

DOCKETED

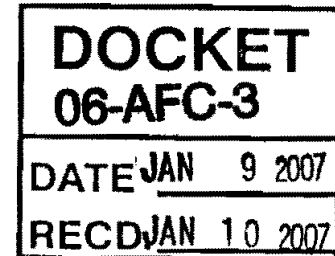
Docket Number:	13-AFC-01
Project Title:	Alamitos Energy Center
TN #:	214146
Document Title:	Jurisdiction over Demolition of Existing South Bay Power Plant
Description:	California Energy Commission letter to John Halmer, Manager, Land Use Planning
Filer:	ELIZABETH LAMBE
Organization:	Los Cerritos Wetlands Land Trust
Submitter Role:	Intervenor
Submission Date:	10/21/2016 4:16:16 PM
Docketed Date:	10/21/2016

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 9, 2007



John Helmer
Manager, Land Use Planning
P.O. Box 120488
San Diego, CA 92112-0488

RE: Jurisdiction over Demolition of Existing South Bay Power Plant

Dear Mr. Helmer:

Thank you for participating in the conference call with Energy Commission staff on November 21, 2006, to discuss jurisdiction and environmental review of the demolition of the existing South Bay power plant. In that discussion, I explained the Energy Commission does not have permitting jurisdiction over the demolition of the existing South Bay power plant. Prior to our conference call, I had confirmed this with the Energy Commission's Chief Counsel. You suggested I send you a letter explaining the Commission's lack of jurisdiction and indicated the letter would help clarify statements about jurisdiction in the San Diego Unified Port District's Draft Environmental Impact Report for the Chula Vista Bayfront Master Plan.

Essentially, the Commission's lack of permitting authority rests on whether the existing South Bay power plant falls within certain definitions that define the Energy Commission's permitting authority. The existing power plant and its location happen to fall outside the definitions of "site" and "related facility," as those terms are defined in the Commission's enabling statute and regulations. (See Public Resources Code sections 25110, 25119, and 25500 and Title 20 California Code of Regulations, section 1702(n).) The existing power plant was not licensed by the Energy Commission. Its location is not a "site" on which a thermal power plant regulated by the Energy Commission has been constructed or is proposed for construction. Moreover, the existing plant is not a "related facility" in that it is not dedicated and essential to the operation of the replacement power plant, over which the Commission does have permitting authority. Indeed, rather than being essential to the operation of the replacement plant, the existing plant is slated for demolition under agreements between its owner, the Port Authority, and the applicant seeking an Energy Commission license for the replacement.

Mr. John Helmer
January 9, 2007
Page 2

Because the demolition is part of a master plan to build a replacement plant at another location, however, the Energy Commission staff plans to assess the environmental impacts of the demolition in its environmental assessment of the proposed replacement plant. Actually, all foreseeable activities related to the proposed replacement power plant will be covered in the Commission staff's environmental assessment. As a result, the final staff assessment should be suitable for use in complying with CEQA by the Port Authority and the City of Chula Vista, agencies that we understand do have permitting authority over the demolition of the existing South Bay power plant.

The teleconference was very informative as to the role the City of Chula Vista is expected to play in the issuance of a demolition permit. Even though the Port Authority owns the existing South Bay power plant and its site, we understand the Port Authority expects to rely on the City of Chula Vista for important aspects of reviewing and permitting the demolition.

Since our call, Energy Commission staff has held a similar call with staff from the City of Chula Vista. We look forward to continuing the dialogue with both the City and the Port Authority to coordinate our respective responsibilities in the license review of the replacement plant, as well as the demolition of the existing plant and all other related and foreseeable activities.

Sincerely,



ARLENE L. ICHIEN
Assistant Chief Counsel

AI/jcm



CALIFORNIA
ENERGY
COMMISSION

1516 Ninth Street
Sacramento, CA 95814
800-822-6228
www.energy.ca.gov

**ELECTRONIC PROOF OF SERVICE LIST
and ELECTRONIC DISTRIBUTION LIST
Revised 10/20/06**

SOUTH BAY REPLACEMENT PROJECT
APPLICATION FOR CERTIFICATION
DOCKET NO. 06-AFC-3

docket@energy.state.ca.us	Energy Commission Docket Unit
jgeesman@energy.state.ca.us	Commissioner John Geesman
pflint@energy.state.ca.us	Pat Flint, Commissioner Rosenfeld's Office
pao@energy.state.ca.us	Margret J. Kim, Public Adviser
gshean@energy.state.ca.us	Garret Shean, Hearing Officer
bpfanner@energy.state.ca.us	Bill Pfanner, Staff Project Manager
kwillis@energy.state.ca.us	Kerry Willis, Staff Attorney
altump@abeglobal.net	Andrew Trump, LS Power Generation, LLC, Applicant
kjohnson@lspower.com	Kevin Johnson, LS Power Generation, LLC
cte@eslawfirm.com	Chris Ellison, Applicant's Attorney
robert.mason@ch2m.com	Robert Mason, CH2M HILL
sarah.madams@ch2m.com	Sarah Madams, CH2M HILL
mdjoseph@adamsbroadwell.com	Marc D. Joseph, CURE
speesapati@adamsbroadwell.com	Suma Peesapati, CURE
wolff@smwlaw.com	Osa L. Wolff, Atty for Environmental Health Coalition
bundy@smwlaw.com	Kevin P. Bundy, Atty for Environmental Health Coalition

I declare that I transmitted the foregoing document via e-mail, or as indicated by first class postal mail, to the above named on the date indicated thereby. I declare under penalty of perjury that the foregoing is true and correct.

<Geoffrey W. Carter>

Distribution List	
laurah@environmentalhealth.org	Laura Hunter, Environmental Health Coalition
mmeacham@ci.chula-vista.ca.us	Michael Meacham, City of Chula Vista
pfanfera@portofsandiego.org	Paul Fanfera, San Diego Port District
cteufel@coastal.ca.gov	Cassidy Teufel, California Coastal Commission