Public Adviser
Public Adviser's Office
1516 Ninth Street, MS-12
Sacramento, CA 95814-5512
publicadviser@energy.ca.gov

COMMISSION DOCKET UNIT

California Energy Commission
– Docket Unit
Attn: Docket No. 12-AFC-02
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

*indicates change

docket@energy.ca.gov

**OTHER ENERGY COMMISSION
PARTICIPANTS (LISTED FOR
CONVENIENCE ONLY):**

***After docketing, the Docket Unit
will provide a copy to the persons
listed below. Do not send copies of
documents to these persons unless
specifically directed to do so.***

ANDREW McALLISTER
Commissioner and Presiding Member

KAREN DOUGLAS
Commissioner and Associate Member

Susan Cochran
Hearing Adviser

Hazel Miranda
Adviser to Commissioner McAllister

Patrick Saxton
Adviser to Commissioner McAllister

Galen Lemei
Adviser to Commissioner Douglas

Jennifer Nelson
Adviser to Commissioner Douglas

Eileen Allen
Commissioners' Technical
Adviser for Facility Siting

DECLARATION OF SERVICE

I, Judith M. Warmuth, declare that on July 8, 2013, I served and filed copies of the attached Applicant's Status Report #4 dated July 8, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at: http://www.energy.ca.gov/sitingcases/huntington_beach_energy/index.html.

The document has been sent to the other parties on the Service List above in the following manner:

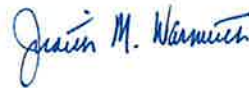
(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

- I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as "hard copy required"; **OR**
- Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: July 8, 2013



Judith M. Warmuth