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

13
14 September 1, 2015

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1 STATE OF CALIFORNIA
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Docket No. 12-AFC-03

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9 **INTERVENOR CITY OF REDONDO BEACH'S**
10 **STATUS REPORT**

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

14 **I. EMERGENCY INCIDENT AT AES POWER PLANT**

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

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

26 The City is alarmed at this incident, especially in light of the recent explosion at the
27 Exxon Mobil refinery in Torrance on February 18, 2015. The City is even more alarmed that AES
28 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.

1 This incident highlights the unsuitability of the site for a new power plant. As
2 discussed below, the high population density of Redondo Beach makes it a dangerous place for a
3 major new industrial facility.

4 **II. ALTERNATIVES**

5 **A. Population Density Study**

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

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

14 **B. Motion for Issuance of Subpoena**

15 On August 27, 2015, the City filed a motion with the Committee for issuance of a
16 subpoena duces tecum requiring the release of information regarding the proposed locations of gas-
17 fired power plants in the Los Angeles Basin ("L.A. Basin"). The data is contained in the Testimony
18 of Southern California Edison ("SCE"), filed at the Public Utilities Commission on November 21,
19 2014. The Testimony describes the results of a Request for Offers ("RFO") issued by SCE to
20 procure power in the L.A. Basin. It contains information on 198 "indicative offers" received by
21 SCE for gas-fired power plants in the L.A. Basin. The names, locations, and capacities of the
22 proposed plants have been redacted.

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

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1 **III. NOISE AND VIBRATION**

2 **A. Motion to Compel Noise Data**

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

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

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

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

17 **B. Analysis of Newly Released Noise Data**

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

22 **C. New Noise Ordinance**

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

3 **IV. BIOLOGICAL RESOURCES**

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

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

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

19 **V. AIR QUALITY**

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

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

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

7 **VI. SCHEDULE**

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

12
13 DATED: September 1, 2015

JEFFER MANGELS BUTLER & MITCHELL LLP

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16 By: 

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18 Attorneys for Intervenor CITY OF REDONDO
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