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STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of: )  
 )  
Application for Certification for the )  
Alamitos Energy Center )      Docket No. 13-AFC-01

**APPLICANT'S OPENING BRIEF**

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## TABLE OF CONTENTS

I. INTRODUCTION.....	1
II. CONTESTED CONDITIONS OF CERTIFICATION.....	2
A. BIO-8.....	2
B. COM-15.....	3
C. GEO-2 .....	4
D. BIO-1, CUL-1, PAL-1.....	7
III. THE APPLICANT’S FILINGS AND THE FSA CORRECTLY SUMMARIZE THE LAW AND FACTS RELATED TO PROJECT ALTERNATIVES. ....	8
A. Substantial Evidence In The Record Confirms That There Are No Feasible Alternatives That Satisfy Most Of The Basic Project Objectives. ....	9
B. The “Adequate Substitutes” Identified By The Trust Are Infeasible.....	10
C. Because The Project Has A Strong Relationship To An Existing Industrial Site, There Is No Need For The Commission To Discuss Alternative Sites.....	11
IV. CONCLUSION .....	13

## TABLE OF AUTHORITIES

### Cases

<i>Citizens of Goleta Valley v. Board of Supervisors</i> , 52 Cal.3d 553, 565 (Cal. 1990).....	11
<i>Save San Francisco Bay Association v. San Francisco Bay Conservation and Development Commission</i> , 10 Cal. App. 4th 908 (Cal. Ct. Appl. 1st Dist. 1992).....	10

### Statutes

Pub. Resources Code § 21002.1(a).....	8
Pub. Resources Code § 25520 .....	12
Pub. Resources Code § 25540.6 .....	12
Pub. Resources Code § 25540.6(b).....	11

### Regulations

8 C.C.R. § 3220.....	5
14 C.C.R. § 15126.4(a)(3) .....	3
14 C.C.R. § 15126.4(a)(4) .....	3, 5
14 C.C.R. § 15126.6(a).....	9
14 C.C.R. § 15126.6(c).....	8
14 C.C.R. § 15126.6(f).....	8, 9
14 C.C.R. § 15126.6(f)(1).....	11
20 C.C.R. § 1744(a)(1) .....	4
20 C.C.R. § 1770.....	3, 4

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**APPLICANT’S OPENING BRIEF**

Pursuant to the Committee’s *Notice of Second Evidentiary Hearing, Scheduling Order, and Further Orders*,<sup>1</sup> AES Alamitos Energy Center, LLC (the “Applicant”) submits this Opening Brief (“Brief”) in support of the Application for Certification (“Application”) of the Alamitos Energy Center (“AEC”).

**I. INTRODUCTION**

There are no major issues on which the Applicant and Staff disagree. With the exception of the six Conditions of Certification (“Conditions”) discussed in Section II below, the Applicant concurs with the Conditions proposed by Staff in the Final Staff Assessment Part 1 (Ex. 2000), Rebuttal Testimony, dated October 26, 2016 (Ex. 2004), and Supplemental Testimony for Cultural Resources and Worker Safety and Fire Protection (Ex. 2012). With the implementation of these Conditions and those proposed by the Applicant in Attachment A hereto, the AEC will comply with all applicable laws, ordinances, regulations, and standards (“LORS”), and will not result in any significant environmental impacts.

The AEC is the right project in the right location. The AEC is located on a brownfield site in an industrial area. (Ex. 1406, p. 1-1.) The AEC site is zoned for and has been used for energy production since the 1950’s. (See, Ex. 1067; Ex. 1416, pp. 5.6-7 through 5.6-18; and Ex.

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<sup>1</sup> TN#: 214564.

1413, p. 5.3-16.) No natural vegetation or habitat for threatened, endangered, candidate, or special-status wildlife or plants species are present on the AEC site, nor are any such species present on the AEC site. (Ex. 1412, p. 5.2-9.) The AEC has the full support of the City of Long Beach. (Ex. 1050.) The AEC will create skilled labor jobs, generate \$11.9 million in sales tax during construction, and increase the amount of property taxes paid to the City of Long Beach by approximately \$7.92 million to \$9.82 million. (Ex. 1070, pp. 57-61.)

Only one party, the Los Cerritos Wetlands Land Trust (“Trust”), has contested a limited number of issues in this proceeding. This Brief will summarize the Applicant’s affirmative case regarding these “contested” issues in Section III.

## **II. CONTESTED CONDITIONS OF CERTIFICATION**

### **A. BIO-8**

Condition BIO-8, as proposed in the FSA Part 1, would require burrowing owl surveys to be conducted “prior to any ground disturbing activity year-round.” (Ex. 2000, p. 4.2-66.) The Applicant does not agree with Staff’s recommendation to require burrowing owl surveys.

Burrowing owls have not been detected within the AEC site, and the site is located outside of the current breeding range for this species. (Ex. 1070, p. 22.) Therefore, because there are no potentially significant impacts to burrowing owls from the AEC, preconstruction surveys are not necessary.

No significant impacts justifying the burrowing owl surveys are identified in the FSA. The FSA acknowledges that there is a “low probability of nesting or taking refuge on the project site.” (Ex. 2000, pp. 4.2-14, 21). While the FSA asserts that burrowing owls have “been documented in the project vicinity” (Ex. 2000, p. 4.2-21), this statement is based on historical conditions that are no longer present. (Ex. 1070, p. 22.) Further, the FSA recognizes that

burrowing owls have not been documented on the project site. (Ex. 2000, p. 4.2-21.)

The recommendation to conduct surveys year-round is not proportional to any identified adverse impact to burrowing owls. (See, 14 C.C.R. § 15126.4(a)(4).) The requirement is particularly burdensome given that no impacts to burrowing owls have been identified. (See, 14 C.C.R. § 15126.4(a)(3), providing that mitigation measures “are not required for effects which are not found to be significant”.) No surveys for burrowing owls should be required because no specific impact on the species has been identified, much less any potentially significant impacts. Therefore, the Applicant recommends adoption of Condition BIO-8 as proposed in Attachment A, which does not include a requirement for year-round burrowing owl surveys.

#### **B. COM-15**

Condition COM-15, as proposed in the FSA, proposes that the Closure Plan for the AEC include a cost estimate for closure. (See, Ex. 2000, pp. 7-22 through 7-25.) The FSA asserts that a proposed cost estimate should be included to provide information regarding potential costs associated with facility maintenance and/or monitoring after closure. (See, Ex. 2000, p. 7-12.) The FSA does not identify any applicable LORS that requires such a cost estimate. Instead, the FSA states, without any supporting evidence, that the cost estimate may be needed for closure services in “an insolvency, abandonment, or divestiture scenario.” (Ex. 2000, p. 7-12.)

Section 1770 of the Commission’s regulations set forth the contents of the “compliance plan” that must be adopted as part of the certification of a project. The general compliance conditions “set[ ] forth and explain[ ] the duties and responsibilities of the staff, the licensee, delegate agencies, and others; the procedures for settling disputes; the requirements for handling confidential records and maintaining the compliance record; and the requirements for verification, including periodic reports and any other administrative procedures that are

necessary to verify that all the conditions will be satisfied.” (20 C.C.R. § 1744(a)(1).) Section 1770 does not require the inclusion of a “cost estimate” in the general compliance conditions. In the absence of a LORS requiring adoption of such a measure, the cost estimate proposed in the FSA’s COM-15 is inappropriate. Moreover, the task of preparing such an estimate is difficult, burdensome, and would serve no useful purpose. Therefore, the Applicant recommends adoption of Condition COM-15 as proposed in Attachment A, which retains the requirement of a closure plan, but does not include a requirement for a cost estimate.

### **C. GEO-2**

Condition GEO-2, as proposed by Staff, proposes that the project owner prepare a detailed Tsunami Hazard Mitigation Plan (“THMP”). (See, Ex. 2000, pp. 5.2-30 through 31 and Ex. 2010.) In its Opening Testimony, the Applicant proposed deletion of Staff’s proposed Condition GEO-2. (See, Ex. 1070, p. 37.) The Applicant proposed deletion for four reasons: (1) no LORS required preparation of the Tsunami Hazard Mitigation Plan (“THMP”) proposed in GEO-2; (2) GEO-2 was not required to mitigate a significant impact of the AEC; (3) the requirements of GEO-2 were burdensome and excessive; and (4) GEO-2 attempted to impose policies and requirements from the 2006 Tsunami Annex to the Los Angeles County Emergency Response Plan, which is intended to coordinate multi-governmental agency responses to a tsunami threat, not to regulate a private entity. (Ex. 1070, p. 37.) In response, Staff proposed a revised GEO-2. (See, Ex. 2010.) However, the revised GEO-2 suffers from the same flaws as that originally proposed by Staff.

First, Staff still fails to identify a LORS requiring preparation of the THMP proposed in GEO-2. Staff concedes that the 2006 Tsunami Annex to the Los Angeles County Emergency Response Plan, which GEO-2 requires that the AEC comply with, is not applicable to the project.



(See, Ex. 2010, p.1.) Given the absence of a LORS requiring the THMP, Condition GEO-2 should not be adopted.

Second, Staff has not identified a significant impact that GEO-2 is needed to mitigate. As stated above, a mitigation measure “must be ‘roughly proportional’ to the impacts of the project.” (14 C.C.R. § 15126.4(a)(4).) In this case, the evidence shows that the probability of a tsunami event is low (Ex. 1070, p. 37), and that tsunami inundation of the site is, as the FSA Part 1 states, “not likely to occur during the project design life.” (Ex. 2000, p. 1-9.) Further, the evidence shows that the project’s design features will help minimize the effects of a tsunami. (Ex. 1070, p. 37.)

Worker safety will be addressed by the construction and operations Emergency Action Plans required by Conditions WORKER SAFETY-1 and 2, which will address tsunami hazards and measures to inform employees and contractors of potential hazards. (Ex. 1070, p. 37.) Requirements for Emergency Actions Plans are set forth in the California Division of Occupational Safety and Health’s General Industry Safety Orders, which provide, among other requirements, the following elements: (1) emergency escape procedures and emergency escape route assignments; (2) procedures to be followed by employees who remain to operate critical plant operations before they evacuate; (3) procedures to account for all employees after emergency evacuation has been completed; (4) rescue and medical duties for those employees who are to perform them; alarm system used for alerting fire brigade members, or for other purposes, a distinctive signal for each purpose shall be used; and the types of evacuation to be used in emergency circumstances. (8 C.C.R. § 3220.) AEC will comply with these LORS, and GEO-2 is not required to mitigate a significant impact of the project. Furthermore, Conditions WORKER SAFETY-1 and 2 will address worker safety. Therefore, Condition GEO-2 would

impose the burden of preparing and maintaining redundant plans that is not proportional to the identified risk.

Third, the requirements of GEO-2 are burdensome and excessive. Condition GEO-2, as proposed in Staff's Rebuttal Testimony, still requires that *all* visitors, regardless of the duration of the visit, be "informed of tsunami hazards in the region and have been shown how and where to evacuate the site if there is potential for a tsunami." (Ex. 2010, p. 2.) By its express terms, Condition GEO-2 would require that a wide array of people who "visit" the AEC site be "informed" even if the duration of the visit is shorter than the time needed to walk the "visitor" through the details of the "tsunami hazards in the region" and "emergency response and evacuation information." GEO-2 further requires "a discussion of criteria for a response to ensure public safety for a tsunami event and show where on and offsite refuge can be accessed, and evacuation routes." (Ex. 2010, p. 2.)

Fourth, although Staff concurs that the 2006 Tsunami Annex to the Los Angeles County Emergency Response Plan is not applicable to the AEC, Staff nonetheless proposes that the AEC prepare a THMP that "complies" with the 2006 Tsunami Annex, including "a discussion of the Tsunami Annex to the Los Angeles County Operational Area Emergency Response Plan and how that plan applies to project." (Ex. 2010, p.2.) The Applicant does not object to incorporating tsunami hazard notification and evacuation plans into the Emergency Action Plans for construction and operation, particularly since such provisions are already in place at the existing Alamitos Generating Station. However, requiring the AEC to comply with and incorporate provisions of a document intended to guide County departments, agencies, cities, districts, and other governmental jurisdictions to coordinate multi-agency, multi-disciplinary approaches to respond to a tsunami threat or event is inappropriate for the Applicant, a private

entity. The 2006 Tsunami Annex is not a law or regulation applicable to the project, it is simply an intra-governmental planning tool.

As Condition GEO-2 is not required by an applicable LORS or needed to mitigate a significant environmental impact, this burdensome and onerous condition should not be adopted.

#### **D. BIO-1, CUL-1, PAL-1**

Staff and Applicant disagree on the processes for appointment of the Designated Biologist (BIO-1), Cultural Resources Specialist (CUL-1), and paleontological resource specialist (PAL-1). As explained in the Applicant's Opening Testimony, the conditions in the FSA can result in the rejection of otherwise qualified biologists and cultural resources experts based on subjective criteria. (Ex. 1070, pp. 29-31; also see, p. 21.) A similar concern is present for the potential paleontological resources experts. (Ex. 1056, p. 33.) In addition to potentially interfering with the schedule for construction of the project, these subjective disqualifications have the potential to prevent a qualified individual from gaining employment for reasons that are arbitrary and capricious.

The Applicant's proposal for a clear objective standard for a well-qualified expert to be deemed approved under certain criteria was dismissed in the FSA. Staff chose to retain its proposed language, stating:

A conflict of interest may exist preventing a CRS to be approved for this specific project. Lastly, as with any profession, there is the possibility that a CRS that was previously found adequate subsequently engages in compromising job-related conduct that disqualifies them from being considered an adequate candidate for overseeing implementation of project mitigation. (Ex. 2000, p. 4.3-60.)

This proposed condition does not define what constitutes a "conflict of interest", nor provide clear, objective standards for determining when a "conflict of interest" would exist. This raises

the potential that a “conflict of interest” may be declared, without explanation, and without providing the individual with any recourse to challenge the determination.

Other subjective standards in the FSA include the possibility that someone previously found qualified “subsequently engages in compromising job-related conduct that disqualifies them from being considered an adequate candidate for overseeing implementation of project mitigation.” Again, the type of “compromising job-related conduct” that would disqualify a person is not explained, nor is it clear how a determination that “compromising job-related conduct” occurred would be made. Fundamental fairness and due process require that the criteria and mechanisms be objective and clearly defined. This proposed condition does neither.

The Applicant’s proposed revisions provide 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. The Applicant’s proposed revisions to Conditions BIO-1, CUL-1, and PAL-1 are provided in Attachment B.

### **III. THE APPLICANT’S FILINGS AND THE FSA CORRECTLY SUMMARIZE THE LAW AND FACTS RELATED TO PROJECT ALTERNATIVES.**

Public Resources Code § 21002.1(a) requires a lead agency “to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.” Alternatives are limited to those that (1) avoid or substantially lessen any of the significant effects of the project and (2) can feasibly attain most of the basic objectives of the project. (14 C.C.R. § 15126.6(c), (f).) In its testimony on Alternatives, the Trust claims that energy efficiency, demand response, and battery storage should be considered “adequate substitutes” for the AEC. (11/15 RT 35: 8-11.) However, the substantial evidence in this proceeding demonstrates that there are no significant effects from the AEC. (For example, see Ex. 2000, pp. 1-6 to 1-7; see also, Ex. 1406, p. 1-5.)

Therefore, the Trust has failed to show that its proposed “substitutes” would lessen or avoid any significant impact.

The Trust’s proposed substitutes also fail the second part of the test for consideration of Alternatives. As demonstrated below, none of the “adequate substitutes” identified by the Trust are feasible alternatives that satisfy most of the AEC’s Basic Project Objectives.

**A. Substantial Evidence In The Record Confirms That There Are No Feasible Alternatives That Satisfy Most Of The Basic Project Objectives.**

Section 15126.6(a) of the CEQA Guidelines requires the reviewing agency to examine “a range of reasonable alternatives to the project, or to the location of the project, *which would feasibly attain most of the basic objectives of the project.*” (Emphasis added.) Failure of an alternative to meet most of the basic project objectives is a proper basis to eliminate an alternative from detailed consideration. (14 C.C.R. § 15126.6(f).)

The “adequate substitutes” identified by the Trust include: energy efficiency, demand response, and battery storage. (Ex. 3009, p. 1.) Each was analyzed by both Staff and the Applicant. (See, Ex. 2000, pp. 6-9 to 6-15; Ex. 1427, pp. 6-1 to 6-12; Ex. 1072.) None were found able to meet most of the basic objectives of the AEC. (*Id.*)

The Trust’s proposed substitutes do not meet the basic project objectives for the AEC. Specifically, energy efficiency, demand response, and battery storage are not “capable of providing energy, generating capacity and ancillary electrical services (voltage support, spinning reserve, inertia) to satisfy Los Angeles Basin Local Reliability Area requirements and transmission grid support, particularly in the western sub-area of the Los Angeles Basin”, one of the Basic Project Objectives of the AEC. (Ex. 1500, pp. 1-4 to 1-6; pp. 6-1 to 6-5.) Neither energy efficiency, demand response, and battery storage “[p]rovide fast starting and stopping, flexible, controllable generation with the ability to ramp up and down through a wide range of

electrical output to allow the integration of the renewable energy into the electrical grid in satisfaction of California’s Renewable Portfolio Standard, displacing older and less efficient generation.” (*Id.*) The Trust’s proposed alternatives would not “[u]tilize the existing brownfield power plant site and infrastructure, including the existing Alamitos Generating Station (AGS) switchyard and related facilities, the Southern California Edison (SCE) switchyard and transmission facilities, the Southern California Gas Company (SoCalGas) natural gas pipeline system, the Long Beach Water Department (LBWD) water connections, process water supply lines, existing fire suppression and emergency service facilities, and the administration, maintenance, and certain warehouse buildings.” (*Id.*) Moreover, the Trust proposed substitutes do not “[u]se qualifying technology under the South Coast Air Quality Management District’s (SCAQMD) Rule 1304(a)(2) that allows for the replacement of older, less-efficient electric utility steam boilers with specific new generation technologies on a megawatt to megawatt basis (that is, the replacement megawatts are equal or less than the megawatts from the electric utility steam boilers).” (*Id.*)

Because the “adequate substitutes” identified by the Trust do not meet most of the basic project objectives for the AEC, they are not alternatives to the AEC.

**B. The “Adequate Substitutes” Identified By The Trust Are Infeasible.**

Not only do the “substitutes” proposed by the Trust fail to meet most of the AEC’s basic project objectives, they are also infeasible and do not warrant further consideration. “CEQA does not require the examination of alternatives that are so speculative, contrary to law, or economically catastrophic as to exceed the realm of feasibility.”<sup>2</sup> In evaluating the feasibility of an alternative:

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<sup>2</sup> *Save San Francisco Bay Association v. San Francisco Bay Conservation and Development Commission*, 10 Cal. App. 4th 908, 922 (Cal. Ct. Appl. 1st Dist. 1992) citing to *Citizens of Goleta Valley v. Board of*

. . . factors that may be taken into account. . . are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). (14 C.C.R. § 15126.6(f)(1).)

The evidence establishes that each of the “adequate substitutes” proposed by the Trust is infeasible. (Ex. 2000, p. 6-25.) For example, neither demand response, energy efficiency, nor battery storage can provide the gas-fired generation needed to “ensure reliability under the most stringent criteria” established in the California Public Utilities Commission’s 2012 Long Term Procurement Planning proceeding. (Ex. 2000, p. 6-14; also see, Ex. 1072, p. 7.) Therefore, the “substitutes” identified by the Trust are infeasible.

**C. Because The Project Has A Strong Relationship To An Existing Industrial Site, There Is No Need For The Commission To Discuss Alternative Sites.**

Because the AEC will be located within the boundaries of an existing power plant property (the Alamos Generating Station) with operating power plant units, a discussion of site alternatives is not required for any decision the Commission must make in this proceeding.

Public Resources Code section 25540.6(b) reads, in part: “\* \* \*The commission may also accept an application for a noncogeneration project at an existing industrial site without requiring a discussion of site alternatives if the commission finds that the project has a strong relationship to the existing industrial site and that it is therefore reasonable not to analyze alternative sites for the project.”

The AEC is located on a brownfield site in an existing industrial area. (Ex. 1406, p. 1-1.) The AEC has a strong relationship to the existing industrial site, given that the property has been

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*Supervisors*, 52 Cal.3d 553, 565 (Cal. 1990).

used for electrical generation for nearly 60 years. (See, Ex. 1067; Ex. 1416, pp. 5.6-7 through 5.6-18; and Ex. 1413, p. 5.3-16.) The AEC will use the existing infrastructure and ancillary facilities of an existing power plant, to the extent feasible. (Ex. 1406, p. 1-1.) The AEC has been designed to fit within the existing electrical system and serve the current and future needs of the urban development which now constrains further expansion, replacement, or relocation of the existing electrical transmission and distribution system. (Ex. 1406.) Therefore, in enacting Public Resources Code Section 25540.6, the Legislature determined that it is reasonable not to analyze offsite alternatives for projects, such as the AEC, with such a strong relationship to an existing industrial site.

Public Resources Code Section 25520 states that the Applicant is tasked with providing the Commission with all of the information it needs in the Application to certify the facility. Public Resources Code Section 25540.6, which must be harmonized with Section 25520, unambiguously provides that the applicant need not provide information to analyze an alternative site for a noncogeneration project at an existing industrial site with a strong relationship to the existing industrial site. Accordingly, since the Applicant is not tasked with providing information, the Commission's decision need not consider alternatives sites for projects like AEC with a strong relationship to an existing industrial site.

We ask the Committee to make a Finding of Fact and corresponding Conclusion of Law that, based on the AEC's strong relationship to an existing industrial site, the Commission need not consider alternative sites.

Alternatively, as a second set of Findings and Conclusions, the Committee should rely on the FSA Part 1 conclusions that there are no off-site alternatives sites that meet most of the Basic




Project Objectives while avoiding or minimizing potentially significant effects. (Ex. 2000, pp. 6-18 to 6-19.)

#### **IV. CONCLUSION**

The AEC is the right project in the right location. The AEC will provide needed reliability in the transmission constrained western Los Angeles Basin Local Reliability Area. With the implementation of the Conditions jointly proposed by Staff and Applicant, and those proposed by the Applicant in Attachment A hereto, the AEC will comply with all applicable LORS, and will not result in any significant environmental impacts. The Committee should approve the AEC.

Dated: December 2, 2016

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## ATTACHMENT A

### AES Alamitos 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 **bold underlined** font. Deletions are shown in ~~**bold 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.**

#### PAL-1 ...

**Verification: The Project Owner shall provide the Compliance Project Manager (CPM) with the resume and qualifications of its paleontological resources**

specialist (PRS) for review and approval. A proposed PRS 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 PRS.

The CPM may propose to disqualify a previously approved PRS within seven (7) days of Project Owner submission of the Proposed PRS' 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 PRS's qualifications are not applicable to the specific paleontological resources identified in the project area. Any PRS 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.

**COM-15: Facility Closure Planning.** To ensure that a facility's eventual permanent closure and long-term maintenance do not pose a threat to public health and safety and/or to environmental quality, the project owner shall coordinate with the CPM to plan and prepare for eventual permanent closure.

#### Final Closure Plan ~~and Cost Estimate~~

- (a) No less than one year (or other CPM-approved date) prior to initiating a permanent facility closure, or upon an order compelling permanent closure, the project owner shall submit for Energy Commission review and approval, a Final Closure Plan ~~and Cost Estimate~~, which includes any long-term, site maintenance and monitoring.
- (b) Final Closure Plan ~~and Cost Estimate~~ contents include, but are not limited to:
  1. a statement of specific Final Closure Plan objectives;
  2. a statement of qualifications and resumes of the technical experts proposed to conduct the closure activities, with detailed descriptions of previous power plant closure experience;
  3. identification of any facility related installations or maintenance agreements not part of the Energy Commission certification, designation of who is responsible for these, and an explanation of what will be done with them after closure;
  4. a comprehensive scope of work ~~and itemized budget~~ for permanent plant closure and long-term site maintenance activities, with a description and explanation of methods to be used, broken down by phases, including, but not limited to:
    - a. dismantling and demolition;

- b. recycling and site clean-up;
  - c. impact mitigation and monitoring;
  - d. site remediation and/or restoration, including ongoing testing or monitoring protocols,
  - e. exterior maintenance, including paint, landscaping and fencing,
  - f. site security and lighting, and
  - g. any contingencies.
- ~~5. a Final Cost Estimate for all closure activities, by phases, including long-term site monitoring and maintenance costs, and long-term equipment replacement;~~
- 5.** a schedule projecting all phases of closure activities for the power plant site and all appurtenances constructed as part of the Energy Commission-certified project;
- 6.** an electronic submittal package of all relevant plans, drawings, risk assessments, and maintenance schedules and/or reports, including an above- and below-ground infrastructure inventory map and registered engineer's or DCBO's assessment of demolishing the facility; additionally, for any facility that permanently ceased operation prior to submitting a Final Closure Plan and Cost Estimate and for which only minimal or no maintenance has been done since, a comprehensive condition report focused on identifying potential hazards;
- 7.** all information additionally required by the facility's conditions of certification applicable to plant closure;
- 8.** an equipment disposition plan, including:
- a. recycling and disposal methods for equipment and materials; and
  - b. identification and justification for any equipment and materials that will remain on-site after closure;
- 9.** a site disposition plan, including but not limited to: proposed rehabilitation, restoration, and/or remediation procedures, as required by the conditions of certification and applicable LORS, and long-term site maintenance activities.
- 10.** identification and assessment of all potential direct, indirect, and cumulative impacts and proposed mitigation measures to reduce

significant adverse impacts to a less-than-significant level; potential impacts to be considered shall include, but not be limited to:

- a. traffic;
- b. noise and vibration;
- c. soil erosion;
- d. air quality degradation;
- e. solid waste;
- f. hazardous materials;
- g. waste water discharges, and
- h. contaminated soil.

**11.** identification of all current conditions of certification, LORS, federal, state, regional, and local planning efforts applicable to the facility, and proposed strategies for achieving and maintaining compliance during closure;

**12.** updated mailing list for all parcels within 500 feet of the proposed transmission line and other linear facilities, and within 1000 feet of the proposed power plant and related facilities; and

**13.** description of and schedule for security measures and safe shutdown of all non-critical equipment and removal of hazardous materials and waste (see conditions of certification for **Public Health, Waste Management, Hazardous Materials Management, and Worker Safety**).

- (c) If the CPM-approved Final Closure Plan ~~and Cost Estimate~~ are not initiated within one year of its approval date, it shall be updated and re-submitted to the CPM for supplementary review and approval.
- (d) Failure to comply with the closure plan in a timely manner may subject the project owner to enforcement actions as set forth in Public Resources Code section 25534