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Staff Response to Comments on the Advanced Gas Path Petition to Amend Staff Analysis

Otay Mesa Energy Center 99-AFC-5C

On May 26, 2015, Otay Mesa Energy Center, LLC, the owner of Otay Mesa Energy Center (Otay Mesa) filed a petition with the California Energy Commission requesting to amend the final decision for Otay Mesa. The modifications proposed in the petition would replace certain combustion section components with Advanced Gas Path components on the two existing combustion turbines at Otay Mesa.

On November 17, 2015 the staff analysis for the proposed change was published. In the staff analysis, staff proposed two new **Traffic and Transportation** Conditions of Certification **TRANS-7** and **TRANS-8**.

On December 17, 2015, comments were received and docketed from Otay Mesa Energy Center, LLC, on the Staff Analysis of the Advanced Gas Path Petition to Amend (PTA).

On January 20, 2016 staff contacted the project owner to discuss proposed additional staff changes as well as the proposed project owner changes. Staff and project owner agreed on the new changes on January 21, 2016.

Staff and project owner agree with all proposed project owner and staff changes. **Bold and single underlined** text identifies changes recommended in the previously published analysis for the Otay Mesa amendment. **Bold and double underlined** text and ~~double strikethrough~~ identifies additional staff and project owner agreed upon changes. The changes are as follows:

TRANS- 7 Obstruction Marking and Lighting - The project owner shall install obstruction marking and lighting on the exhaust stacks consistent with Federal Aviation Administration (FAA) requirements, as expressed in the following documents:

- ~~FAA Advisory Circular 70/7460-1K~~
- ~~FAA Safety Alert for Operators (SAFO) 09007~~

Lighting shall be operational 24 hours a day, 7 days a week for the life of project operation. Upgrades to the required lighting configurations, types, location, or duration shall be implemented consistent with any changes to FAA obstruction marking and lighting requirements.

Verification: No later than ~~Within~~ 60 days after the project owner completes replacement of the Advanced Gas Path components, ~~Energy Commission~~

~~approval of the Petition to Amend~~ the project owner shall submit to the CPM for approval final design plans that depict the required air traffic obstruction marking and lighting.

Within 60 days after CPM approval of the final design plans, the project owner shall install permanent obstruction marking and lighting consistent with FAA requirements and shall inform the CPM in writing within 10 days of installation that the lighting is ready for inspection.

TRANS-8 Pilot Notification and Awareness - The project owner shall initiate the following actions. ~~to ensure pilots are aware of the project location and potential hazards to aviation:~~

- Submit a letter to the FAA requesting a Notice to Airmen (NOTAM) be issued advising pilots of the location of the Otay Mesa Energy Center and recommending avoidance of overflight of the project site below 2,000 feet Above Ground Level (AGL). The letter should also request that the NOTAM be maintained in active status until the Los Angeles Section Chart and Airport Facility Directories (AFDs) identified below have been updated;
- Submit a letter to the FAA requesting a power plant depiction symbol be placed at the Otay Mesa Energy Center site location on the Los Angeles Sectional Chart with a notice to “avoid overflight below 2,000 feet AGL”;
- Submit a request to ~~and coordinate with~~ the Brown Field Municipal Airport Manager to add a new remark to the Automated Surface Observing System (ASOS) identifying the location of the Otay Mesa Energy Center and advising pilots to avoid direct overflight below 2,000 feet AGL as they approach or depart the airport; and
- Request that Southern California Terminal Radar Approach Control (TRACON) and/or the San Diego Air Traffic Control Center submit aerodrome remarks describing the location of the Otay Mesa Energy Center and advising against direct overflight below 2,000 feet AGL to the:
 - FAA Airport/Facility Directory – Southwest U.S.;
 - Jeppesen Sanderson Inc. (Airway Manual Services - Western U.S. Airport Directory); and
 - Pilot’s Guide to California Airports.

Verification: No later than 60 days after the project owner completes replacement of the Advanced Gas Path components, ~~Within 60 days after Energy Commission approval of the Petition to Amend,~~ the project owner shall submit draft language for the letters of request to the FAA (including Southern California TRACON) and Brown Field Municipal Airport to the CPM for review and approval.

~~Within 60 days after CPM approval of draft language for the letters of request to the FAA (including Southern California TRACON), the project owner shall submit the required letters of request to the FAA (including Southern California TRACON) and Brown Field Municipal Airport, and request that Southern California TRACON submit aerodrome remarks to the listed agencies. These letters shall request a response within 30 days which should include a timeline for implementing the suggested remarks in identified publications and designation on the chart mentioned above. The project owner shall submit copies of these requests to the CPM. A copy of any resulting correspondence shall be submitted to the CPM within 10 days of receipt. If the FAA does not respond within 30 days, the project owner shall contact the CPM.~~

~~If the project owner does not receive a response from any of the above agencies within 45 days of the request, the project owner shall follow up with a letter to the respective agency or agencies to confirm implementation of the request. A copy of any resulting correspondence shall be submitted to the CPM within 10 days of receipt.~~

~~The project owner shall notify the CPM within 10 days if notified that any or all of the requested notices cannot be implemented. Should this occur, the project owner shall appeal such a determination, consistent with any established appeal process and in consultation with the CPM. A final decision from the jurisdictional agency denying the request, as a result of the appeal process, shall release the project owner from any additional action related to that request and shall be deemed in compliance with that portion of this condition of certification.~~

~~The project owner should provide the CPM copies of the correspondence with the FAA regarding changes to the applicable charts and AFD, the Jeppesen Sanderson Airway Manual Western U.S. Airport Directory, and the California Pilot's Guide as well as any responses which could include when the applicable changes will appear in future editions of these publications. The project owner shall acquire these publications when they become available and provide the CPM copies of the relevant portion of the charts and publications to verify that the changes have been made. In addition, the project owner must advise the CPM when the remark about avoiding direct overflight of the Otay Mesa Energy Center has been added to the Brown Field Municipal Airport ASOS.~~