

## DOCKETED

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| <b>Docket Number:</b>   | 00-AFC-13C  |
| <b>Project Title:</b>   | AES Huntington Beach Generation Station Retool Project - Compliance   |
| <b>TN #:</b>            | 206933  |
| <b>Document Title:</b>  | Presentation from Site Visit, Environmental Scoping Meeting and Informational Hearing   |
| <b>Description:</b>     | PowerPoint presentation of the Committee, Staff, and the Public Adviser from the December 8, 2015, Site Visit and Informational Hearing |
| <b>Filer:</b>           | Susan Cochran   |
| <b>Organization:</b>    | Energy Commission Hearing Office  |
| <b>Submitter Role:</b>  | Committee   |
| <b>Submission Date:</b> | 12/11/2015 11:09:16 AM  |
| <b>Docketed Date:</b>   | 12/11/2015  |



California Energy Commission

# Huntington Beach Energy Project Amendment (12-AFC-02C)

**Site Visit, Environmental Scoping Meeting and  
Informational Hearing**

**Hilton Waterfront Beach Resort**

December 8, 2015

Hearing Officer Susan Cochran



# Purpose of Today's Proceedings

- Provide information about the proposed power plant,
- To describe the Commission's process in reviewing the amendment,
- To provide information about opportunities for the public to participate in this process and to comment on any aspect of the proposed project,
- To inform the Committee, the parties, and the community about the project, its progress to date in the amendment process, and perceived issues that need resolution, and
- To meet and confer about the project schedule.



# Today's Agenda

**3:30 p.m. Site Visit**

**5:00 p.m. Presentations and Discussion**

1. Commissioners' Opening Remarks
2. Hearing Officer — Energy Commission's Role
3. Petitioner — Project Description
4. Energy Commission Staff — Amendment Process
5. Staff's Issues Identification Report
6. Parties' Proposed Schedules
7. Public Adviser's Office — Opportunities for Public Participation
8. Committee-lead Discussion of Schedule and Issues
9. Public Questions and Comments



## California Energy Commission

# Energy Commission's Role

- Energy Commission has permitting authority over thermal power plants that are 50 megawatts or greater.
- The Commission is the lead state agency for California Environmental Quality Act (CEQA) review and ongoing compliance.
- The full Commission consists of five members. The Commission has appointed Commissioners Andrew McAllister (Presiding Committee Member) and Karen Douglas (Associate Committee Member) to oversee the amendment proceedings for this project.
- Following staff review and evidentiary hearings, the Committee will issue a Presiding Member's Proposed Decision (PMPD) that makes a recommendation to the full Commission to approve, deny, or change the proposed amendments.



# Ex Parte Rule

- All decisions made in this case will be made solely on evidence contained in the public record.
- No off-the-record contacts concerning substantive matters are permitted to take place between interested parties and the Commissioners,, this Committee, their advisors, or the Hearing Officer.



# Ex Parte Rule

- Contacts between interested parties and the members of the Committee regarding any substantive matter must occur in a public forum or in a writing distributed to all the parties and made available to the public.
- Purpose: to provide full disclosure to all interested persons, organizations, and the parties of any information that may be used as a basis for the future decision on this project.



# Energy Commission Staff

- Energy Commission staff is an independent party in the proceeding. Staff will prepare an independent evaluation of the environmental, engineering, and public health/safety aspects of the proposed amendments.
- Commission Staff will hold public workshops at locations near the site or at the Energy Commission in Sacramento. These workshops provide additional opportunities for the parties and governmental agencies to discuss substantive issues with the public.



# Public Participation

- Public participation is encouraged!
- Intervene as early as possible to ensure adequate and effective participation.
- During the original proceedings, there were two intervenors; they will need to reapply to intervene in the amendment proceedings.



# Environmental Analysis

- The Energy Commission is the lead agency under CEQA for power plants and amendments within its jurisdiction.
- The Energy Commission uses a certified regulatory program that has some different procedures than CEQA, but still has the same substantive requirement: to inform decision-makers of the potential adverse impacts to the environment before a project can be approved.



# Use of the 2014 HBEP Decision under CEQA Guidelines § 15162

- 2014 HBEP Commission Decision is a previous EIR.
- We will re-use that EIR without modification except where necessary to discuss:
  - ❖ (1) Substantial changes in the project or (2) substantial changes in the circumstances surrounding its undertaking or (3) new information, previously unknown which would result in new significant environmental effects or a substantial increase in previously identified significant effects
  - ❖ Mitigation measures or alternatives previously found to be infeasible which are now feasible

(CEQA Guidelines, §§ 15162, 15163)



## CEQA Guidelines § 15162 (cont'd)

- Section 15162 applies only to environmental issues
- Staff's analysis, and the PMPD, will apply any new laws, ordinances, regulations, and standards (LORS) that have become effective since the 2014 HBEP Decision was adopted



California Energy Commission

# Pause for Petitioner's Presentation



# Overview of Amendment Process

1. **Committee must determine whether impacts will change as a result of the amendment**
2. **Staff Discovery and Analyses**
  - Issues Identification
  - Data Requests
  - Public Workshops
  - Preliminary Staff Assessment (PSA)
  - Final Staff Assessment (FSA)



# Overview of Amendment Process (cont'd)

## 3. Committee Evidentiary Hearing and Decision

- Evidentiary Hearings on FSA
- Presiding Member's Proposed Decision (PMPD) and public comments
- PMPD hearing and Commission decision



# Energy Commission Staff Role

- ❖ Determine if the project, as modified, will remain in compliance with applicable laws, ordinances, regulations, and standards.
- ❖ Staff will perform an independent review of the requested modifications to the project for impacts to the environment, public health, the transmission system, ensure that the project would comply with all applicable building and safety codes, and propose mitigation as necessary.



# Discovery and Analysis Process (cont'd)

- ❖ Determine if the Amendment's proposed modifications and changes to the Licensed Project comply with Laws, Ordinances, Regulations, Standards (LORS)
- ❖ Conduct engineering and environmental analyses that:
  - ✓ identify issues;
  - ✓ identify environmental **and transmission system** impacts and associated mitigation measures;
  - ✓ recommend conditions of certification.



# Discovery and Analysis Process

- ❖ Facilitate public and agency participation
- ❖ Staff products: Preliminary Staff Assessment (PSA) and Final Staff Assessment (FSA)
- ❖ Make recommendations to the Committee in the form of sworn testimony **on impacts and mitigation.**



# Discovery and Analysis Process (cont'd)

## Staff Discovery and Analysis

- Public Comment/Workshops, Participate, Participate, Participate
- Staff recommends action to the Committee in the form of Preliminary and Final Reports called “Staff Assessments”



# Agency Coordination

- ❖ Energy Commission staff work closely with other governmental agencies, for example:
  - City of Huntington Beach (Water/Sewer)
  - South Coast Air Quality Management District
  - California Dept. of Transportation (Caltrans)
  - Santa Ana Region 8 Regional Water Quality Control Board
  - California Department of Fish & Wildlife
  - California Coastal Commission
  - Local Native American Tribes



# Evidentiary Hearing and Decision Process

Committee conducts hearings to create Evidentiary Record.

Committee issues Presiding Member's Proposed Decision (PMPD). The PMPD contains findings related to:

- Environmental impacts, public health, and engineering;
- Project's compliance with LORS;
- Recommends conditions of certification; and
- Recommends whether or not to approve the project



# Evidentiary Hearing and Decision Process (cont'd)

- Full Commission issues a Final Decision
- Appeals: Reconsideration by Commission;  
California Supreme Court
- Energy Commission monitors compliance with all conditions of certification, for the life of the project and closure



# Staff's Issues Identification Report

## Purpose

- ❖ Inform participants and parties to the proceeding (Committee, Intervenors, Applicant, Agency representatives) of potential issues that may require extra analyses and mitigation, or could negatively impact the project schedule.
- ❖ Early focus on important topics requiring Committee direction and agency collaboration



# Staff's Potential Issue Areas

- ❖ Air Quality
- ❖ Environmental Justice Population



# Potential Issue:

## Air Quality Schedule/Timing

- ❖ Preliminary Determination of Compliance (PDOC) anticipated in mid-July (2016) and a Final Determination of Compliance (FDOC) anticipated in October of 2016.
- ❖ Energy Commission staff will utilize the PDOC and FDOC in their air quality analysis and Conditions of Certification (the timing of which will impact the proposed schedule for producing Staff's PSA and FSA, and ultimately reaching an Energy Commission final decision.



## Potential Issue: Environmental Justice Population

- ❖ Based upon the 2010 Census data, **39** percent of the total population living within the six-mile buffer of the project site constitutes an environmental justice population.
- ❖ Staff will review the impacts resulting from the construction and operation of the proposed project, to determine impacts and necessary mitigation.



# Potential Issue:

## Environmental Justice Population (cont'd)

- ❖ Staff will work with the Hearing Officer and Public Advisor on public outreach regarding the project and its impacts.



# Post Licensing Project Compliance Oversight

- Purpose, *if the project is approved*, is to assure compliance with all Conditions of Certification, applicable LORS and building codes.
- Compliance Project Manager (CPM) provides compliance oversight of construction, operation, and ultimately closure.



# Sources of Information

❖ **The Amendment is available for public review at the following libraries:**

**Huntington Beach Library, 7111 Talbert Avenue, Huntington Beach; Costa Mesa/Mesa Verde Library, 2969 Mesa Verde Drive, Costa Mesa; Costa Mesa/Donald Dungan Library, 1855 Park Avenue, Costa Mesa; Los Angeles Public Library, 630 W 5<sup>th</sup> St., Los Angeles; Mary Wilson Library, 707 Electric Avenue, Seal Beach; Santa Ana Public Library, 26 Civic Center Plaza, Santa Ana; Fountain Valley Library, 17635 Los Alamos, Fountain Valley.**

**Copies are also available at the Energy Commission's Library in Sacramento, the California State Library in Sacramento, and at public libraries in Eureka, San Francisco, Fresno, Los Angeles, and San Diego.**

**Huntington Beach Energy Project  
Amendment  
Docket No. 12-AFC-02C**

# **Informational Hearing and Site Visit**

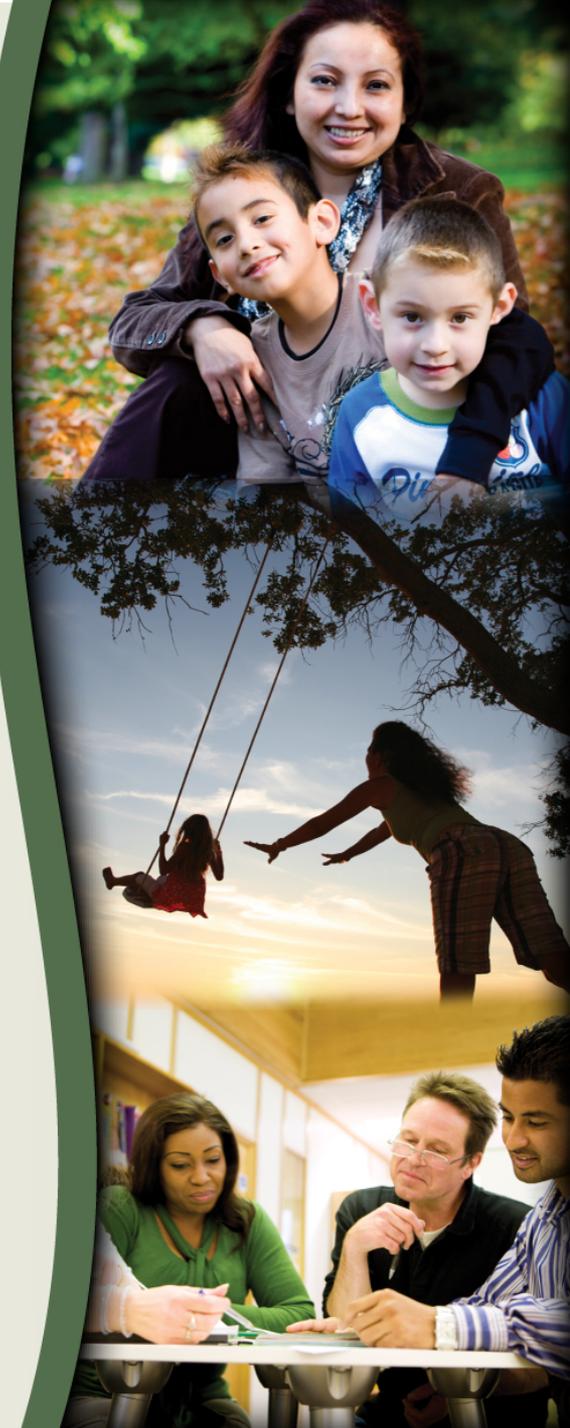
**Alana Mathews**

Public Adviser

**December 8, 2015**



CALIFORNIA  
ENERGY COMMISSION



# What's a Public Adviser?

**The Public Adviser is an independently appointed attorney who:**

- *Helps the public understand the process*
- *Recommends the best way to be involved*
- *Assists in successful participation in proceedings*

## Outreach for Informational Hearing and Site Visit

- **Who:** Local city and county officials, tribal officials and members, schools, non-profit groups and community organizations, property owners, public members who have contacted our office
- **How:** Paid local newspaper advertisement, local libraries, email blasts, informational meetings

## Importance of Public Participation through Public Comment

- Public comments are considered by the Commissioners
- **Public comments help inform the Commissioners, staff, and interested parties of public concerns**
- Public comments are necessary to understand the concerns of residents
- **Public comments are not considered evidence but are part of the official record**

# Two Levels of Public Participation

## First Level – Public Comments (Informal Participation)

- Verbal comments at public meetings through Blue Cards
- Electronic comments through the Energy Commission e-filing system
- Written comments to the Energy Commission Dockets Unit:
  - a) *Hand deliver to the Public Adviser or representative*
  - b) *Dockets Unit  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814*

# Two Levels of Public Participation

## Second Level – Intervening (Formal Participation)

- An Intervenor is a party to the proceeding
- Anyone may file a Petition to Intervene
- You do not have to be or have an attorney to intervene
- The PAO can provide a sample Petition to Intervene
- Petition is considered by assigned Committee; determination within 30 days

# How to Participate

[www.energy.ca.gov](http://www.energy.ca.gov)

The screenshot shows the California Energy Commission website. At the top left is the logo "CA.GOV" and "CALIFORNIA ENERGY COMMISSION". To the right is a search bar with "This Site" and "California" radio buttons. Below the logo is a navigation menu with links: HOME, ABOUT US, EFFICIENCY, FUNDING, POWER PLANTS (circled in red), RENEWABLES, RESEARCH, and TRANSPORTATION. The main content area features a grid of links:

- Power Plant Cases Under Review**
- Alphabetical List of Power Plant Projects** (circled in red)  
Licensing and Compliance Information
- Siting, Transmission, and Environmental Protection Division**  
Description of mission and offices
- Public Adviser's Office**  
Assistance for public participation in power plant cases
- Energy Commission Dockets Unit**  
Currently open dockets with listing to documents filed under each
- Status of all power plant projects**
- DRECP**  
About the Desert Renewable Energy Conservation Plan
- California On-Line Energy Maps**
- More Power Plant Information...**

# How to Participate

## Things To Do

- Sign up for Huntington Beach Energy Project Amendment listserv
- Submit written comments
- Provide oral comments
- Attend public project events
  - *In person / WebEx /conference call*
  - *Non-English speakers welcome*
  - *Special accommodations for persons with disabilities:  
Lourdes Quiroz, (916) 654-5146, [lou.quiroz@energy.ca.gov](mailto:lou.quiroz@energy.ca.gov)*



# Contact

**Alana Mathews, Public Adviser**  
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**Website** [www.energy.ca.gov/public\\_adviser](http://www.energy.ca.gov/public_adviser)



## California Energy Commission

# Scheduling Guide

| Activity  | Usual Interval                     | Staff's Proposed | Applicant's Proposed |
|---|------------------------------------|------------------|----------------------|
| Petition to Amend filed                                       | Sept. 9, 2015                      | --               | --                   |
| Status Reports from all parties due on the 1st of each month. | 15 <sup>th</sup> of each month     | --               | --                   |
| Status Conferences will be held every other month.            | 2 <sup>nd</sup> half of each month | --               | --                   |
| Staff's first round of Data Requests (DRs).                   | Nov. 13, 2015                      |                  |                      |
| Applicant first round of Data Responses                       | Dec. 4, 2015                       |                  |                      |
| Data Response and Issue Resolution Workshop                   | Dec. 8, 2015                       |                  |                      |



## California Energy Commission

# Scheduling Guide

| Activity   | Usual Interval                | Staff's Proposed | Applicant's Proposed |
|--|-------------------------------|------------------|----------------------|
| Staff Files Data Requests Round 2 (if necessary)   | TBD                           |                  |                      |
| Petitioner Provides Data Responses (if necessary)  | 30 days after request         |                  |                      |
| Discovery closes. [Cal. Code Regs., tit. 20, 1716(e) applies to AFC, not amendments. Presiding Member's discretion]. | 100 Days after Petition filed |                  |                      |



# California Energy Commission

| Activity   | Interval       | Staff's Proposed | Applicant's Proposed |
|--|----------------|------------------|----------------------|
| Data Response and Issue Resolution Workshop (if necessary)   | TBD            |                  |                      |
| SCAQMD issues Preliminary Determination of Compliance (PDOC) | TBD            | Mid-July 2016    |                      |
| Preliminary Staff Assessment (PSA) published                 | PDOC + 30 days | TBD              | N/A                  |
| PSA Workshop   | PSA + 14 days  | TBD              |                      |



## California Energy Commission

| Activity   | Interval       | Staff's Proposed | Applicant's Proposed |
|--|----------------|------------------|----------------------|
| SCAQMD issues Final Determination of Compliance (FDOC)                 | TBD            | October 2016     |                      |
| Final Staff Assessment (FSA) published                                 | FDOC + 45 days | TBD              | Jan. 29, 2016        |
| Parties file Opening Testimony   | FSA + 4 weeks  | TBD              | Feb. 29, 2016        |
| Parties file Rebuttal Testimony  | FSA + 5 weeks  | TBD              | Feb. 29, 2016        |
| Parties File Prehearing Conference (PHC) Statements with Exhibit Lists | FSA + 6 weeks  | TBD              | Feb. 29, 2016        |



# California Energy Commission

| Activity                                | Interval                                | Staff's Proposed | Applicant's Proposed |
|---|---|------------------|----------------------|
| Last to file Petition to Intervene      | 30 days before evidentiary hearing (EH) | TBD              | Feb. 16, 2016        |
| Prehearing Conference (PHC)             | FSA + 7 weeks                           | TBD              | March 10, 2016       |
| Evidentiary Hearings (EH)               | PHC+ 2 weeks                            | TBD              | March 17, 2016       |
| Parties file Opening Briefs (if needed) | 2 weeks after EH transcripts            | TBD              |                      |
| Parties file Reply Briefs               | 3 weeks after EH transcripts            | TBD              |                      |



## California Energy Commission

| Activity  | Interval       | Staff's Proposed | Applicant's Proposed |
|---|----------------|------------------|----------------------|
| Committee Files Presiding Member's Proposed Decision (PMPD) | EH + 9 weeks   | TBD              | April 5, 2016        |
| Committee Conference on PMPD                                | PMPD + 3 weeks | TBD              |                      |
| Close of Comment Period on PMPD                             | PMPD + 30 days | TBD              | May 5, 2016          |
| Committee Files Errata or Revised PMPD (if necessary)       |                | TBD              |                      |
| Energy Commission Final Decision                            |                | TBD              | May 11, 2016         |