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Deny Certification of Redondo Beach Energy Project

The Commission is authorized to certify a facility (Public Res. Code § 25525) even if it does not conform to applicable state, local, or regional standards, ordinances or laws if it determines that the facility "is required for public convenience and necessity."

It has been established that the current plant does not conform to all applicable state, local or regional standards, ordinances or laws and is currently out of compliance. Provide a detailed explanation of how it is and is not in compliance with all applicable regulations for public clarification. In order to determine whether this project is "required for public convenience and necessity" prior to certification, a study indicating both qualitative and quantitative analysis for each of the selected subjects is required by a certified or subject matter expert in the related field indicating rationale for compliance with established thresholds prior to making a case for "need" of the project.

Although the Energy Commission is exempt from having to prepare an environmental impact report, the required environmental analysis of the project needs to be at that level of detail equivalent to that of an EIR to make an informed decision, including an analysis of alternatives and mitigation measures to minimize any environmentally significant adverse effect.

The initial questions listed in the "Order Instituting Information Proceedings" to be addressed are geared towards GHG and its cumulative effects. The other selected topics such as air quality, hazardous materials, public health, and "soil and water" cumulative effects should also be addressed. Cumulative effects in these topics would be considered potentially significant impacts. The question posed for GHG "If there is a quantitative limit on need, how might such a limit be established and periodically updated?" should also be answered for "public health."

Also, in regards to compliance, is the plant in compliance with all hazardous materials, soil and water testing? Have they been in compliance historically since the time of initial construction? How often have they conducted testing? When were they conducted and what were the results?

Regarding land use, although the zoning is currently in compliance, the lead agency should further analyze the land use from a compatibility point of view to determine if continuing operation of the plant is in the highest and best use of the site and what alternatives would be viable than the project as currently proposed.

To thoroughly analyze all environmental effects, CEQA Appendix G should be used to analyze environmental effects. In the findings, clearly state the closest distances and effects on sensitive receptors in relation to the project. US EPA defines sensitive receptors as:

Sensitive receptors include, but are not limited to, hospitals, schools, daycare facilities, elderly housing and convalescent facilities. These are areas where the occupants are more susceptible to the adverse effects of exposure to toxic chemicals, pesticides, and other pollutants. Extra care must be taken when dealing with contaminants and pollutants in close proximity to areas recognized as sensitive receptors.

Sensitive receptors in this analysis needs to recognize all residential homes including boats in the RB Harbor in the area as part of the analysis since the occupants currently or in the foreseeable future are children, elderly or residents with ailments.

In addition, the analysis should indicate how far any and all pollutants as a result of the project travel given the average wind speed and time of year compared to the existing development. What type of biological effects are there as a result of the project including marine life in the Pacific Ocean? Does the project comply with California Coastal Commissions Development standards? (PRC Sec. 30250 - 30255)?