

From: "Piantka, George" <George.Piantka@nrgenergy.com>
Subject: **RE: El Segundo Energy Center (00-AFC-14C) - Transmittal of VIS-9 Figures Per Conditions 5 and 6 of Joint Statement of Agreement**
Date: December 18, 2012 8:00:18 AM PST
To: Murphy/Perkins <murphyperkins@gmail.com>
Cc: lyle cripe <lylecripe@gmail.com>, Doris Nickelson <dorisnickelson1@verizon.net>, "Nickelson, Nick" <nicknmf@verizon.net>, "Laurie B. Jester" <ljester@citymb.info>, "kchristensen@elsegundo.org" <kchristensen@elsegundo.org>, "Dyas, Mary@Energy" <Mary.Dyas@energy.ca.gov>, "John A. McKinsey" <jamckinsey@stoel.com>, "Seipel, Scott" <Scott.Seipel@nrgenergy.com>, "Riesz, Ken" <Kenneth.Riesz@nrgenergy.com>
▶ 2 Attachments, 8.4 KB

Hello Bob,

Below I have addressed each of your 8 comments. But first, I would like to address your input regarding the terms of the Joint Statement of Agreement (JSA) as it pertains to comment and approval.

Our transmittal of the drawings via email on December 3 to you and Michelle Murphy, Elsie and Lyle Cripe, and Doris and Nick Nickelson (Residents) was to provide status of our work on the items in the JSA and initiate your collective review of these drawings. My transmittal of the drawings via email and overnight delivery to the Energy Commission's Compliance Project Manager (CPM), the Cities of Manhattan Beach and El Segundo (Cities) and yourselves is in no intention to short-circuit the review of yourselves or the Cities. We are seeking comments from the Residents and Cities while keeping the CPM informed of our progress and status with respect to the conditions in the JSA. We appreciate your comments thus far, and those received on December 17 from the City of Manhattan Beach (Laurie Jester). Our responses are progress toward reaching a point when the drawings can be sent for CPM approval.

#1: Fence and toe of slope incorrectly located west of palms.

I believe that what you are seeing is actually that we have moved the toe of the slope back (to the north) so that it aligns with the fence and that the fence is still in the same location shown in Attachment A to the JSA. Thus, I think you will find this to be a benefit as it creates more accessible space on the 45th street side of the fence.

#2 Flat areas in the slope

The flat area on the north down-slope side is for drainage, stability and erosion control purposes as well as providing a means for walking access in the area for landscape work and other maintenance. There are utilities located under that bench. This bench delineates them and enables access to them for maintenance and repair as needed. The bench is approximately located where the retaining wall had been planned. The area north of the bench is additional area for landscaping than originally planned.

The 49' foot elevation is the old elevation of the retention berm that was to be maintained.

The 57' foot elevation flat area was in drawing provided during the original AFC process and in the Visual Resources -9 plan submitted and approved following the landscaping committee meetings. I believe this was designed in to the berm during the AFC process because that height sustained a level of visual screening that all parties felt was the right balance, before finishing the slope down to the retention berm height of 49'.

#3 Road and personnel access on west property line.

There is a paved path running along the fence line. It has not been compacted or reinforced to sustain heavy

vehicles and is not a vehicular road. It is intended to provide a visible and smooth access for lightweight, utility cart-like vehicles to allow access to the fence and to the water quality and water discharge features in that area. Also, the light poles may require access by a scissor-lift, for example, for maintenance/replacement of light bulbs. As noted below, the water quality feature will be planted with low lying vegetation that comes near the edge of the path.

#4 Planting more than hydroseeding

Yes, substantial planting is required beyond hydroseeding and you can see that in the other drawing we provided (i.e., "Sheet 4"). The other drawing is also required to be provided pursuant to the JSA. It is the revised planting diagram and we provided that along with the Sheet 1 to Appendix B of the VIS-2 landscaping plan. The revised planting sheet has a number "4" in the lower right hand corner of the drawing.

#5 Swale and Subdrain Detail and Bioswale

There is a detail for the Swale and Subdrain in the lower left hand area of the revised drawing (Sheet 1). The Swale and Subdrain will be planted with low lying vegetation from the plant palette. This allows water flowing through it during storm events to be partially filtered and slowed as it travels down the slope. Some grasses may be used here, but also groundcover plants.

#6 Water Quality Feature

The "water quality feature" is an area designed to accumulate stormwater and allow it to be absorbed; but in significant storm events, it will overflow into the southwest corner discharge point. It will be planted, pursuant to other sheets in the VIS-2 Plan, with low lying vegetation. The vegetation adds further stormwater filtering and improves the quality of any storm water discharge that does overflow into the southwest corner discharge point.

#7 FM#25

I think you are referring to the square labeled as FH#25 at foot of slope of berm near SW corner. This is an existing fire hydrant that we are not removing, but rather, preserving in place.

#8 Landscaping in SW corner outside of fence.

There is landscaping planned for the area of the property outside of the fence. The Vis-2 Landscaping Plan shows this in Appendix B. It is not on the drawing being completed for resolution of the 45th Street berm issues because that is not on Sheet 1 of Appendix B and was not a focus of the complaint.

Thank you for your detailed comments. We look forward to your further response.

Regards,



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From: Murphy/Perkins [mailto:murphyperkins@gmail.com]

Sent: Monday, December 10, 2012 9:08 AM

To: Piantka, George

Cc: lyle cripe; Doris Nickelson; Nickelson, Nick; Laurie B. Jester; kchristensen@elsegundo.org; Dyas, Mary@Energy; John A. McKinsey; Seipel, Scott; Riesz, Ken

Subject: Re: El Segundo Energy Center (00-AFC-14C) - Transmittal of VIS-9 Figures Per Conditions 5 and 6 of Joint Statement of Agreement

Dear George (and All),

We wish to comment on the documents George Piantka enclosed with his email (and of which he gave us hard copies this Thursday evening), but we must start by saying that these comments are tentative and preliminary. We understand that, under the terms of our settlement and the Commission's orders, there is to be comment and discussion, including the possibility of revision, before the documents are submitted to the CPM for approval, and assume that, in presenting them to Ms. Dyas at this time, both George and his employer are just keeping her in the loop, not trying to short-circuit the discussion and possible revision. See numbered paragraphs 5 and 6 of the Statement of Agreement.

In that spirit of keeping her informed even though the documents are not yet ready for her review, we're sending a copy of this email to Mary Dyas, too.

That said, our initial reading of the documents (and a very amateurish reading it is -- we ask that, as part of this comment period, NRG representatives meet with all concerned to help us better understand what NRG proposes) raises several questions. Some may turn into "issues," others will no doubt be cleared up by meeting with NRG. Other questions may arise from those discussions. At this point, our questions are:

1. We believe the proposed fence line and/or the berm deviate from the Commission's orders and Settlement Agreement in the area west of the palms. In that area, the Agreement's "conceptual sketch" includes a negotiated fence line which is actually both above the toe of the berm and more than 8 feet from the property line, rather than (as on the current "revised concept study", a "Chain link fence at toe of slope 8' min from property line." At all other places "8' min" appears to mean just 8 feet. The Agreement requires more than 8' and above the toe.
2. We are not clear why the currently proposed plans include three flat areas in the berm-- one labeled "bench," on the north downslope, and the other two on the top of the berm at elevations 57.0 and 49.0 feet. We'd like to have that explained before we address whether they are a good idea or not.
3. The "Revised Concept Study" sketch appears to show both a road and "personnel access" in the SW corner of the property. What is intended there? Again, we'd like to learn what's going on before taking a position on this feature of the sketch.
4. We believe the Commission has ordered that the entire berm (as well as the flat areas) is to be planted and maintained with more than "hydroseeding", not just the top part of the berm. Again, if the owners will explain their intentions, this may not be a disagreement at all. Drawings showing how and where the plant

pallette is to be deployed would be helpful here. In their absence, the notation "remove existing vegetation" on the "Planting Plan" George forwarded raises concerns.

5. We'd like to see the detail for the "proposed swale and subdrain" noted on the Revised Concept Study as being right across from our house, and the "bioswale" near the SW corner of the property. Speaking of the bioswale, is "grass" the approved planting there or anywhere?

6. What is the "water quality feature" along the west boundary of the plant to look like and be constructed of? Dirt? plantings? Concrete?

7. What is the object described as "FM#25" on the Revised Concept Study?

8. The documents George sent us do not appear to contemplate any landscaping or work in the SW corner of the property, beyond the fence. Is that the owner's intent?

We hope this is the beginning of a fruitful set of discussions before NRG finalizes its proposals and sends them to the CPM.

Regards,

Bob Perkins & Michelle Murphy

On Sat, Dec 8, 2012 at 5:13 PM, Piantka, George <George.Piantka@nrgenergy.com> wrote: