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<th><strong>Docket Number:</strong></th>
<th>12-AFC-03</th>
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<td><strong>Project Title:</strong></td>
<td>Redondo Beach Energy Project</td>
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<td>City of Redondo Beach Status Report</td>
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<td>Jon Welner</td>
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<td><strong>Organization:</strong></td>
<td>Jeffer Mangels Butler &amp; Mitchell LLP</td>
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<td><strong>Submitter Role:</strong></td>
<td>Intervenor Representative</td>
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STATE OF CALIFORNIA
California Energy Commission

In the Matter of:

REDONDO BEACH ENERGY PROJECT
APPLICATION FOR CERTIFICATION

INTERVENOR CITY OF REDONDO BEACH'S
STATUS REPORT

September 1, 2015

JEFFER MANGELS BUTLER & MITCHELL LLP
JON WELNER (Bar No. 178578), jwelner@jmbm.com
KIMBERLY A. HUANGFU (Bar No. 242251), khuangfu@jmbm.com
Two Embarcadero Center, Fifth Floor
San Francisco, CA 94111
Telephone: (415) 398-8080
Facsimile: (415) 398-5584

Attorneys for Intervenor CITY OF REDONDO BEACH

City of Redondo Beach Status Report
STATE OF CALIFORNIA
California Energy Commission

In the Matter of:

REDONDO BEACH ENERGY PROJECT
APPLICATION FOR CERTIFICATION

Docket No. 12-AFC-03

INTERVENOR CITY OF REDONDO BEACH'S
STATUS REPORT

Intervenor City of Redondo Beach ("City") hereby submits this Status Report pursuant to the Committee's ORDERS FOLLOWING THE AUGUST 5, 2015 COMMITTEE CONFERENCE, issued on August 13, 2015.

I. EMERGENCY INCIDENT AT AES POWER PLANT

On Friday, August 28, 2015, the existing AES power plant in Redondo Beach experienced a malfunction resulting in a serious gas leak. The City received the following notice on Friday night from the Chief of the Redondo Beach Fire Department:

Just a heads-up that AES experienced a malfunction in one of their boilers, resulting in a 19 minute venting of raw natural gas into the atmosphere. Incident started at 1936 hours. FD was called out all over the city for nat gas odors before we finally tracked it back to AES. They never notified us of the event. EPA & Gas Co. called to scene. AES secured boiler and shut down gas. Situation appears to be under control. AES bringing in contractors to determine what failed and effect repairs.

The City is alarmed at this incident, especially in light of the recent explosion at the Exxon Mobil refinery in Torrance on February 18, 2015. The City is even more alarmed that AES did not notify the Fire Department or the City of the incident.

The City is requesting a full investigation and report on this incident from AES. Moreover, the City urges the Commission to fully investigate and understand this incident and AES' safety practices before moving forward on AES' application for a new power plant at the same site.
This incident highlights the unsuitability of the site for a new power plant. As discussed below, the high population density of Redondo Beach makes it a dangerous place for a major new industrial facility.

II. ALTERNATIVES

A. Population Density Study

The City's mapping consultant is nearing completion of its study of the population density in the areas surrounding existing gas-fired power plants in California. As expected, the City of Redondo Beach is one of the most densely populated sites in California for such a facility. The close proximity of large numbers of residents greatly amplifies the impacts and risks caused by such a facility. We urge Commission Staff to take this new data into account when performing its alternatives analysis.

The City will release the maps and data as soon as possible, hopefully prior to the Status Conference scheduled for September 11, 2015.

B. Motion for Issuance of Subpoena

On August 27, 2015, the City filed a motion with the Committee for issuance of a subpoena duces tecum requiring the release of information regarding the proposed locations of gas-fired power plants in the Los Angeles Basin ("L.A. Basin"). The data is contained in the Testimony of Southern California Edison ("SCE"), filed at the Public Utilities Commission on November 21, 2014. The Testimony describes the results of a Request for Offers ("RFO") issued by SCE to procure power in the L.A. Basin. It contains information on 198 "indicative offers" received by SCE for gas-fired power plants in the L.A. Basin. The names, locations, and capacities of the proposed plants have been redacted.

The City urges the Committee to issue the requested subpoena. The Preliminary Staff Assessment ("PSA") concluded that there were no viable alternative sites for a gas-fired power plant in the region. SCE's Testimony makes clear that there are, in fact, potentially viable alternative sites for such a facility. This information is therefore essential for Commission staff to perform a complete alternatives analysis.
III. NOISE AND VIBRATION

A. Motion to Compel Noise Data

On August 4, 2015, the City filed a Motion to Compel Production of AES Noise Data. On August 13, 2015, Commission Staff filed a brief in support of the Motion to Compel. On August 19, 2015, AES filed a brief in opposition to the Motion to Compel.

In a "separate" line of communication, Commission Staff sent an email to AES's consultant on August 11, 2015, requesting additional noise data. On August 12, the consultant replied by saying the requested data would be provided "next week." On August 28, 2015, AES posted an email in response to Staff's request, containing a substantial amount of noise data.

The City finds it curious that: (1) AES refused to provide any of the noise data initially requested by the City, which forced the City to file a Motion to Compel; but (2) AES freely provided much of the same data when requested by Energy Commission Staff. This smacks of unhelpful gamesmanship that does not serve the Commission or the public.

Nonetheless, the City is grateful to have received at least some of the underlying noise data it requested. The City will shortly be preparing a list of the noise data that has still not been produced, to assist the Committee in deciding whether to grant the Motion to Compel.

B. Analysis of Newly Released Noise Data

The City's noise consultants are now analyzing the noise data provided by AES on August 28. The consultants plan to issue a report regarding their analysis as quickly as possible. Depending on the findings in the analysis, the City may request an additional noise workshop to address discrepancies between the data and the conclusions put forth by AES' consultants.

C. New Noise Ordinance

On August 18, 2015, the City Council received testimony from the City's noise consultants on the need to revise the City's Noise Ordinance to address issues related to industrial and public utility uses. The Council directed City staff to prepare amendments to the Noise Ordinance to address these concerns. Staff anticipates presenting a revised Noise Ordinance to the Council in the next few weeks.
A revised Noise Ordinance could potentially result in a significant change to local Laws, Ordinances, Regulations, and Standards ("LORS") governing the regulation of noise impacts.

IV. BIOLOGICAL RESOURCES

On August 27, 2015, the Coastal Commission sent a letter notifying AES that its installation and continued operation of dewatering pumps at the existing power plant in Redondo Beach is in violation of the Coastal Act and the Local Coastal Program ("LCP"). (The letter was posted to the docket on August 31, 2015.) The letter orders AES to immediately stop the destruction of wetlands onsite and to cease and desist from the operation of any dewatering pumps.

This is a critical new development. First, the Energy Commission must not condone or encourage the violation of the Coastal Act or the LCP. It should reject the proposed project, which seeks to permanently eliminate wetlands that are already being illegally destroyed by the project sponsor.

Second, as noted in the Coastal Commission letter, the AES facility is located on the site of an extensive, historic wetland. Turning off the pumps will likely result in the rapid formation of additional wetland areas, in addition to the 5.93 acres that have already been identified by the Coastal Commission and the Energy Commission. In its analysis of Biological Resources, Energy Commission Staff should take into consideration the potential rapid expansion of these critical wetland areas.

V. AIR QUALITY

The South Coast Air Quality Management District has not yet issued a decision on the Final Determination of Compliance ("FDOC"), nor specified when it expects to issue a decision. The Committee should allow a reasonable amount of time after issuance of the FDOC decision for the parties to prepare and submit comments, and for Energy Commission staff to review those comments.

In addition, on August 28, 2015, AES submitted important new data to Energy Commission staff regarding the "public health modeling" for the project: "Per Staff’s request, we
are submitting two compact discs containing an estimate of the Redondo Beach Energy Project’s cancer burden."

The City's air consultant intends to request copies of the compact disks referenced above and to perform a review of the data and analysis submitted by AES. The Committee should allow a reasonable amount of time for the City's consultant to perform this analysis, and for Commission Staff to review it.

VI. SCHEDULE

Given all of the above, the City respectfully requests that the Committee refrain at this time from issuing a deadline for completion of the Final Staff Assessment. There are simply too many issues that have yet to be resolved before Staff can reasonably be expected to issue their final report.

DATED: September 1, 2015

JEFFER MANGELS BUTLER & MITCHELL LLP

By: JON WELNER

Attorneys for Intervenor CITY OF REDONDO BEACH