

## DOCKETED

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
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**APPLICATION FOR CERTIFICATION FOR THE  
REDONDO BEACH ENERGY PROJECT**

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

## **ORDER DIRECTING PARTIES TO RESPOND TO IDENTIFIED ISSUES AND QUESTIONS**

### **Background**

On July 21, 2015, the Energy Commission Committee<sup>1</sup> assigned to conduct the proceedings for the Redondo Beach Energy Project (RBEP) filed its “Notice of Committee Conference on the Preliminary Staff Assessment” (Notice).<sup>2</sup> The Notice included a description of various activities that have taken place in the last several months on the project, including activities by the South Coast Air Quality Management District (District) and the California Coastal Commission (Coastal Commission).

In addition to the topics outlined in the Notice, the Committee has independently reviewed the Preliminary Staff Assessment (PSA), identified areas of concern, and raises these questions for the parties to address in their next status report:

**1. Site Description:** The RBEP would occupy only a portion of the existing AES Redondo Beach Generating Station power plant site.

- What is the plan for the reuse of the rest of the site?

**2. Air Quality/GHG:**

- How does the efficiency of the proposed turbines, including its heat rate average, impact the Commission’s greenhouse gas analysis?

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<sup>1</sup> Energy Commissioners Karen Douglas, Presiding Member, and Janea A. Scott, Associate Member. The full Commission made this Committee assignment on August 27, 2013.

<sup>2</sup> TN 205441.

### **3. Noise:**

a. The laws, ordinances, regulations, and standards (LORS) table in the PSA contains a listing of the potentially applicable LORS; the PSA discusses additional LORS not listed in the table. The RBEP is located on the border of the cities of Redondo Beach and Hermosa Beach.

- To the extent the two communities' requirements differ, how should the differences be addressed to determine compliance with LORS?
- To the extent the two communities' requirements differ, how should the differing standards, including noise, be addressed in the environmental analysis?

b. Questions have been raised regarding the appropriate baseline for noise.

- Please provide a comparison between the operations of the existing plant and the anticipated operation of the proposed project to help put this in context.

c. Several questions have been raised about the Conditions of Certification NOISE 2, NOISE-3, NOISE-4, and NOISE-5.

- What are the standards for employee protection from noise during construction and then during operations (Conditions of Certification NOISE-3 and NOISE-5)?
- How will the Energy Commission ensure proper mitigation on neighboring properties (NOISE-4)?
- Regarding the potential for residents being disturbed by noise from the proposed power plant, NOISE-2 requires a complaint reporting program. Upon receipt of a complaint, mitigation measures are then to be devised and implemented.
  - What standards apply for determining appropriate mitigation measures?

### **4. Land Use:**

a. The PSA noted that the City of Redondo Beach is in the process of adopting a moratorium that could create a non-conformity between the RBEP and local land use LORS. The PSA argues that the moratorium is not effective because it has not been approved by the California Coastal Commission. The City of Redondo Beach argues that Coastal Commission approval is not required.

The Committee needs to be able to evaluate staff's underlying argument (legal or factual) regarding whether the moratorium impacts the proposed project's conformity with local LORS.

- If the City of Redondo Beach adopts a moratorium and it is determined that it does apply, what options are available to the Energy Commission?

b. The Energy Commission power plant certification process involves consolidated permitting. However, the Land Use Section's Conditions of Certification all require future approvals by the city of Redondo Beach, for such things as signage, parking, and structural design standards.

- How is the Energy Commission discharging its obligations to determine compliance with LORS by allowing post-decision action by the city of Redondo Beach?

#### **5. Soil & Water Resources:**

a. The LORS table on applicable statutes relating to water regulation appears to be incomplete.

- Are there additional LORS relating to water use or supply that should be included in the LORS table?

b. The PSA indicates that the project will use recycled/reclaimed water for process purposes.

- What is the status of RBEP's use of recycled water:
  - During construction/demolition?
  - During operations?

c. The PSA states that the use of recycled water will require a short interconnection to an existing pipeline.

- What is the length of the recycled water interconnection?
- When will the interconnection be built?
- Has construction of the recycled water interconnecting pipeline been included in the project description?
- Have the potential impacts of that interconnection been analyzed?

d. The PSA is unclear on whether recycled water would need treatment before use in the project.

- If the recycled water supply would need pre-treatment before power plant use, what steps would be required?
- What potential impacts may arise from pre-treatment?

## **6. Coastal Commission 30413(d) Report**

The Coastal Commission's section 30413(d) report, filed on July 9, 2015,<sup>3</sup> identifies areas in which it believes the PSA requires additional analyses, including alternatives; land use; wetlands; biological resources; and flooding, tsunami, and sea level rise. Underlying the discussion of these sections, particularly alternatives, is a request that the Energy Commission consider the "need" for the project.

The Coastal Commission has also recommended certain coastal zone impact mitigation measures. By law, the Energy Commission must adopt these measures unless it finds that these measures are (1) infeasible or (2) that the proposed mitigation would cause greater environmental impacts.<sup>4</sup>

- For all issues identified in the Coastal Commission's 30413(d) reports, when will the analysis of whether the proposed mitigation measures are feasible or likely to cause more significant environmental effect be completed?
- In its "Land Use" section, the Coastal Commission's 30413(d) report contains a comment about the need for open space for conformity with the Coastal Act. How does this apply to the proposed reuse of the site?

## **7. Schedule**

The Committee will discuss with the parties the most expeditious way to communicate any revised, expanded, or other amended analysis.

- What is the best way to communicate any new or revised information and analysis?
- How much time is required to make any analytical changes/additions that may be identified?

## **Order**

**To streamline the discussion of these issues at the Committee Conference, the parties are hereby ORDERED to include a discussion of the above issues in their status reports to be filed on or before August 1, 2015. This Order is mandatory for the Applicant and Commission staff.** The parties may also include any additional substantive issues not outlined above for consideration by the Committee. Further, the parties shall include proposed schedules, discuss the progress made in the proceeding, date-specific project milestones, and any other matters relevant to the schedule.

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<sup>3</sup> TN 205306.

<sup>4</sup> Cal. Pub. Resources Code § 25523, subd. (b).

**In addition to filings by the parties in the proceeding, the Committee specifically requests that the South Coast Air Quality Management District submit a Status Report detailing its schedule and activities in relation to the Preliminary Determination of Compliance (PDOC) and Final Determination of Compliance (FDOC).**

Information concerning the status of the project, as well as notices and other relevant documents, may be viewed on the Energy Commission's Internet web page at: [http://www.energy.ca.gov/sitingcases/redondo\\_beach/](http://www.energy.ca.gov/sitingcases/redondo_beach/).

**It is so ordered.**

Dated: July 23, 2015, at Sacramento, California.

Original signed by \_\_\_\_\_  
KAREN DOUGLAS  
Commissioner and Presiding Member  
Redondo Beach Energy Project  
AFC Committee

Original signed by \_\_\_\_\_  
JANEA A. SCOTT  
Commissioner and Associate Member  
Redondo Beach Energy Project  
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