

DOCKETED

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BEFORE THE
CALIFORNIA ENERGY COMMISSION

In the Matter of) Docket No. 08-AFC-09C
)
Palmdale Energy Project)
Committee) Status Conference

PALMDALE ENERGY PROJECT COMMITTEE
STATUS CONFERENCE

Petition to Amend Certification

CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Charles Imbrecht Hearing Room (Hearing Room B)
Sacramento, California 95814

TUESDAY, MAY 10, 2016
10:00 A.M.

Reported by:
Kent Odell

APPEARANCES

Commissioners Present

Karen Douglas, Presiding Member

Janea Scott, Associate Member

Hearing Officer

Kenneth Celli

Advisers to the Commissioners

Jennifer Nelson, Adviser to Commissioner Douglas
Le-Quyen Nguyen, Adviser to Commissioner Douglas

Rhetta DeMesa, Adviser to Commissioner Scott

Kristy Chew, Technical Adviser

Public Adviser

Alana Matthews, Public Adviser

Petitioner

Thomas Johns, Palmdale Energy, LLC, Project Manager

Petitioner Representative

Scott Galati, DayZen, LLC

CEC Staff Present (* Via WebEx or Phone)

Kevin Bell, Senior Staff Counsel
Eric Veerkamp, Compliance Program Manager
*Alvin Greenberg

Also Present

Lisa Beckham, U.S. EPA Region IX
Marie-Anne Fogel, California Energy Markets
Chris Dennis, Water Board Staff
Nancy F. [Sic], Air Quality Staff

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P R O C E E D I N G S

MAY 10, 2016 10:01 a.m.

COMMISSIONER DOUGLAS: Good morning, everyone. This is a Status Conference conducted by a committee of the California Energy Commission regarding amendments to the proposed Palmdale Energy Project.

Before we begin, I'd like to introduce the members of the Committee to you. I'm Karen Douglas, Presiding Member of this committee. And Commissioner Janea Scott, to the left of the Hearing Adviser, is the Associate Member of the Committee. Hearing Adviser Ken Celli is to my left. To my right are my Advisers, Jennifer Nelson and Le-Quyen Nguyen. And to the left of Commissioner Scott is Rhetta De Mesa, Commissioner Scott's Adviser.

So at this point, I'd like to ask the parties to introduce themselves and the representatives beginning with Petitioner.

MR. GALATI: Scott Galati representing Palmdale Energy Project.

MR. JOHNS: Tom Johns, Summit Power, owner of the Palmdale Energy Project.

MR. BELL: Kevin Bell, Senior Staff

1 Counsel. With me here is Eric Veerkamp,
2 Compliance Program Manager.

3 COMMISSIONER DOUGLAS: Thank you. All
4 right, so we've got Petitioner and staff.

5 MR. CELLI: So I'm just going to inquire
6 of the Court Reporter, did you -- were you able
7 to hear everybody pretty well? Okay.

8 COMMISSIONER DOUGLAS: All right, well,
9 are there any representatives of state, federal,
10 or local government agencies in the room or on
11 the phone?

12 MS. BECKHAM: This is Lisa Beckham with
13 U.S. EPA Region 9.

14 COMMISSIONER DOUGLAS: Thank you. Thanks
15 for being on the phone with us today. Anyone
16 else from federal, state or local government
17 agencies?

18 All right, so with that I'll hand over
19 the conduct of --

20 MS. FOGEL: I just want to identify
21 myself that I'm Marie-Anne Fogel, I'm from
22 California Energy Markets. Thanks.

23 COMMISSIONER DOUGLAS: Super. Thanks for
24 speaking up. All right, at this time, I'll hand
25 over the conduct of the Status Conference to the

1 Hearing Adviser, Ken Celli.

2 MR. CELLI: Thank you, Commissioner
3 Douglas. How is my sound? Everyone can hear me
4 fine? Thank you. Yes, I'm loud. I've been
5 accused of being loud.

6 So this Status Conference was scheduled
7 in a Notice dated April 18, 2016. This is the
8 first Status Conference regarding the Amendment
9 Petition for the proposed Palmdale Energy
10 Project, formerly known as the Palmdale Hybrid
11 Power Project. The purpose of today's conference
12 is to inform the Committee about any changes made
13 to the Palmdale Energy Project Amendment and the
14 progress the parties are making on the project.

15 Today we will try to help resolve any
16 procedural issues that may exist, as well as to
17 assess how well the parties are keeping to the
18 schedule.

19 We also need to acknowledge now that the
20 City of Lancaster has withdrawn its Petition to
21 Intervene, so as of today, there are no
22 Intervenors in this amendment proceeding.
23 Lancaster is welcome to continue to monitor and
24 participate in the Palmdale Energy Project
25 Amendment, or we may refer to it as PEP today.

1 And also, we welcome any comments from Lancaster.

2 The process of amending a power plant
3 certified by the California Energy Commission is
4 a public proceeding in which members of the
5 public and interested organizations are
6 encouraged to actively participate and express
7 their views on matters relevant to the proposed
8 amendment.

9 The Committee is interested in hearing
10 from the community on any aspect of this project.
11 Members of the public are also eligible to
12 intervene in the proceeding, and if there are
13 potential Intervenors, we encourage you to file
14 Petitions to Intervene as soon as possible to
15 allow full participation. Generally, a Petition
16 to Intervene will be granted by the Committee if
17 the grounds for intervening are reasonable and
18 relevant to the proceeding, and the Petition to
19 Intervene satisfies the requirements of
20 Commission Regulation 1207(a).

21 The Committee's scheduling order has
22 established the deadline for filing a Petition to
23 Intervene as five weeks after the filing of the
24 final staff assessment. The Public Adviser will
25 assist members of the public who would like to

1 become Intervenors in the amendment proceedings,
2 and at this time we would acknowledge that the
3 discovery period has closed.

4 With regard to today's procedure, first
5 we will hear from the Applicant regarding the
6 current status of the Amendment; next, we will
7 hear from staff regarding its point of view
8 regarding the status and progress of the
9 Amendment Petition; we will then provide an
10 opportunity for the general public comment.

11 If necessary after the public comment,
12 the Committee may go into a closed session for
13 deliberations if there is anything before them
14 that needs decision.

15 At the conclusion of the closed session,
16 I will return to re-open the record to adjourn
17 the Status Conference.

18 And with that, I have a few comments and
19 observations I'd like to make with regard to the
20 preliminary staff assessment. Before I do, there
21 was a stack of papers that was here -- yes. Who
22 gave us these? And what are they? It says
23 "Palmdale Energy --

24 MR. GALATI: Comments from the staff --

25 MR. CELLI: Oh, okay.

1 MR. GALATI: Comments from the staff --

2 MR. CELLI: Oh, okay. Well then, since
3 nobody has had a chance to read it, maybe when it
4 comes time for staff to address the Committee,
5 you will make all those points in the record.
6 Thank you.

7 I just want to say at this time that the
8 Committee has read the PSA and generally I wanted
9 to say that, as an example, because we did
10 request that staff address the factors under
11 15162, that generally staff did a good job of
12 that and, in particular, I really wanted to
13 acknowledge the land use section for doing an
14 excellent job of laying out a factual basis under
15 15162 because the way they did it is they said,
16 "There are no changed circumstances, there are no
17 significant impacts, and here are the facts that
18 support this conclusion." And they lay it all
19 out in bullet points. The reason I'm saying that
20 is because not every section does that. And I
21 would really ask staff before the FSA comes out
22 to have other staff take a look at those sections
23 and try to conform to that standard if they can
24 because a couple of sections, like Social and
25 Public Health, actually say none of the factors

1 that require a subsequent or supplemental
2 environmental analysis set forth in the CEQA
3 Guidelines at Section 15162(a) described in the
4 introduction section of this staff assessment are
5 present regarding this topic. But that is all we
6 have there. So what I have, then, is a
7 conclusion without a factual foundation laid. So
8 what I'm asking for is, when the FSA comes out,
9 to make sure that there is a factual foundational
10 laid for those conclusions. Clear? Any -- I
11 hope there's no question on that. It will be
12 clear when you look at Land Use and then look at
13 those two sections.

14 A couple other points I want to make,
15 just as to house cleaning, in the Facility Design
16 section it says that if a project owner submits a
17 decommissioning plan required in the compliance
18 and closure portion of this decision, prior to
19 the commencement of decommissioning the
20 decommissioning procedure is likely to result in
21 a satisfactory decommissioning performance. I'm
22 asking you to go back and check to make sure that
23 that is mentioned in there.

24 Also, in the Reliability section, it
25 states, "Appropriate conditions of certification

1 included in the facility design portion of this
2 decision ensure implementation of the QA/QC
3 programs in conformance with seismic design
4 criteria." However, there is no mention in
5 Reliability or -- actually, we just need to make
6 record about the QA/QC in Reliability, or
7 Facility Design, just make sure that it's there
8 because I didn't see it.

9 Next, in Noise, there is a mention of
10 Noise and Vibration Figure 2 and it's referenced
11 in both the Noise section and it says it's in the
12 2011 Decision, but I went looking for it in the
13 2011 Decision and it's not included, Figure 2 for
14 Noise and Vibration, so I think it just needs to
15 be put into your FSA in the Noise section so that
16 people can refer to it and we don't have to go
17 looking for it.

18 And let's see what else. So those are
19 the specific comments that I have, observations I
20 made on the PSA.

21 The last point I want to make before
22 handing the floor over to the Applicant is that
23 the Lahontan comments that came in just I think
24 this week, I read the comments, and on page 3
25 they're requesting that impacts from generator

1 tie lines that may traverse any Waters of the
2 State, including ephemeral drainages, be
3 evaluated to avoid, minimize, and mitigate for
4 such impacts, please see permitting requirements
5 below. And then it says consultation with Water
6 Board staff is encouraged as soon as possible.
7 When we hand the mic back over to staff, you can
8 tell us what kind of communications there have
9 been between staff and Lahontan, but we just want
10 to make sure that that's covered.

11 So with that, I would hand it over to Mr.
12 Galati for the Applicant.

13 MR. GALATI: Thank you for having the
14 Status Conference so we can get face to face and
15 talk. The case is going remarkably well, I
16 think, and going as predicted. And part of the
17 reason is, is the project is an amendment, and so
18 we focused on those changes and in most of the
19 changes the impacts have gone down. And where
20 the impacts are different, or are different in
21 scope or magnitude or type, we have addressed
22 those. And I think staff did a good job in their
23 Preliminary Staff Assessment.

24 We filed initial comments which were
25 primarily focused on the Conditions of

1 Certification and the conclusions. We filed
2 those prior to the preliminary Staff Assessment
3 Workshop, and then when we had a workshop with
4 staff, we went over those, and then we filed a
5 document called "Final Comments on the PSA," and
6 what they do is they reflect the agreements that
7 we've had with staff in the Preliminary Staff
8 Assessment. And as I sit here today, I think
9 there's only a couple of areas in which we have
10 not yet had formal agreement.

11 So I think that the case is progressing
12 well.

13 A couple of things I did want to mention,
14 I also wanted to address the Lahontan comments.
15 I just want to point out to everybody that the
16 transmission line has not changed since it was
17 originally permitted, the consultation was done
18 at that time. The determinations of whether
19 things were Waters of the State and needed any
20 special permits were done at that time. Those
21 are unchanged and we don't believe that -- we
22 believe that the Lahontan comments were more of a
23 standard type of comment that you would see from
24 them when they see a CEQA document, but we don't
25 believe that there are any new consultations that

1 need to take place to accommodate the project
2 other than what we're doing with the Energy
3 Commission, and those people providing us water.

4 I would like to just really go through
5 the issues quickly. There is information that
6 the Applicant still needs to provide to staff --
7 they're called out in the Preliminary Staff
8 Assessment and we're working on them -- there
9 were four new sites that were identified in the
10 Cultural materials that needed a further
11 evaluation; we have engaged a consultant who is
12 doing that and we hope to get that very quickly.
13 I think I was optimistic in telling staff we
14 might get it in two weeks, it's probably a three-
15 week timeframe for us to provide that information
16 to staff.

17 In addition, in the old project there
18 were summaries of a bunch of reports that were
19 done for archaeological and cultural resources,
20 but the reports were never provided to the
21 Commission from the last Applicant. Staff has
22 asked us to get those reports, and we're getting
23 those reports and we'll put those into the
24 record.

25 With respect to -- staff had a question

1 about modeling the thermal plume from the air-
2 cooled condenser, the plumes had been modeled
3 from the stacks, but not the air-cooled
4 condenser, they asked us some information about
5 that, we had a little difficulty getting the
6 information from the various potential vendors
7 since there's not a vendor selected and under
8 contract to provide that. We do have that
9 information and we will be providing that to
10 staff very soon.

11 The one area that is a long lead item,
12 and it's not an item that we believe is
13 necessary, although we've been cooperating and
14 working with staff, is a Water Supply Assessment
15 for the 3.6-acre feet per year of potable water
16 that is going to be used at the plant for potable
17 purposes. The provider is the same as the
18 original project. The amount is the same as the
19 original project, nothing has changed there. The
20 staff didn't have a Water Supply Assessment for
21 the first project, asked L.A. County to provide
22 that Water Supply Assessment. Apparently, that's
23 a very long lead time, and apparently it's done,
24 but there's a seven to eight-week review cycle
25 for a Water Supply Assessment to supply the

1 equivalent of about four homes. We don't want
2 that to delay our project. We're happy to work
3 with staff, but we don't control the outcome. We
4 were asked to update the will serve letter, but
5 they will not update the will serve letter until
6 the Water Supply Assessment has been prepared.
7 So what we talked about with staff is, if that
8 becomes a pinch point in the schedule, we would
9 ask staff to perform the Water Supply Assessment
10 on its own and to move forward. And I think
11 that's a possibility and I think staff was open
12 to that.

13 We are still hoping that we're able to
14 get the Water Supply Assessment because we are
15 delayed, and we are delayed for the following
16 reason: you alluded to it in the EPA comment
17 letter on the Preliminary Determination of
18 Compliance for PDOC that was issued. Much of
19 those comments were associated with the offset
20 package of which we had filed confidentially.
21 The Commission granted confidentiality, as did
22 the District. But EPA did not grant
23 confidentiality, so they were not provided with
24 the offset package. And the PDOC summarized an
25 offset package that EPA had not seen.

1 So part of the comments were they were
2 very concerned about whether the offset package
3 was appropriate. We have withdrawn our request
4 for confidentiality to accommodate this. We have
5 re-docketed the offset package in a non-
6 confidential way. And Antelope Valley included
7 the confidential information and addressed the
8 offsets, but felt the need to recirculate the
9 Preliminary Determination of Compliance.

10 So that has to go out for another round
11 of circulation before they can prepare an FDOC,
12 and staff can't prepare its FSA until the FDOC
13 comes out.

14 So I think as we sit here today, we are
15 at the earliest maybe nine weeks, probably closer
16 to 10 weeks before the FSA will be out. So we're
17 hoping we get the Water Supply Assessment in
18 time, but still we have no control over that part
19 of the process.

20 So that has delayed the project, but we
21 understand why it's delayed; the Antelope Valley
22 doesn't have any rules that allow them to
23 recirculate the FDOC, for example, so that its
24 comment period is going concurred with
25 preparation of the FSA. So we were unable to do

1 that and we're comfortable.

2 That does lead me to a request that we
3 need to make of the Commission and I need some
4 guidance from the Committee on how to do this.
5 The license is set to expire in August, and so I
6 would like to make a request that the Committee
7 extend -- and whether the Committee can or it has
8 to go to a full Commission I'd ask for that
9 advisement -- that the license be extended to the
10 date of the final decision on this project.

11 I don't want to say extend it for two
12 months, or four months, or six months, or one
13 year because, as the Committee did and the
14 Commission did in, for example, the Blythe Solar
15 Power Project, which was amended, they provided a
16 new five-year license for the new revised project
17 where all the CEQA has been updated. That's what
18 we would request the Committee do in this case in
19 its final decision, is that it extend the
20 license, issue a new decision for the project
21 which has a five-year life.

22 So we're asking the Committee to consider
23 at this time a good cause requirement to extend
24 the license in order to allow the decision to be
25 made.

1 COMMISSIONER DOUGLAS: Mr. Galati, why
2 would you want or need a five-year extension for
3 a project when you're actually not that far out
4 potentially from having an amendment decision?

5 MR. GALATI: I think it's -- for our
6 perspective, we're marketing a new project, we do
7 not have a Power Purchase Agreement, and we will
8 need time to secure such a Power Purchase
9 Agreement.

10 COMMISSIONER DOUGLAS: But aren't you
11 marketing the project that is being proposed
12 here, not the old project?

13 MR. GALATI: If I could clarify, is your
14 question -- so let me just clarify this and make
15 sure we're on the same page. We want to ask for
16 an extension to allow you to make the decision.
17 In the decision, we're asking you to give us five
18 years because you're issuing a new decision in
19 the same way you did the Blythe Solar Power
20 Project, and so the reason that we need that five
21 years is we have a new project we'll be
22 marketing.

23 COMMISSIONER DOUGLAS: So, okay, now I
24 understand. Thank you. I was really puzzled at
25 why you would want -- anyway. Okay, so you are

1 asking for something that has to go to the full
2 Commission. There's a similar situation on the
3 May Business Meeting, there's an extension for a
4 similar reason. So you should just work with
5 staff to, you know, on a more short-term
6 extension proposal for the currently permitted
7 project that would allow us to complete the
8 processing of the amendment.

9 MR. GALATI: And does the Committee have
10 a preference of whether we set a date or leave
11 the date open to say it's extended for the period
12 of time until a final decision on the amendment
13 is appropriate? Does the Committee have a
14 preference?

15 COMMISSIONER DOUGLAS: I think my own
16 preference is for a date, but that the date be
17 reasonably generous in order to accommodate
18 anything unforeseen so that we're not going to
19 the Commission twice.

20 MR. GALATI: We'll go ahead and do that,
21 so we'll file a formal request and we'll docket
22 that request, and then staff can evaluate and
23 determine if good cause is met and give you a
24 recommendation, and we'll get on hopefully not
25 this business, but we'll get on the next business

1 meeting. Thank you.

2 COMMISSIONER DOUGLAS: Sounds good.

3 Eric, were you going to say something?

4 MR. VEERKAMP: No.

5 MR. CELLI: Thank you, Mr. Galati. Let's
6 hear from staff next, the status of the Palmdale
7 Energy Project.

8 MR. VEERKAMP: Good morning.

9 MR. CELLI: Good morning.

10 MR. VEERKAMP: My name is Eric Veerkamp,
11 Project Manager for Palmdale Energy Project.
12 Staff and the Applicant are very close. We would
13 echo many of the comments that Scott has made
14 about the outstanding issues.

15 I do think that this process has been
16 very smooth, you know, through the data requests
17 and data response process we have resolved many
18 issues.

19 I do want to mention that, in addition to
20 what Scott mentioned, there was an outstanding
21 issue about staff wanting to see a more defined
22 protocol procedure for the RACT adjustment that
23 would clarify what would take place when those
24 ERCs are redeemed, I guess you'd say. My
25 understanding was that the Applicant was going to

1 refile, re-docket those RACT adjustment
2 procedures again, redacting the confidential
3 nature to --

4 MR. CELLI: And for the record, you said
5 RACT, R-A-C-T?

6 MR. VEERKAMP: Yes, R-A-C-T, RACT
7 Adjustment.

8 MR. CELLI: Thanks.

9 MR. VEERKAMP: So I would defer to Scott
10 at the appropriate time whether they still plan
11 to refile that.

12 I also wanted to mention for Cultural
13 Resources, there is still a bit of a language
14 issue that we need to work out having to do with
15 the definition of construction activities and
16 what may constitute potential damage to
17 topography and natural features. I don't think
18 it's anything that we can't overcome with
19 continued discussion, but I do mention that.

20 I think the biggest concerns right now
21 are really the outside factors that are affecting
22 the timing, the publication of the revised PDOC
23 and also the Water Supply Assessment that's going
24 to be forthcoming on LA County. My understanding
25 from staff, and I would ask staff to clarify if I

1 misspeak, but I think given the fact that they've
2 already begun that process, in fact it's written,
3 the Water Supply Assessment, it is in review by
4 Legal, I think that somewhat precludes us from
5 now writing one in-house.

6 I also wanted to mention, finally, just
7 summarize the comments that we received, I know
8 Scott mentioned the Lahontan comments, as did
9 you. But we also received comments from Center
10 for Biological Diversity. Their concerns
11 primarily were that the PEP should have been
12 subject to a new AFC and also that the
13 Environmental Justice issues were not adequately
14 addressed.

15 We received comments from the LA County
16 Public Works regarding road rights of way, and my
17 understanding is there are ongoing discussions
18 between the Applicant and LA County for a
19 Franchise Agreement to address those comments.

20 And then we received comments from two
21 families, presumably within a 500-foot radius of
22 the Palmdale Plant, basically stating their
23 opposition to the project, I think primarily from
24 an air quality/health standpoint.

25 I agree with Scott's comments about the

1 nine weeks, although it even seems to me that we
2 may be nine weeks from being able to target an
3 FSA publication date. So those conclude my
4 comments. Thank you very much.

5 MR. CELLI: Thank you, Mr. Veerkamp. So
6 just to be clear, the nine weeks is your
7 estimate, Mr. Galati, from the FDOC's publication
8 to an FSA?

9 MR. GALATI: No, it's from today. So if
10 we believe the revised PDOC will come out this
11 week, it will be circulated for 30 days; if the
12 comments that were received were primarily about
13 the offset package. Depending on how long the
14 comments are, if there are any, and if they need
15 to be addressed, it's possible that the District
16 could go to an FDOC shortly after the close of
17 comment period. So the FDOC is what triggers
18 staff's 30-day requirement for a FSA. So I think
19 that, best case scenario, the District could be
20 done in about a five-week period, leaving staff
21 about four weeks to get the FSA out. That's why
22 I thought it would be nine to ten weeks is
23 probably the earliest that we would see an FSA.
24 We would endeavor to -- all of the information
25 that we need to provide will clearly be provided

1 to Energy Commission before the FDOC is, so
2 they'll have at least 30 days, probably close to
3 six weeks, with the information that's
4 outstanding from our perspective.

5 I did also want to clarify that we will
6 docket the RACT adjusted information, I actually
7 thought we had, but I don't think we did, and it
8 was docketed confidentially, with a request for
9 confidentiality, so we'll re-docket that, that
10 will solve that problem.

11 And LA County did make comments, they did
12 not make comments in the first project about a
13 Franchise Agreement, we're not sure why, we guess
14 that maybe because it was a public agency at that
15 time that maybe they didn't need to have a
16 Franchise Agreement with Lancaster for putting
17 their transmission lines -- Palmdale, excuse me
18 -- putting their -- but either way, we're flying
19 down on Thursday and going over with them all the
20 different areas that may need a Franchise
21 Agreement. That's not something that needs to be
22 done before the Commission finishes. So what
23 we'll be proposing is a simple condition be put
24 into the Land Use section, and then once we talk
25 with LA County where the areas are, then we would

1 identify those areas because there's two
2 transmission routes, would identify those areas
3 that need a Franchise Agreement, and we would
4 simply say "so many days before construction of
5 that portion of the transmission line you shall
6 provide proof of a franchise agreement to the
7 ACPM." We just want to outline the area so it's
8 clear. We hope to have a productive meeting.
9 We've already talked to LA County about that
10 concept of a condition, which they're fine with.
11 We're just going to go work with them on Thursday
12 and hopefully have a map with circles drawn on
13 it.

14 Was there something else you needed me to
15 address?

16 MR. VEERKAMP: I don't think so.

17 MR. GALATI: Okay just the RACT adjusting
18 and the LA County.

19 MR. CELLI: Does staff have any
20 opposition or a position with regard to
21 Petitioner's motion to extend the construction
22 start date?

23 MR. VEERKAMP: No. We do not have an
24 opposition to that.

25 MR. CELLI: Okay. Thank you. Let's just

1 see if we can go to the phone and see if there's
2 anyone from the Antelope Valley Air Quality
3 Management District here. Anyone from AVAQMD on
4 the telephone? Please speak up. These are all
5 unmuted, aren't they? Or we heard from -- I know
6 that Lisa Beckham was on the phone from U.S. EPA
7 Region IX. Any comments from U.S. EPA?

8 MS. BECKHAM: No comments. I look
9 forward to seeing the revised PDOC.

10 MR. CELLI: Very good. Thank you. If
11 there's anything further from Applicant or staff
12 at this time, please speak up, otherwise we'll go
13 to public comment. I see there's a member of
14 staff who wanted to speak here.

15 MR. VEERKAMP: Ken, I just wanted to say
16 staff supports adding the condition to Land Use.

17 MR. CELLI: Thank you. Go ahead and
18 please introduce yourself.

19 MR. DENNIS: Hi, I'm Chris Dennis, I'm
20 with the Energy Commission. I'm still in Water
21 Staff. I just want to provide two pieces of
22 information that may be important for you guys.

23 The first is regarding the Water Supply
24 Assessment. I talked to LA County, too, and the
25 one thing I don't believe that I can complete the

1 Water Supply Assessment because they mentioned
2 there may be mitigation regarding the water. All
3 water in the Valley has been spoken for in the
4 Basin, and so they would have to bring in out-of-
5 basin water. That would have to come from
6 Antelope Valley, East Kern Water District. And
7 so that's something I can't write a Water Supply
8 Assessment, I don't know what the County's
9 mitigation --

10 MR. CELLI: I just want to make sure, are
11 you getting good audio?

12 THE REPORTER: He could get a little
13 closer.

14 MR. DENNIS: Okay, I'm sorry. So that's
15 just a piece of information that may be a reason
16 where I wish -- we're waiting for their Water
17 Supply Assessment and whatever the conditions
18 they have on it. I'm not sure what those would
19 be, those conditions.

20 MR. CELLI: And that comes from LA
21 County?

22 MR. DENNIS: Yes.

23 MR. CELLI: And LA County will provide
24 conditions?

25 MR. DENNIS: Yes. And I can provide the

1 Conditions Form.

2 MR. CELLI: Okay.

3 MR. DENNIS: So that was the first piece
4 of information. The second is regarding -- I
5 concur with the project owner regarding the
6 transmission line and the Water Board's comments.
7 It's the same line and I think, I can't speak for
8 Biology staff, but Bio 23, I think, covers the
9 stream, the 401, and the stream alteration
10 impacts already. So I can't speak with Bio, but
11 I believe that's covered under that. Then also
12 for stormwater impacts regarding the transmission
13 line, that is already covered under Stormwater 2
14 that was part of the original project. I haven't
15 spoken at the Water Board, I will call them and
16 touch base with them.

17 And I wanted to ask the Applicant one
18 question about the Water Board made comments
19 about vegetating the laydown area; is that
20 something you're opposed to? Or would that be
21 okay? Because I think that's something the Water
22 Board was interested in.

23 MR. GALATI: What we proposed to staff is
24 that the current laydown area is something that
25 will be returned back to the City. And so what

1 we asked staff to do, since we're mitigating it
2 as permanent impact, and we agree to mitigate it
3 as a permanent impact as opposed to a temporary
4 impact, we ask to return it to the requirements
5 that the City requests us to do. We don't mind
6 doing some amount of erosion protection and
7 revegetation, what we did not want to do was to
8 restore the land, as well as pay permanent
9 habitat impacts. So we proposed that with staff
10 and I think that's how our current condition is
11 written, is that we'll return it to the City in
12 the condition the City would like to have it.

13 MR. DENNIS: Is that in the Land Use
14 section, perhaps?

15 MR. GALATI: It is in the Biology
16 section. So if you look at our final comments,
17 we proposed a condition.

18 MR. DENNIS: Okay. Thank you, Mr.
19 Galati.

20 MR. CELLI: And then I would just ask --
21 and Mr. Dennis, when you're writing your section
22 for the FSA, that you refer to Bio 23 there so
23 that we know where to go to find that.

24 MR. DENNIS: Okay, I will do that.

25 MR. CELLI: Provide a roadmap. Thank

1 you. Anything further, Mr. Dennis?

2 MR. DENNIS: No, there's not.

3 MR. CELLI: Mr. Veerkamp? Mr. Bell?

4 MR. BELL: Nothing, thank you.

5 MR. CELLI: Mr. Bell is shaking his head
6 no. Mr. Galati?

7 MR. GALATI: Just I'd like the record to
8 reflect that I've come here in front of the
9 Committee and I didn't ask for anything.

10 (Laughter)

11 MR. CELLI: But did you announce that you
12 are going to ask for an extension?

13 MR. GALATI: Recovery takes little steps.

14 MR. CELLI: Thank you. Ms. Mathews, the
15 Public Adviser, Alana Mathews. Are there any
16 members of the public who would like to make a
17 comment today, or who provided comments to you on
18 their behalf?

19 MS. MATHEWS: No one from the public
20 provided comments, and there's no one in the
21 room.

22 MR. CELLI: Thank you. Then at this time
23 we'll go to the phones. Oh, these are wireless.
24 Okay, so I have Alvin Greenberg with staff, John
25 seems to have hung up, Justin Rainier is with

1 staff, Lisa Beckham, did you wish to make a
2 comment at this time?

3 MS. BECKHAM: No, thank you.

4 MR. CELLI: Thank you. Thank you for
5 calling in. Marie-Anne Fogel is with the Energy
6 Markets, I think, and then I have Nancy F., who
7 is on mute. Did you wish to make a comment,
8 Nancy F.?

9 MS. F.: No. I'm Air Quality staff.

10 MR. CELLI: Air Quality staff, thank you.
11 And that is all.

12 So having taken all the public comment
13 there is to be gotten today, I'm going to hand
14 the meeting back to Commissioner Douglas.

15 COMMISSIONER DOUGLAS: All right, well,
16 I'd like to thank everyone for a productive
17 Status Conference. And with that, we're
18 adjourned.

19 (Whereupon, at 10:45 a.m., the meeting was
20 adjourned.)

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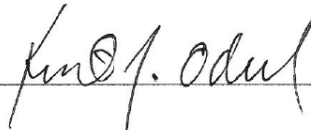
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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of May, 2016.



A handwritten signature in cursive script, appearing to read "Kent Odell", is written over a horizontal line.

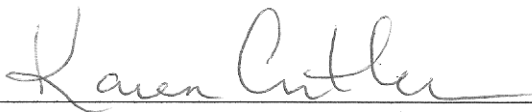
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IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of May, 2016.



Karen Cutler
Certified Transcriber
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