

## DOCKETED

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<b>Submitter Role:</b>	Intervenor Representative
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<b>Docketed Date:</b>	6/5/2015

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3 **STATE OF CALIFORNIA**  
4 **California Energy Commission**

5 **In the Matter of:**

6 **REDONDO BEACH ENERGY PROJECT**

**Docket No. 12-AFC-03**

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8 **APPLICATION FOR CERTIFICATION**  
9

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11 **INTERVENOR CITY OF REDONDO BEACH'S**  
12 **STATUS REPORT**

13  
14 June 4, 2015

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18 **JEFFER MANGELS BUTLER & MITCHELL LLP**  
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27 **Attorneys for Intervenor CITY OF REDONDO BEACH**  
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1 STATE OF CALIFORNIA  
2 California Energy Commission

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4 In the Matter of:

5 REDONDO BEACH ENERGY PROJECT  
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9 INTERVENOR CITY OF REDONDO BEACH'S  
10 STATUS REPORT

11 I. PSA WORKSHOP

12 Intervenor City of Redondo Beach ("City") participated in the Preliminary Staff  
13 Assessment ("PSA") Workshop on May 20-21. The City made presentations on the following  
14 topics: Land Use, Air Quality, Noise, and Alternatives. The City has filed these presentations with  
15 the Commission.

16 II. PSA COMMENTS

17 In addition to the presentation materials, the City plans to file written comments on  
18 the following topics: Air Quality, Noise, Biological Resources, Visual Resources, and Water.  
19 (Comments on Visual Resources will be submitted after AES has produced the Site Screening and  
20 Landscape Concept Plan, requested by Staff.)

21 The City notes there are several items requested from AES by Staff which have not  
22 yet been produced. These include: the Site Screening and Landscape Concept Plan; Air Quality  
23 Cumulative Modeling; and Health Risk Assessment Modeling. It appears these materials will not  
24 be produced until *after* the PSA comment deadline of June 4. If that is the case, the City hereby  
25 requests that Intervenors be given a reasonable period of time after the materials are produced to  
26 review them and submit written comments to the Commission; and that Staff be given a reasonable  
27 period of time to review these comments and incorporate them into the Final Staff Assessment  
28 ("FSA").

1 **III. AQMD HEARING**

2 The South Coast Air Quality Management District ("AQMD") has announced that it  
3 will hold a public hearing on the proposed RBEP before it considers whether to issue a Final  
4 Determination of Compliance ("FDOC") for the Project. The City will participate in the public  
5 hearing.

6 The City hereby requests that preparation of the Air Quality portion of the FSA be  
7 suspended until after AQMD conducts the public hearing and makes a decision on whether to issue  
8 an FDOC. The City further requests that when AQMD makes its decision on the FDOC, that  
9 Intervenors be granted a reasonable period of time to review the decision and submit comments to  
10 the Commission; and that Staff be given a reasonable period of time to review these comments and  
11 incorporate them into the Final Staff Assessment ("FSA").

12 **IV. COASTAL COMMISSION REPORT**

13 The Coastal Commission has stated that it expects to issue its report on the RBEP at  
14 its regularly scheduled meeting on July 8-10, 2015. The City hereby requests that Intervenors be  
15 given a reasonable period of time after the Coastal Commission Report is issued to review the  
16 Report and submit written comments to the Energy Commission; and that Staff be given a  
17 reasonable period of time to review these comments and incorporate them into the Final Staff  
18 Assessment ("FSA").

19 **V. NOISE DATA**

20 At the PSA Workshop, AES told Commission Staff and the City that it is willing to  
21 produce the technical data on which its noise analysis is based:

22 ***Wheatland:*** And the answer is yes, in fact, the technical data that  
23 supports the AFC, the Application for Certification that was filed  
24 several years ago, has been available at all times for public review, for  
25 a party that requests it. And the City of Redondo Beach is certainly  
26 aware, it did numerous data requests, and certainly copies could have  
27 been requested at that time, and if it is requesting it at this time, we  
28 can provide it to you now. This is not, I don't want you to raise  
implications that this information has been withheld. It has always  
been available, it is has been made available to staff, and has been  
made available to anyone who requests it.

See Exhibit A below (Transcript from PSA Workshop).



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1. **Motion to Amend Schedule.** As described above, a number of significant developments will occur after the PSA comment deadline of June 4. These include: AQMD's public hearing and decision on the FDOC; issuance of the Coastal Commission Report; and AES' production of new analyses on visual impact, air quality, and public health. The City will file a motion asking the Committee to amend the current schedule to give Intervenor a meaningful opportunity to review and comment on these developments.
2. **Motion to Require Production of AES Noise Data.** As discussed in Section V above, the City will file a motion to require AES to produce the technical data underlying its noise analysis.
3. **Motion to Subpoena Information from Southern California Edison ("SCE") or the Public Utilities Commission ("PUC").** As part of the Long Term Procurement Process ("LTPP"), SCE recently received numerous bids for proposed sites to construct gas-fired power plants in the Los Angeles Basin. Unfortunately, the location of these sites has been redacted from the public documents filed by SCE. The City will file a motion asking the Committee: (1) to request that a list of these sites be produced by SCE or the PUC; and (2) if necessary, to issue a subpoena for this information.

DATED: June 4, 2015

JEFFER MANGELS BUTLER & MITCHELL LLP



By: \_\_\_\_\_

JON WELNER

Attorneys for Intervenor CITY OF REDONDO  
BEACH

## EXHIBIT A

### *Transcript from PSA Workshop of AES Offer to Provide Noise Study Technical Data*

Webex Recording  
May 20, 2015

(04:29:21)

**Welner:** Finally I have a question back to AES which is something that was asked in a number of places by our consultant and –actually this really surprised me—and that is that no one from the public, no intervenor, and no one from the Commission has seen the technical study. What they have seen is the description of the study obtained from AES. Our question to AES is: will you provide the study for public review, and if not, why not?

(4:29:59)

**Wheatland:** And the answer is yes, in fact, the technical data that supports the AFC, the Application for Certification that was filed several years ago, has been available at all times for public review, for a party that requests it. And the City of Redondo Beach is certainly aware, it did numerous data requests, and certainly copies could have been requested at that time, and if it is requesting it at this time, we can provide it to you now. This is not, I don't want you to raise implications that this information has been withheld. It has always been available, it is has been made available to staff, and has been made available to anyone who requests it.

(4:30:40)

**Welner:** Well, we're very glad to hear that, because we are requesting it.

**EXHIBIT B**

*Correspondence with AES Counsel Regarding Noise Study Technical Data*



## Welner, Jon

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**From:** Gregory L. Wheatland <glw@eslawfirm.com>  
**Sent:** Wednesday, June 03, 2015 11:44 AM  
**To:** Welner, Jon  
**Cc:** Samantha Pottenger; Jeffery Harris; Stephen O'Kane  
**Subject:** RE: Noise Study

Mr. Welner:

At the workshop I agreed to provide you with the noise analysis prepared by the Applicant in support of this AFC.

As I indicated in my earlier email, the type of "technical noise analysis" described by the City at the workshop and in your email below is prepared prior to the start of construction (as it has been for every other power plant licensed by the Commission). The type of analysis you refer to is not available prior to June 4.

**Gregg Wheatland**  
**Ellison, Schneider & Harris L.L.P.**

**2600 Capitol Avenue, Suite 400**  
**Sacramento, CA 95816-5905**  
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**From:** Welner, Jon [<mailto:jxw@jmbm.com>]  
**Sent:** Tuesday, June 2, 2015 5:36 PM  
**To:** Gregory L. Wheatland  
**Cc:** Samantha Pottenger; Jeffery Harris; Stephen O'Kane  
**Subject:** RE: Noise Study

Gregg,

At the PSA workshop, you agreed to provide a copy of your technical noise analysis. At a minimum, we would expect the analysis to include:

- Equipment noise levels that are the basis of your analysis (including their reference source for information).
- Documentation showing which noise reduction measures were included in their analysis and thus should become necessary mitigation to achieve their projected noise levels.
- Noise reduction data for the mitigation measures.

- Calculation methodology with site plan details and other assumptions of acoustical shielding, directivity, and similar factors.
- Safety factor used in their analysis

Does AES or CH2M Hill have this data? Can you provide it to us prior to June 4?

Thanks,

jw

**Jon Welner** | Partner

**Jeffer Mangels Butler & Mitchell LLP | JMBM**

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**From:** Gregory L. Wheatland [<mailto:glw@eslawfirm.com>]

**Sent:** Tuesday, June 02, 2015 11:47 AM

**To:** Welner, Jon

**Cc:** Samantha Pottenger; Jeffery Harris; Stephen O'Kane

**Subject:** Noise Study

Mr. Welner:

The following information is provided in response to your request for the Applicant's "Noise Study".

We are providing a copy of the Noise Section of the AFC and related Appendices. We are also providing copies of Data Responses to the Staff and the City regarding noise. Data Response Set 1A is too large to attach; therefore, please refer to this link:

[http://docketpublic.energy.ca.gov/PublicDocuments/12-AFC-03/TN201167\\_20131112T144549\\_RBEP\\_12AFC03\\_DR\\_Set\\_1A\\_17\\_1112\\_1419\\_2425\\_2947.pdf](http://docketpublic.energy.ca.gov/PublicDocuments/12-AFC-03/TN201167_20131112T144549_RBEP_12AFC03_DR_Set_1A_17_1112_1419_2425_2947.pdf)

Consistent with established CEC protocols and typical project development and design processes, the Applicant has not yet performed the type of detailed acoustical design and equipment specification study described by the City at the PSA Workshop. Instead, as we explained in response to Staff Data Request 30, "Prior to the start of construction, the Project Owner's engineering contractor will determine the necessary acoustical design treatments to ensure that the City of Redondo Beach noise standards are satisfied." The expected project operational noise level at the closest residence on N. Elena Avenue is less than 55 dBA. A project level of 55 dBA complies with the applicable City of Redondo Beach noise limitations

at this location, and, following the assessment methodology used by the CEC as proposed by Charles Salter, will also comply with the indoor noise limitations at this location.

Gregg Wheatland

Ellison, Schneider & Harris L.L.P.

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## Welner, Jon

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**From:** Gregory L. Wheatland <glw@eslawfirm.com>  
**Sent:** Tuesday, May 26, 2015 8:53 AM  
**To:** Welner, Jon  
**Subject:** RE: Noise study

I am in receipt of your request and I have forwarded it to AES.

**Gregg Wheatland**  
**Ellison, Schneider & Harris L.L.P.**

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**From:** Welner, Jon [<mailto:jxw@jmbm.com>]  
**Sent:** Friday, May 22, 2015 7:05 PM  
**To:** Gregory L. Wheatland  
**Subject:** Noise study

Gregg,

I am writing to follow up on your offer during the workshop to provide a copy of the noise study performed by your consultants for the RBEP. Please let me know how I can obtain it.

Have a nice holiday weekend!

jw

**Jon Welner** | Partner  
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