California Energy Commission

South Bay Replacement Project
Application for Certification
06-AFC-3

Data Response and Issues Resolution Workshop

Bill Pfanner
Project Manager
Energy Facility Licensing

December 11, 2006
Data Response and Issues Resolution Workshop Agenda
South Bay Replacement Project (06-AFC-3)

Chula Vista City Council Chambers
276 Fourth Avenue
Chula Vista, California

Monday, December 11, 2006

Sequence of presentations/questions for each topic:
- Energy Commission Staff – clarification of questions/issue resolution
- Applicant – Response
- Agencies’ Comments
- Intervener’s Comments
- Public Comments

10:00 AM to 5:00 PM (Lunch break from 12:00 to 1:00)

Introductions/Project Description
Discussion of Energy Commission Permitting Process and Jurisdiction

Biological Resources
Environmental Justice
Hazardous Materials
Land Use
Traffic and Transportation
Transmission System Engineering
Waste Management
Water and Soil Resources
Worker Safety
Visual Resources
Alternatives

Note. Air Quality, Cultural Resources and Public Health data responses will be discussed in a future workshop.

(Dinner break from 5:00 to 6:00)

6:00 to 9:00 PM
Summary of Major Topics
Public Comments
Purpose of Siting Process

"...ensure that a reliable supply of electrical energy is maintained at a level consistent with the need for such energy for protection of public health and safety, for the promotion of the general welfare, and for environmental quality protection."

Public Resources Code 25001
Energy Commission’s Role

- Energy Commission permitting authority
  - Thermal power plants 50 megawatts or greater
  - Related facilities
    - electric transmission lines
    - water supply pipelines
    - natural gas pipelines
    - waste disposal facilities
    - access roads

- Lead state agency for California Environmental Quality Act (CEQA)
Overview of Three-Step Licensing Process

1. **Data Adequacy**
   - Minimum requirements to accept application

2. **Discovery and Analyses**
   - Issues Identification
   - Data requests
   - Workshops
   - Staff Assessments (Preliminary and Final)

3. **Evidentiary Hearing and Decision**
   - Committee holds evidentiary hearings
   - Committee produces PMPD
   - Goes before full Commission for decision
*The Public Adviser provides assistance on how to participate in the CEC's public process.
Evidentiary Hearing & Decision Process

Intervenor testimony → Public Adviser → Public comment

Staff Testimony

Committee
Proposed Decision
Full Commission
Final Decision

Applicant testimony

Local, state, & federal agencies comment
Staff's Analysis of the AFC

- Determine if proposal complies with Laws, Ordinances, Regulations, Standards (LORS)
- Conduct engineering and environmental analysis
  - identify issues
  - evaluate alternatives
  - identify mitigation measures
  - recommend conditions of certification
- Facilitate public and agency participation
- Staff products: Preliminary and Final Staff Assessments
- Make recommendations to the Committee
Alternatives Analysis

- Staff examines alternatives that may avoid or mitigate potentially significant, adverse impacts.
- Need a reasonable range of alternative sites, technologies, and project size options that are capable of meeting most of the basic project objectives.
- Staff also examines the no project alternative.
Local, State and Federal Coordination

- Staff works closely with local, state and federal agencies, for example:
  - **Local/Regional**
    - Port of San Diego
    - City of Chula Vista
    - San Diego Air Pollution Control District
    - San Diego Regional Water Quality Control Board
  - **State**
    - CA Air Resources Board
    - Department of Toxic Substances Control
    - California Coastal Commission
  - **Federal**
    - US Environmental Protection Agency
    - US Fish & Wildlife Service
What Happens after the FSA

- Committee issues Presiding Member’s Proposed Decision (PMPD)
  - Contains findings relating to
    - environmental impacts, public health, engineering
    - project’s compliance with LORS
  - Recommends conditions of certification
  - Recommends whether or not to approve the project
- Full Commission makes decision
- CEC monitors compliance with all conditions of certification, for the life of the project
  - includes facility closure
A Bit About the Public Process

- **Open Public Process**
  - Workshops and Hearings noticed at least 10 days in advance
  - Mailing lists

- **Documents are available for public review at:**
  - Public Libraries in Chula Vista (also Sacramento, Los Angeles, San Francisco, San Diego, Fresno, and Eureka)
  - Energy Commission Library in Sacramento
  - Energy Commission Web site: www.energy.ca.gov/sitingcases/southbay
  - Energy Commission Docket
    1516 9th Street, MS - 4
    Sacramento, CA 95814-5512
Ways You May Participate

- Submit written comments or statements to the Commission
- Provide oral comments at public meetings
- Become a formal intervenor (Contact Public Adviser, Margret Kim)
- Provide written comments on the PSA/FSA
- Provide written comments on the Proposed Decision
## South Bay Project Schedule

<table>
<thead>
<tr>
<th>Date</th>
<th>Milestone / Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 30, 2006</td>
<td>AFC is deemed Data Adequate at business meeting</td>
</tr>
<tr>
<td>Sept. 12, 2006</td>
<td>Staff issues Issue Identification Report w/tentative schedule</td>
</tr>
<tr>
<td>Sept. 15, 2006</td>
<td>Committee Informational Hearing and Site Visit</td>
</tr>
<tr>
<td>Oct. 31, 2006</td>
<td>Staff issues first set of data requests</td>
</tr>
<tr>
<td>Nov. 29, 2006</td>
<td>Applicant provides responses to data requests</td>
</tr>
<tr>
<td>Dec. 11, 2006</td>
<td>Staff holds Data Request/ Issues Resolution Workshop</td>
</tr>
<tr>
<td>January 2007</td>
<td>Staff holds Data Response/Issues Resolution Workshop</td>
</tr>
<tr>
<td>February 2007</td>
<td>Local, state, and federal agency draft determinations (e.g., San Diego Air Pollution Control District files Preliminary Determination of Compliance)</td>
</tr>
<tr>
<td>January 2007</td>
<td>Staff issues second set of data requests</td>
</tr>
<tr>
<td>February 2007</td>
<td>Applicant provides responses to second data requests</td>
</tr>
<tr>
<td>March 2007</td>
<td>Staff files Preliminary Staff Assessment (PSA)</td>
</tr>
<tr>
<td>April, 2007</td>
<td>Staff holds PSA workshops</td>
</tr>
<tr>
<td>May 2007</td>
<td>Local, state, and federal agency final determinations (e.g., San Diego Air Pollution Control District files Final Determination of Compliance)</td>
</tr>
<tr>
<td>June 2007</td>
<td>Staff files Final Staff Assessment (FSA)</td>
</tr>
<tr>
<td>TBA</td>
<td>Committee Prehearing Conference/Hearings/Proposed Decision</td>
</tr>
</tbody>
</table>
Meeting this schedule will depend on:

- Applicant's timely response to staff's data requests
- Timing of the Air District's filing of the Preliminary and Final Determinations of Compliance
- Determinations of other local, state, and federal agencies
- Other factors not yet known
Contacts

- **California Energy Commission (CEC)**
  - Bill Pfanner, Project Manager
    - (916) 654-4206, e-mail: bpfanner@energy.state.ca.us
    - Web page: www.energy.ca.gov/sitingcases/southbay/index.html
  - Garret Shean, Commission's Hearing Officer
    - (916) 654-3893, e-mail: gshean@energy.state.ca.us
  - Margret Kim, Public Adviser
    - (916) 654-4489 or (800) 822-6228
    - e-mail: pao@energy.state.ca.us

- **LSP South Bay, LLC**
  - David Hicks, Manager of Public Affairs
    - (619) 498-5389  e-mail: DHicks@LSPower.com
  - Kevin Johnson, LS Power
    - (408) 572-1290  e-mail: KJohnson@LSPower.com
## SOUTH BAY REPLACEMENT PROJECT (06-AFC-3)

### CONSTRUCTION PHASE

<table>
<thead>
<tr>
<th>Activity</th>
<th>Included in the AFC?</th>
<th>Who carries out activities?</th>
<th>Who operates/or maintains?</th>
<th>Who is responsible for CEQA?</th>
<th>Property Lessee</th>
<th>Property Leaser</th>
<th>Acres Impacted</th>
<th>Phase</th>
<th>Permitting Jurisdiction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clear and grade the project site (SBRP)</td>
<td>Yes</td>
<td>LSP South Bay LLC, (Applicant)</td>
<td>LSP South Bay (Applicant)</td>
<td>Energy Commission</td>
<td>LSP South Bay (Applicant)</td>
<td>San Diego Port District</td>
<td>12.9</td>
<td>Construction</td>
<td>Energy Commission</td>
</tr>
<tr>
<td>Temporary lay down/parking on SBPP site</td>
<td>Yes</td>
<td>Applicant</td>
<td>Applicant</td>
<td>Energy Commission</td>
<td>Applicant</td>
<td>Port</td>
<td>7 acres SBRP 13 acres SBPP site</td>
<td>Construction</td>
<td>Energy Commission</td>
</tr>
<tr>
<td>Construct new SBPP</td>
<td>Yes</td>
<td>Applicant</td>
<td>Applicant</td>
<td>Energy Commission</td>
<td>Applicant</td>
<td>Port</td>
<td>12.9 acres</td>
<td>Construction</td>
<td>Energy Commission</td>
</tr>
<tr>
<td>Construct new 230 kV facility</td>
<td>Yes</td>
<td>SDG&amp;E</td>
<td>SDG&amp;E</td>
<td>Energy Commission</td>
<td>SDG&amp;E</td>
<td>Port</td>
<td>0.6 acres</td>
<td>Construction</td>
<td>Energy Commission</td>
</tr>
</tbody>
</table>

### DEMOLITION PHASE

| Demolish the existing SBPP                   | Yes                  | Applicant                   | NA                          | Energy Commission           | Applicant       | Port            | 109 acres        | Demolition   | Port                     |
| Fill from demolition                          | No                   | Applicant                   | Applicant                   | Energy Commission           | Applicant       | Port            | 9 acres           | Demolition   | Port                     |

### FINAL INTERCONNECTION PHASE

| Construct final 69-138 kV interconnection     | Yes                  | SDG&E                       | SDG&E                       | Energy Commission           | SDG&E           | Port            | 6.5 acres        | Final Interconnection | Energy Commission |
| Demolish old 69-138 kV substation            | No                   | SDG&E                       | SDG&E                       | Energy Commission           | SDG&E           | Port            | 6 acres          | Future Project | Port                     |
| Construct new 69-138 kV substation            | Yes                  | SDG&E                       | SDG&E                       | Energy Commission           | SDG&E           | Port            | 6.5 acres        | Post SBRP construction | Energy Commission |
CALIFORNIA ENERGY COMMISSION  
STAFF APPROACH TO ENVIRONMENTAL JUSTICE

Staff's environmental justice (EJ) approach conforms with the Resources Agency's EJ policy.

It is the policy of the Resources Agency that the fair treatment of people of all races, cultures and income shall be fully considered during the planning, decision-making, development and implementation of all Resources Agency programs, policies and activities. The intent of this policy is to ensure that the public, including minority and low-income populations, are informed of opportunities to participate in the development and implementation of all Resources Agency programs, policies and activities, and that they are not discriminated against, treated unfairly, or caused to experience disproportionately high and adverse human health or environmental effects from environmental decisions.

Staff's approach is also consistent with the U.S. EPA 1998 Guidance, and is composed of three primary factors: Demographics, Public Outreach and Impact Assessment

Demographics

- Census block data are used to develop a demographic screening map covering a one and six-mile radius around the proposed project.
- The demographic screening map is used to identify populations, or pockets, of greater than 50 percent people of color or low-income. Areas with such populations or pockets are considered to have potential EJ issues.
- During impact assessment, environmental, public health, and safety disciplines define their areas of potential impacts within the one and six-mile radius.

Public Outreach

- Information on proposed project is disseminated to all local area media and public library(les)
- Energy Commission Public Adviser contacts community individuals and groups, local leaders, and community activists to inform them of the project and the Commission's process and to assist with public participation
- Energy Commission staff makes similar contacts with community to provide project details, answer questions about the project and application proceeding, and to explain staff's analysis
- Multiple local public participation workshops and hearings
- Translations / translators provided as needed

Impact Assessment

The technical areas that typically deal with environmental justice issues include: air quality, public health, hazardous materials, noise, waste management, and transmission line safety and nuisance.

Generally, technical staff:

1. Describe the existing setting.
2. Analyze "unique circumstances," if any, of the affected population.
3. Analyze the project's direct, indirect and cumulative impacts.
4. Assess and recommend appropriate mitigation.
5. Determine whether the project creates an unavoidable significant adverse impact on the affected population and, if so, considers whether the impact is disproportionate.