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CONFIDENTIAL AND PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

MEMORANDUM

TO: Hearing Officer Celli

FROM: Jeff Harris

RE: AEC Prehearing Conference Statement: Readable Copy
Docket 13-AFC-01: Alamos Energy Center

DATE: November 3, 2016

We are re-filing the same AEC Prehearing Conference Statement that we filed yesterday, in a larger, more readable font size.

The text of the PHC Statement is unchanged. We have removed the two comments in the earlier filed version.

Thank you.

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA**

Application for Certification for the
ALAMITOS ENERGY CENTER

Docket No. 13-AFC-01

PREHEARING CONFERENCE STATEMENT

AES ALAMITOS ENERGY, LLC

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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA**

Application for Certification for the
ALAMITOS ENERGY CENTER

Docket No. 13-AFC-01

**PREHEARING CONFERENCE STATEMENT
AES ALAMITOS ENERGY, LLC**

INTRODUCTION

In accordance with the Committee’s October 14, 2016 *Notice of Prehearing Conference and Evidentiary Hearing, Scheduling Order, and Further Orders* (“Notice”), AES Alamitos Energy, LLC (“Applicant”) files this prehearing hearing conference statement and exhibit list.

1. The subject areas that are complete and ready to proceed to Evidentiary Hearing.

All subject areas set forth in Staff’s Final Staff Assessment Part 1 (TN # 213768) are complete and ready to proceed to Evidentiary Hearing.

2. The subject areas upon which any party proposes to introduce testimony in writing rather than through oral testimony.

The Applicant proposes to introduce all testimony in writing rather than through oral testimony for all subjects with the exception of the following subject area:

- Cultural Resources

The Applicant will introduce testimony through both pre-filed written testimony and oral testimony for the subject identified above. However, should other parties propose to introduce testimony through oral testimony for additional subjects and should the Committee direct oral testimony for any additional subjects, the Applicant will be prepared to introduce testimony through both pre-filed written testimony and oral testimony.

3. The subject areas that are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefor.

All subject areas set forth in Staff’s Preliminary Staff Assessment Part 1 (TN # 213768) are complete and ready to proceed to Evidentiary Hearing.

4. The subject areas that remain disputed and require adjudication, and the precise nature of the dispute for each issue.

Disputed Areas Potentially Requiring Live Witness Testimony: Cultural Resources

As between Staff and the Applicant, one Condition of Certification in one subject area remains disputed and requires adjudication: Cultural Resources Condition of Certification CUL-6. Specifically, Staff has significantly overstated the probability of finding undiscovered archaeological resources on the project site, where a powerplant and fuel oil tanks have been located since 1955. Staff's proposed CUL-6 requires full-time monitoring for any ground disturbance occurring in eight large areas of the project site.¹ In contrast, the Applicant proposes that full-time monitoring be required only in the event that an intact archaeological deposit² that could be recommended as eligible for the California Register of Historical Resources is discovered. If a discovery is made, full-time monitoring would be employed in the immediate area, up to a 100 foot buffer, where the discovery was made. This approach is appropriate due to the low probability of discovery of archaeological resources, given the extensive ground disturbance that has already occurred on and around the AEC site.

There is a low probability of discovery of archaeological resources due to the high amounts of ground disturbance that has already occurred on the AEC site. Accordingly, the Applicant, in its comments on the Preliminary Staff Assessment, stated that full-time archaeological monitoring of the AEC site is unnecessary and should not be required. In its opening testimony, the Applicant submitted additional evidence, including photograph evidence, further demonstrating that there is a low probability of discovery of archaeological resources due to the high amounts of ground disturbance that has already occurred. Staff's Rebuttal Testimony fails to consider the overall magnitude of the excavation and ground disturbance of the Alamos Generating Station property demonstrated by the photographs.

The Applicant remains hopeful that the Staff and Applicant will enter into a stipulation as to CUL-6 before evidentiary hearings, thus obviating the need for live witness testimony on this subject.

Disputed Areas That Have Been Resolved or Can Proceed to Briefing Based on the Record Without Live Witness Testimony

Based on a review of Staff's Rebuttal Testimony, only seven Conditions of Certification remain disputed as between Staff and the Applicant: COM-15, BIO-1, BIO-8, CUL-1, CUL-6, GEO-2, and WORKER SAFETY-8. Staff and the Applicant are in agreement as to all other Conditions of Certification. A brief discussion of the remaining disputed Conditions of Certification is provided below. The Applicant's proposed language for the remaining disputed Conditions of Certification is attached hereto as Attachment B.

¹ Note: CUL-6, as proposed in the FSA, references the need for full-time monitoring in Power Blocks 1, 3, and 4. It is unclear what areas this will encompass, as the AEC is comprised of only two Power Blocks.

² For example, intact archaeological deposits could include a midden or a historic refuse deposit, or a buried prehistoric or historic era feature.

The factual record is robust for each of these Conditions, so live witness testimony will not be required. The Applicant is hopeful that these issues can be resolved by stipulation, without need for briefing.

- **COM-13, COM-14, and COM-15**

For COM-13, the Applicant and Staff have reached agreement, revising subsection (a)(1) to reference “Forced Outages” as defined in the CAISO Tariff. (See, Applicant’s Opening Testimony, p. 99; also see Staff’s Rebuttal Testimony, p. 8.) Thus, with the change to subsection (a)(1) as proposed in Staff’s Rebuttal Testimony, this formerly disputed Condition is now acceptable.

For COM-14, Staff has agreed to add the phrase “or unplanned maintenance” to the first sentence in subsection (a). (Staff’s Rebuttal Testimony, p. 8.) While the Applicant has expressed its belief that COM-14 is unnecessarily detailed and cumbersome, the Applicant will, in the spirit of compromise, agree to Staff’s language as modified by the addition of unplanned maintenance. Thus, with the change to subsection (a) as proposed in Staff’s Rebuttal Testimony, this formerly disputed Condition is now acceptable.

For COM-15, though some substantive differences exist, the Applicant believes that Staff and Applicant can come to an agreement on the language for Condition COM-15. COM-15, as proposed in the FSA, is much improved. However, the Applicant does not agree that a cost estimate is a necessary component for a closure plan. The Applicant’s proposed revisions to the COM-15 language proposed in the FSA are provided below in Attachment B.

- **BIO-1 and CUL-1**

Staff and Applicant disagree on the processes for appointment of the Designated Biologist (BIO-1) and the Cultural Resources Specialist (CUL-1). As explained in the Applicant’s Opening Testimony (TN # 214099), the conditions in the FSA can result in the rejection of otherwise qualified Biologists and Cultural Resources experts based on subjective criteria. In addition to potentially interfering with the schedule for construction of the project, these subjective disqualifications have the potential to prevent qualified individual from gaining employment for reasons that are arbitrary and capricious. The Applicant seeks three things: (1) clear, objective standards; (2) a transparent, written explanation if an otherwise qualified individual is disqualified by Staff; and (3) an appeal process for a disqualification that is prompt and fair to all. These issues may be briefed on the record before the Committee. The Applicant remains amenable to a possible stipulation on BIO-1 and CUL-1. The Applicant’s proposed revisions to the BIO-1 and CUL-1 language proposed in the FSA are provided in Attachment B.

- **BIO-8**

The Applicant does not agree to Staff’s recommendation to require burrowing owl surveys. As explained in Applicant’s Opening Testimony, burrowing owls have not been detected within the AEC site, and the site is located outside of the current breeding range for this species. The FSA notes that burrowing owls have “been documented in the project vicinity, but

not on the project site” (p. 4.2-21) and that there is a “low probability of nesting on the site” (p. 4.2-14). Nevertheless, the FSA recommends surveys and other burdensome measures in BIO-8. No surveys for burrowing owls should be required because no specific impact on the species has been identified, much less any potentially significant impacts at a population level. Some of the Staff’s analyses are based on historic conditions that are no longer present. The Applicant’s proposed revisions to the BIO-8 language proposed in the FSA are provided in Attachment B.

- **GEO-2**

The Applicant proposed deletion of Condition of Certification GEO-2 as there is no legal or regulatory requirement to prepare a Tsunami Protection Plan. Further, the Applicant was concerned by the burdensome and excessive requirements of GEO-2, including, for example, the requirement to update the plan at least twice a year and to provide tsunami response training for every single person who visited the AEC site, regardless of the duration of the visit. The Applicant did not object to incorporating tsunami hazard notification and evacuation plans into the Emergency Action Plan for construction and operation. The Applicant pointed to the existing Emergency Action Plan that is in place at the Alamitos Generating Station, which addresses tsunami hazards and measures to inform employees and contractors of the potential hazard. GEO-2 should not be adopted.

- **WORKER SAFETY-8**

The Applicant proposed revisions to Condition of Certification Worker Safety-8. The FSA incorrectly states that certain National Fire Protection Association requirements and Code of Federal Regulations sections should be applied to the proposed natural gas compressor buildings. In fact, these provisions apply to natural gas transportation pipelines and do not apply to the compressor building and other end user facilities like those proposed for AEC. The Applicant’s proposed revisions to the Worker Safety-8 language proposed in the FSA are provided in Attachment B.

5. The identity of each witness the party intends to sponsor at the Evidentiary Hearing, the subject area(s) about which the witness(es) will offer testimony, whether the testimony will be oral or in writing, a brief summary of the testimony to be offered by the witness(es), qualifications of each witness, the time required to present testimony by each witness, and whether the witness seeks to testify telephonically.

WITNESS	SUBJECT AREAS	TESTIMONY FORMAT/ TIME	SUMMARY
Natalie Lawson	Cultural Resources	Pre-filed written testimony and oral testimony at the Evidentiary Hearing (approximately 25 minutes)	Ms. Lawson will testify regarding the low potential for undiscovered archaeological resources at the project site, and the Applicant’s proposed language for CUL-6.

Assuming the Staff and Applicant cannot reach a stipulation on Cultural Resources, then Ms. Lawson will provide testimony for the Applicant.

The Applicant believes that all other subjects either require no briefing, or may be briefed in writing on the record before the Committee. The Applicant will, of course, make witnesses for other subject areas available, if the Committee orders their availability. To ensure witness availability for subjects other than Cultural Resources, the Applicant requests that the Committee identify additional witnesses, if any, who plan to attend the November 15th hearing.

6. Subject areas upon which the party desires to question the other parties’ witness(es), a summary of the scope of the questions (including witness qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness.

Assuming the Staff and Applicant cannot reach a stipulation on Cultural Resources, the Applicant intends to question the following witness:

WITNESS	PARTY	SUMMARY OF SCOPE OF QUESTIONS	ISSUE(S) TO WHICH THE QUESTIONS PERTAIN	TIME DESIRED TO QUESTION
Gabe Roark	Staff	Recommendations for CUL-6 and basis for recommendations	Cultural Resources	20 minutes

7. A list identifying exhibits with transaction numbers (TN) that the party intends to offer into evidence during the Evidentiary Hearing and the technical subject areas to which they apply (see below for further details on Exhibit Lists).

The Applicant’s Exhibit List is provided as Attachment A.

8. Proposals for briefing deadlines, impact of scheduling conflicts, or other scheduling matters.

The Applicant proposes the following briefing deadlines:

- Opening Briefs due fourteen (14) days after publication of evidentiary hearing transcripts; and

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- Reply Briefs due seven (7) days after submittal of Opening Briefs.

November 2, 2016

ELLISON, SCHNEIDER & HARRIS L.L.P.

By: _____

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ATTACHMENT A

AES Alamos Energy, LLC's Exhibit List



Docket Number: 13-AFC-01

Project Name: **ALAMITOS ENERGY CENTER**

AES ALAMITOS ENERGY, LLC'S EXHIBIT LIST

Exhibit	Docket Transaction Number	Title of Document	Subject Area
1000	201620-1 through 201620-72	Application for Certification for the Alamos Energy Center (13-AFC-01) (Application for Certification, Alamos Energy Center, Volumes 1 and 2 (13-AFC-01))	All subject areas
1001	201497	Alamos Energy Center (13-AFC-01) Air Quality Dispersion Modeling Files	Air Quality Public Health
1002	201503	Ellison, Schneider & Harris LLP, Re: Alamos Energy Center (13-AFC-01) Application for Confidential Designation for Cultural Resources Appendix 5.3B - Cultural Resources Inventory Report; Appendix 5.3C - Literature Search Results; and Appendix 5.3E - Full Results Maps.	Cultural Resources
1003	201688	Alamos Energy Center Air Permit Application Completeness Response (Facility ID 115394)	Air Quality Greenhouse Gas
1004	201725	CONFIDENTIAL_AEC_Appendix 5.3B_Cultural Inventory Report (AEC Appendix 5.3B Cultural Inventory Report)	Cultural Resources
1005	201729	CONFIDENTIAL_AEC_Appendix 5.3C - 4 Literature Search Result (AEC Appendix 5.3C - 4 Literature Search Results)	Cultural Resources



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Exhibit	Docket Transaction Number	Title of Document	Subject Area
1006	201730	CONFIDENTIAL_AEC_Appendix 5.3C - 5 Literature Search Result (AEC Appendix 5.3C – 5 Literature Search Results)	Cultural Resources
1007	201731	CONFIDENTIAL_AEC_Appendix 5.3C - 6 Literature Search Results (AEC Appendix 5.3C – 6 Literature Search Results)	Cultural Resources
1008	201732	CONFIDENTIAL_AEC_Appendix 5.3C - 7 Literature Search Results (AEC Appendix 5.3C – 7 Literature Search Results)	Cultural Resources
1009	201733	CONFIDENTIAL_AEC_Appendix 5.3C - 8 Literature Search Results (AEC Appendix 5.3C – 8 Literature Search Results)	Cultural Resources
1010	201734	CONFIDENTIAL_AEC_Appendix 5.3E_Full Results Maps (AEC Appendix 5.3E Full Results Maps)	Cultural Resources



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AES ALAMITOS ENERGY, LLC'S EXHIBIT LIST

Exhibit	Docket Transaction Number	Title of Document	Subject Area
1011	201751	Alamitos Energy Center (13-AFC-01) Data Adequacy Supplement	Project Description Air Quality Biological Resources Cultural Resources Soil and Water Resources Waste Management Transmission System Engineering Compliance
1012	201940	Alamitos Energy Center Air Permit Application Completeness Response (Facility ID 115394)	Air Quality
1013	202163	Alamitos Energy Center (13-AFC-01) Staff Query1 – Transmission and Project Description	Project Description Transmission System Engineering



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Exhibit	Docket Transaction Number	Title of Document	Subject Area
1014	202381	Alamitos Energy Center (13-AFC-01) Data Response Set 1A – Responses to CEC Staff Data Requests 1-8, 10-12, 16-17, 20-25, 38-44, 51-54, and 59-62	Project Description Air Quality Biological Resources Cultural Resources Hazardous Materials Management Public Health Socioeconomics Traffic and Transportation Waste Management Compliance
1015	202416	Alamitos Energy Center (13-AFC-01) Staff Query 2 – Visual Resources	Visual Resources
1016	202867	Alamitos Energy Center (13-AFC-01) Data Response Set 2 (Alamitos Energy Center (13-AFC-01) Data Responses, Set 2 (Responses to Data Requests 64 to 68))	Land Use Traffic and Transportation Worker Safety and Fire Protection



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Exhibit	Docket Transaction Number	Title of Document	Subject Area
1017	202897	Revised Air Quality Impacts Assessment for Alamos Energy Center: Modeling Addendum (Facility ID 115394)	Air Quality
1018	202901	Alamos Energy Center (13-AFC-01) Air Dispersion Modeling Addendum Modeling Files	Air Quality
1019	202908	Alamos Energy Center (13-AFC-01) Data Response Set 1B (Alamos Energy Center (13-AFC-01) Data Responses, Set 1B (Responses to Data Requests 45 to 47))	Cultural Resources
1020	202978	Alamos Energy Center (13-AFC-01) Data Response Set 3 (Responses to CEC Staff Data Requests 69 and 70) (Alamos Energy Center (13-AFC-01) Data Response Set 3 – Responses to CEC Staff Data Requests 69 and 70)	Transmission System Engineering
1021	203233	Alamos Energy Center (13-AFC-01) Data Responses, Set 1C (Responses to Data Requests 17 and 18)	Air Quality
1022	203253	Alamos Energy Center (13-AFC-01) Data Response Set 1C – Supplemental Air Quality Files	Air Quality



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AES ALAMITOS ENERGY, LLC'S EXHIBIT LIST

Exhibit	Docket Transaction Number	Title of Document	Subject Area
1023	206428-1 through 206428-3	Alamitos Energy Center Supplemental Application for Certification (13-AFC-01) (Supplemental Application for Certification, Alamitos Energy Center, Volumes 1 and 2 (13-AFC-01))	All subject areas
1024	206427-1 to 206427-6	Alamitos Energy Center Supplemental Application for Certification (13-AFC-01) Appendices (Supplemental Application for Certification, Alamitos Energy Center, Volumes 1 and 2 (13-AFC-01))	All subject areas
1025	206432	Ellison, Schneider & Harris LLP, Alamitos Energy Center (13-AFC-01): Repeated Application for Confidential Designation	Cultural Resources
1026	206433	Alamitos Energy Center (13-AFC-01) Supplemental Application for Certification Air Dispersion Modeling Files and Appendix 5.14A – 2015 EMS Phase I ESA Report	Air Quality Public Health Waste Management
1027	206505	SAFC Cultural Resources Figure 5.3-1	Cultural Resources
1028	206589	Ellison, Schneider & Harris LLP, Appendix 5.3B Cultural Inventory Report	Cultural Resources
1029	206590	Ellison, Schneider & Harris LLP, Appendix 5.3E Full Results Maps	Cultural Resources
1030	206591	Ellison, Schneider & Harris LLP, Appendix 5.3C Literature Search Results	Cultural Resources



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AES ALAMITOS ENERGY, LLC'S EXHIBIT LIST

Exhibit	Docket Transaction Number	Title of Document	Subject Area
1031	206920	Memorandum of Understanding between AES and City of Long Beach 11-16-15 (Memorandum of Understanding between AES Alamitos, LLC and City of Long Beach)	Project Description Land Use
1032	207013	Alamitos Energy Center (13-AFC-01) Data Response Set 6 (Alamitos Energy Center (13-AFC-01) Data Responses, Set 6 (Response to Data Requests 83 to 168))	Project Description Air Quality Cultural Resources Hazardous Materials Management Noise and Vibration Traffic and Transportation Transmission System Engineering Waste Management Worker Safety and Fire Protection
1033	207022	Data Request Number 6 Attachment DR144-2 - AGS Sampling and Analysis Plan, Wastewater Basin Closure Project, SCE, January 2013 (Southern California Edison Company, Alamitos Generating Station Sampling and Analysis Plan, Wastewater Basin Closure Project)	Cultural Resources



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AES ALAMITOS ENERGY, LLC'S EXHIBIT LIST

Exhibit	Docket Transaction Number	Title of Document	Subject Area
1034	207265	Alamitos Energy Center Air Permit Application Completeness Response (Facility ID 115394)	Air Quality Public Health
1035	210229	Alamitos Energy Center (13-AFC-01) Data Responses, Set 6A (Revised Responses to Data Requests 160, 161, and 163)	Transmission System Engineering
1036	210269	SCAQMD Correspondence Regarding AEC Questions Set No. 3 - Corrected and Set No. 4	Air Quality
1037	210354	AES Response to SCAQMD Email Data Request	Air Quality Greenhouse Gas
1038	210528	Record of Conversation on Transmission System Engineering 02/16/16 (Report of Conversation: Data Responses to CEC DR #6, TSE DR. #160, 161 & 163)	Transmission System Engineering
1039	210533	AES Alamitos Response to SCAQMD Data Request No. 6	Air Quality
1040	210604	Re: Alamitos Energy Center Water Supply Assessment dated January 21, 2016	Soil and Water Resources



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AES ALAMITOS ENERGY, LLC'S EXHIBIT LIST

Exhibit	Docket Transaction Number	Title of Document	Subject Area
1041	210632	Alamitos Energy Center (13-AFC-01): Removal of Temporary Secondary Construction Access Road	Project Description Air Quality Biological Resources Cultural Resources Geology and Paleontology Hazardous Materials Management Land Use Noise and Vibration Public Health Socioeconomics Soil and Water Resources Traffic and Transportation Visual Resources Waste Management Worker Safety and Fire Protection Alternatives



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AES ALAMITOS ENERGY, LLC'S EXHIBIT LIST

Exhibit	Docket Transaction Number	Title of Document	Subject Area
1042	210766	Alamitos Energy Center (13-AFC-01) Data Responses, Set 8 (Response to Data Request 170-175)	Transmission System Engineering
1043	210780	Alamitos Energy Center (13-AFC-01) Data Response Set 6-R1 (Revised and Updated Data Responses 131 to 133, Air Quality)	Air Quality
1044	210805	Alamitos Energy Center Supplemental Application for Certification Revisions (Facility ID 115394)	Air Quality Greenhouse Gas Public Health
1045	210806	Alamitos Energy Center Data Response Set No. 7 Questions	Air Quality
1046	211006	AEC CAISO Section 25.1 Affidavit Application	Transmission System Engineering
1047	211013	Alamitos Energy Center Supplemental Application for Certification (13-AFC-01) Revised Air Quality, Biological Resources, and Public Health Assessment	Air Quality Biological Resources Public Health
1048	211169	Alamitos Energy Center (13-AFC-01) Data Response Set 6-R2 (Revised and Updated Data Response to 133, Air Quality)	Air Quality
1049	211419	South Coast Air Quality Management District Correspondence 05-06-16	Air Quality



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AES ALAMITOS ENERGY, LLC'S EXHIBIT LIST

Exhibit	Docket Transaction Number	Title of Document	Subject Area
1050	211504	City of Long Beach Comment Letter (Re: SAFC 13-AFC-01 Alamitos Generating Station, City of Long Beach)	Land Use
1051	211654	Alamitos Energy Center (13-AFC-01) Response to Informal Data Request AEC Thermal Plume Information	Traffic and Transportation
1052	211759	2016-05-25 AEC Thermal Plume Letter Attachment (API 661 Air-Cooled Heat Exchanger – Specification Sheet)	Traffic and Transportation
1053	211997	Email Regarding AES AEC Inversion Break-Up Modeling	Air Quality
1054	212030	Report of Conversation -Hazardous Materials/ Worker Safety (Report of Conversation: Alamitos Siting-related Visit for Hazardous Materials/Worker Safety)	Hazardous Materials Management Worker Safety and Fire Protection
1055	212242	Alamitos Energy Center Supplement to Data Responses Set 8 (Alamitos Energy Center (13-AFC-01) Supplement to Data Responses, Set 8 (Response to Data Request 170-175))	Transmission System Engineering
1056	212487	Applicant's Initial Comments on Preliminary Staff Assessment (Alamitos Energy Center (13-AFC-01) Preliminary Staff Assessment Initial Comments)	All subject areas
1057	212493	Verification of the Public Notice Distribution for the Alamitos Energy Center Project Permit Application (Facility ID# 115394)	Air Quality



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AES ALAMITOS ENERGY, LLC'S EXHIBIT LIST

Exhibit	Docket Transaction Number	Title of Document	Subject Area
1058	212724	AES Alamos, LLC (Facility ID 115394) Preliminary Determination of Compliance	Air Quality
1059	212771	Alamos Energy Center (13-AFC-01) Preliminary Staff Assessment Summary of PSA Workshop and Supplemental Comments	Project Description Compliance
1060	212788	Record of Conversation- Review Air Quality and GHG Comments on AEC PSA	Air Quality Greenhouse Gas
1061	212799	Alamos Energy Center Supplemental Application for Certification (13-AFC-01) Correspondence with SCAQMD Regarding Cumulative Source Assessment, May 7, 2016 through August 15, 2016 (SCAQMD Public Records Request Data 8-15-16)	Air Quality
1062	212822	Alamos Energy Center(13-AFC-01) Data Response Set 6-R3 (Revised and Updated Data Responses to 131-133, Air Quality)	Air Quality
1063	212885	Alamos Energy Center (13-AFC-01) Data Response Set 6-R4 (Revised and Updated Data Response to 133, Air Quality)	Air Quality
1064	212917	AES Alamos Energy Center Offsite Linear Rare Plant Survey (Supplemental Rare Plant Survey for Alamos Energy Center)	Biological Resources



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Exhibit	Docket Transaction Number	Title of Document	Subject Area
1065	212930	Alamitos Energy Center - Supplemental Application for Certification (13-AFC-01), Staff's Data Requests, 133 (AES Alamitos Energy Center Cumulative Air Quality Modeling Files)	Air Quality
1066	213734	Applicant's Response to Plains West Coast Terminals LLC's Comments (Alamitos Energy Center (13-AFC-01): Response to Plains West Coast Terminals LLC's Comments)	Project Description
1067	213749	AES Alamitos Energy, LLC's Response to Committee's Questions Regarding the Land Use Section of Alamitos Energy Center (AEC) Preliminary Staff Assessment (13-AFC-01)	Land Use
1068	213941	AES Alamitos Repower Study Report (Alamitos Energy Center Project 25.1.2 Repowering Request)	Transmission System Engineering Transmission Line Safety & Nuisance
1069	214090	Alamitos Energy Center SO _x Emission Reduction Credit Certificate	Air Quality
1070	214099	Alamitos Energy Center (13-AFC-01) Applicant's Opening Testimony on FSA Part 1	All subject areas
1071	214175	Alamitos Energy Center Preliminary Determination of Compliance Revisions (Facility ID 115394)	Air Quality
1072	214199	Alamitos Energy Center (13-AFC-01) Applicant's Rebuttal Testimony	Alternatives



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AES ALAMITOS ENERGY, LLC'S EXHIBIT LIST

Exhibit	Docket Transaction Number	Title of Document	Subject Area
1073	214200	Lease Agreement date as of April 1, 1999 between San Diego Unified Port District, as Lessor, and Duke Energy South Bay, LLC, as Lessee for the South Bay Power Plant, filed in 06-AFC-3)	Alternatives

ATTACHMENT B

AES Alamos Energy, LLC's Proposed Conditions of Certification

The Applicant proposes revisions to the following Conditions of Certification proposed in the Final Staff Assessment. Additions to the language proposed in the FSA are shown in underlined font. Deletions are shown in ~~strikethrough~~.

BIO-1 ...

Verification: The Project Owner shall provide the Compliance Project Manager (CPM) with the resume and qualifications of its Designated Biologist (DB) for review and approval. A proposed DB previously approved by Commission Staff within the preceding five (5) years shall be deemed approved ten (10) days after project owner provides a resume and statement of availability of the proposed DB.

The CPM may disapprove a previously approved DB within seven (7) days of Project Owner submission of the Proposed DB's resume and statement of availability only if non-compliance or performance issues events were documented in the in the compliance record for the previous CEC project or if the DB's qualifications are not applicable to the specific biological resources identified in the project area. Any DB deemed disqualified by the CPM may appeal the proposed disqualification to the Deputy Director of the Siting, Transmission, and Environmental Protection Division, who shall hold an informal meeting with the parties within 10 business days and issue a determination on disqualifications within 20 business days.

CUL-1 ...

Verification: The Project Owner shall provide the Compliance Project Manager (CPM) with the resume and qualifications of its Cultural Resource Specialist (CRS) for review and approval. A proposed CRS previously approved by Commission Staff within the preceding five (5) years shall be deemed approved ten (10) days after project owner provides a resume and statement of availability of the proposed CRS.

The CPM may propose to disqualify a previously approved CRS within seven (7) days of Project Owner submission of the Proposed CRS' resume and statement of availability only if non-compliance or performance issues events were documented in the compliance record for the previous CEC project or if the CRS's qualifications are not applicable to the specific cultural resources identified in the project area. Any CRS deemed disqualified by the CPM may appeal the proposed disqualification to the Deputy Director of the Siting, Transmission, and Environmental Protection Division, who shall hold an informal meeting with the parties within 10 business days and issue a determination on disqualifications within 20 business days.

CUL-6 Undiscovered Cultural Resources

In the event that an intact archaeological deposit, such as a midden or a historic refuse deposit, or a buried prehistoric or historic era feature is discovered, and the CPM determines that the intact archaeological deposit is CRHR eligible, the CPM will direct the project owner to ensure that the CRS or alternate CRS monitors full time all ground disturbances in the area, up to a 100 foot buffer, where the CRHR-eligible cultural resources discovery has been made.

The level, duration, and spatial extent of monitoring shall be determined by the CPM. In the event that the CRS believes that a current level of monitoring is not appropriate, a letter or e-mail detailing the justification for changing the level of monitoring shall be provided to the CPM for review and approval prior to any change in the level of monitoring.

Full-time archaeological monitoring for the project, if deemed necessary due to the discovery of an intact archaeological deposit determined to be a CRHR-eligible cultural resource, shall consist of archaeological monitoring of all earth-moving activities in the area(s) of discovery(ies), for as long as the CPM requires.

The project owner shall obtain the services of one or more NAMs to monitor construction-related ground disturbance in areas, if any, where Native American artifacts have been discovered. Contact lists of interested Native Americans and guidelines for monitoring shall be obtained from the NAHC. Preference in selecting an NAM shall be given to Native Americans with traditional ties to the area that shall be monitored. If efforts to obtain the services of a qualified NAM are unsuccessful, the project owner shall immediately inform the CPM. The CPM will either identify potential monitors or will allow construction-related ground disturbance to proceed without an NAM.

If monitoring should be needed, as determined by the CPM, due to the discovery of a CRHR-eligible cultural resource, the CRS shall keep a daily log of any monitoring and other cultural resources activities and any instances of non-compliance with the Conditions and/or applicable LORS on forms provided by the CPM. Copies of the daily monitoring logs shall be provided by the CRS to the CPM, if requested by the CPM. From these logs, the CRS shall compile a monthly monitoring summary report to be included in the MCR. If there are no monitoring activities, the summary report shall specify why monitoring has been suspended.

The CRS, at his or her discretion, or at the request of the CPM, may informally discuss cultural resource monitoring and mitigation activities with Energy Commission technical staff. Cultural resources monitoring activities are the responsibility of the CRS. Any interference with monitoring activities, removal of a monitor from duties assigned by the CRS, or direction to a monitor to relocate monitoring activities by anyone other than the CRS shall be considered non-compliance with these Conditions.

Upon becoming aware of any incidents of non-compliance with the Conditions and/or applicable LORS, the CRS and/or the project owner shall notify the CPM by telephone or e-mail within 24 hours. The CRS shall also recommend corrective action to resolve the problem or achieve compliance with the Conditions. When the issue is resolved, the CRS shall write a report describing the issue, the resolution of the issue, and the effectiveness of the resolution measures. This report shall be provided in the next MCR for the review of the CPM.

The research design in the CRMMP shall govern the collection, treatment, retention/disposal, and curation of any archaeological materials encountered. The daily monitoring logs shall at a minimum include the following:

- First and last name of the CRM and any accompanying NAM.

- Time in and out.
- Weather. Specify if weather conditions led to work stoppages.
- Work location (project component). Provide specifics – e.g., power block, landscaping.
- Proximity to site location. Specify if work conducted within 1000 feet of a known cultural resource.
- Work type (machine).
- Work crew (company, operator, foreman).
- Depth of excavation.
- Description of work.
- Stratigraphy.
- Artifacts, listed with the following identifying features:
 - Field artifact #: When recording artifacts in the daily monitoring logs, the CRS shall institute a field numbering system to reduce the likelihood of repeat artifact numbers. A typical numbering system could include a project abbreviation, monitor's initials, and a set of numbers given to that monitor: e.g., AEC-MB-123.
 - Description.
 - Measurements.
 - Universal Transverse Mercator coordinates.
- Whether artifacts are likely to be isolates or components of larger resources.
- Assessment of significance of any finds.
- Actions taken.
- Plan for the next work day.

A cover sheet shall be submitted with each day's monitoring logs, and shall at a minimum include the following:

- Count and list of first and last names of all CRMs and of all NAMs for that day.
- General description (in paragraph form) of that day's overall monitoring efforts, including monitor names and locations.
- Any reasons for halting work that day.
- Count and list of all artifacts found that day: include artifact #, location (i.e., grading in Unit X), measurements, UTMs, and very brief description (i.e., historic can, granitic biface, quartzite flake).
- Whether any artifacts were found out of context (i.e., in fill, caisson drilling, flood debris, spoils pile).

If requested by the CPM, copies of the daily monitoring logs and cover sheets shall be provided by e-mail from the CRS to the CPM, as follows:

- Each day's monitoring logs and cover sheet shall be merged into one PDF document.
- The PDF title and headings, and e-mails shall clearly indicate the date of the applicable monitoring logs.
- PDFs for any revised or resubmitted versions shall use the word "revised" in the title.

Daily and/or weekly maps shall be submitted along with the monitoring logs as follows:

- The CRS shall provide daily and/or weekly maps of artifacts at the request of the CPM. A map shall also be provided if artifact locations show complexity, high density, or other unique considerations.
- Maps shall include labeled artifacts, project boundaries, previously recorded sites and isolates, aerial imagery background, and appropriate scales.

The Cultural Resources section of the MCR shall be prepared in coordination with the CRS, and shall include a monthly summary report of cultural resources-related monitoring. The summary shall:

- List the number of CRMs and NAMs on a daily basis, as well as provide monthly monitoring-day totals.
- Give an overview of cultural resource monitoring work for that month, and discuss any issues that arose.
- Describe fulfillment of requirements of each cultural mitigation measure.
- Summarize the confidential appendix to the MCR, without disclosing any specific confidential details.
- Include the artifact concordance table (as discussed under the next bullet point), but with removal of UTM's.
- Contain completed DPR 523A forms for all artifacts recorded or collected in that month shall be submitted as one combined PDF that includes an index and bookmarks. For any artifact without a corresponding DPR form, the CRS shall specify why the DPR form is not applicable or pending (i.e. as part of a larger site update). A concordance table that matches field artifact numbers with the artifact numbers used in the DPR forms shall be included. The sortable table shall contain each artifact's date of collection and UTM numbers, and not if an artifact has been deaccessioned or otherwise does not have a corresponding DPR form. Any post-field log recordation changes to artifact numbers shall also be noted.
- If artifacts from a given site location (in close proximity of each other or an existing site) are collected month after month, and if agreed upon with the CPM, a final updated DPR for the site may be submitted at the completion of monitoring. The monthly concordance table shall note that the DPR form for the included artifacts is pending.

Verification:

1. **At least 30 days prior to the start of ground disturbance, the CPM will provide to the CRS an electronic copy of a form to be used as a daily monitoring log.**
2. **While monitoring is on-going and as required by the CPM, the project owner shall submit each day's monitoring logs and cover sheet merged into one PDF document by e-mail within 24 hours.**
3. **The CRS and/or project owner shall notify the CPM of any incidents of noncompliance with the Conditions and/or applicable LORS by telephone or e-mail within 24 hours.**
4. **If resources are discovered as outlined in this Condition of Certification, the project owner shall notify all local Native American groups of the discovery of the resource within 48 hours of its discovery. If resources are discovered as outlined in this Condition of Certification, the project owner shall appoint one or more NAMs. Within 15 days of receiving from a local Native American group a request that a NAM be employed, the project owner shall submit a copy of the request and a copy of a response letter to the CPM. The project owner shall include a copy of this Condition of Certification in any response letter.**
5. **While monitoring is on-going, the project owner shall include in each MCR a copy of the monthly summary of cultural resources related monitoring prepared by the CRS and shall attach any new DPR 523A forms completed for finds treated prescriptively, as specified in the CRMMP.**
6. **Final updated DPRs with sites (where artifacts are collected month after month) can be submitted at the completion of monitoring, as agreed upon with the CPM.**
7. **At least 24 hours prior to implementing a proposed change in monitoring level, the project owner shall submit to the CPM, for review and approval, a letter or e-mail detailing the CRS's justification for changing the monitoring level.**

Within 15 days of receiving them, the project owner shall submit to the CPM copies of any comments or information provided by Native Americans in response to the project owner's transmittals of information.

WORKER SAFETY-8 The project owner shall ensure that the natural gas compressor buildings at the Alamos Energy Center **are designed consistent with the requirements of** ~~shall comply with the~~ NFPA requirements for compressor enclosures and that it shall also comply with the requirements set forth in **Title 40 CFR Part 192** Sections 163 through 173 and sections 731 through 736 regarding fire and explosion protection systems. All documentation of plans for the compressor enclosure shall be submitted to the CPM for review and approval.

Verification: At least 60 days prior to the start of construction of the natural gas compressor building the project owner shall submit to the Lbfd for review and comment, and to the CPM for review and approval, documentation of plans for the compressor enclosure at the Alamos Energy Center demonstrating compliance with the condition described above.