

DOCKETED

Docket Number:	00-AFC-14C
Project Title:	El Segundo Power Redevelopment Project Compliance
TN #:	206619
Document Title:	Project Owner's Proposed Revision Of Contingency-2
Description:	N/A
Filer:	Dee Hutchinson
Organization:	Locke Lord LLP
Submitter Role:	Applicant Representative
Submission Date:	11/13/2015 2:55:43 PM
Docketed Date:	11/13/2015

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

In the Matter of:

DOCKET NO. 00-AFC-14C

**THE EL SEGUNDO ENERGY CENTER
AMENDMENT**

**EL SEGUNDO ENERGY CENTER LLC'S
PROPOSED REVISION OF CONTINGENCY-2**

On November 12, 2015, the Energy Commission Staff (“Staff”) held a Conditions of Certification (“COC”) workshop to discuss the Compliance and Contingency COCs for the proposed El Segundo Power Facility Modification (“ESPFM”) amendment. El Segundo Energy Center LLC (“Project Owner”) believes that the dialogue at the workshop was productive and may help bring the parties closer to agreement on the wording of certain COCs. Project Owner thanks Staff for providing the opportunity to discuss these issues ahead of the scheduled Evidentiary Hearing in this matter.

In its Pre-Workshop Comments, Project Owner proposed a new CONTINGENCY-2 COC that would replace the version proposed in the Combined FSA and eliminate CONTINGENCY-4 as proposed by Staff in its Rebuttal Testimony. To continue the productive dialogue established at the workshop, Project Owner proposes the following revisions to the version of CONTINGENCY-2 discussed in Project Owner’s Pre-Workshop Comments:

CONTINGENCY-2 ~~If Unit 4 has been permanently retired, and~~ **Following permanent retirement of Unit 4**, if construction has not yet begun on the ESPFM project, Project Owner shall conduct an annual Unit 3 and 4 Safety and Environmental Status Report (“SESR”). The SESR shall contain an assessment of whether some incremental dismantling, demolition, or removal can and should be conducted on Units 3 and 4 to preserve environmental integrity and safety at the site. ~~The SESR shall also contain an update on the commercial status of ESPFM.~~ **The SESR shall, at a minimum, contain:**

1. Assessment of the conditions of Units 3 and 4 and the ability to maintain compliance with the following environmental or safety laws:

- a. Federal Clean Water Act**
- b. Porter-Cologne Water Quality Control Act**
- c. Federal Clean Air Act**
- d. California Clean Air Act**
- e. Resource Conservation and Recovery Act**
- f. Comprehensive Environmental Response, Compensation, and Liability Act**
- g. California Hazardous Waste Control Act**
- h. Federal Occupational Health and Safety Act**
- i. California Occupational Health and Safety Act**

- 2. An update on the commercial status of ESPFM;**
- 3. An evaluation of the potential or need to initiate the following priority activities:**
 - a. Evacuation and removal of fluids such as oils, fuels and liquid chemical compounds**
 - b. Abatement of hazardous materials such as lead and asbestos**
 - c. Removal of insulation and other easily removed materials**
 - d. Recycling of valuable metals and materials**
 - e. Construction of a temporary control room for Units 5, 6, 7 and 8 to allow closure of the control room located on Units 3 and 4; and**
- 4. A description of the proposed incremental activities resulting from the above assessments and evaluations including:**
 - a. Schedules**
 - b. Sequence of compliance filings and applications for other permits and approvals necessary to initiate the incremental activities.**

The CPM shall review the SESR, and either accept it or comment and return the SESR to Project Owner to address comments. Project Owner shall address such comments and submit a revised SESR within 30 days of receiving a returned status report.

Once accepted, if the SESR recommends incremental action, then Project Owner shall initiate CEC compliance filings and obtain all other required permits outside of CEC jurisdiction that are necessary to conduct the incremental dismantling, demolition or removal.

If necessary to perform such incremental action, Project Owner shall propose a temporary control room to separate command, control, and instrumentation of Units 5, 6, 7, and 8 from the Unit 3 and 4 structure.

If increments of dismantling, demolition, and removal of Unit 3 and 4 equipment have reached a point where the structure of Unit 3 and 4 has been significantly altered, then Project Owner shall be required to consider and evaluate in the next SESR why complete above grade demolition of Unit 3 and 4 and related equipment shall not be completed.

Verification: On or before one (1) year after the final DRRP is approved, if ~~Unit 4 has been permanently retired and~~ construction has not begun on the ESPFM, Project Owner shall submit its first annual SESR assessment ~~and its first annual update on the commercial status of ESPFM.~~ Project Owner shall continue to submit such reports on an annual basis from the date of first submittal until construction of the ESPFM has commenced.

November 13, 2015

Locke Lord LLP

By: 

John A. McKinsey

Attorneys for El Segundo Energy Center LLC