

**STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission**

In the Matter of:)	Docket No. 99-AFC-1
)	
Application for Certification For the ELK HILLS Power Project)	COMMITTEE ERRATA To November 20, 2000 PRESIDINGMEMBER S PROPOSED DECISION
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The Elk Hills AFC Committee hereby adopts the following errata to the Elk Hills Revised PMPD (RPMPD), which the Committee released on November 20, 2000.

1. Page 24, now reads as follows: "The Commission is required during the AFC process to examine the feasibility of site and facility alternatives that may avoid or lessen the potential significant environmental impacts of a proposed project. (Pub. Resources Code, /21080.5(b)(3)(A); 20 CCR, /1765.) Although Applicant's AFC was not required to contain a discussion of site alternatives, the Commission's CEQA duty remained unchanged. (See Pub. Resources Code, /25540.6 (b).) Therefore, this Decision complies "with the CEQA guidelines, which require:

an evaluation of the comparative merits of 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 but would avoid or substantially lessen any of the significant effects of the project , as well as an evaluation of the no project alternative. (14 CCR, /15126 (d).)

The range of alternatives that we are required to consider is governed by a rule of reason . This means that our consideration of alternatives may be limited only to those:

that would avoid or substantially lessen any of the significant effects while continuing to attain most of the basic objectives of the project, and need not include those alternatives whose effects cannot be reasonably ascertained and whose implementation is remote and speculative. (14 CCR, /15126 (d) (5); Ex. 19D, Part III, p. 7.)

2. RPMPD, page 27, Finding number one beginning with The Elk Hills Power Project has a very strong relationship has been deleted.

3. RPMPD, page 27, Finding number four now reads:

No alternative to the project considered by the Commission, including but not limited to the 'no project' alternative, would avoid or lessen any direct, or indirect, or cumulative significant adverse environmental impacts of the Elk Hills project, because as mitigated the Elk Hills project will not cause any such impacts.

4. RPMPD, page 27, new Finding 5 reads:

No alternative to the project considered by the Commission, including but not limited to the 'no project' alternative, is feasible, because none are capable of meeting the key project objective, which is to provide efficient electrical power utilizing locally produced natural gas from the Elk Hills Oil and Gas Field.

5. RPMPD , page 147, beginning with the third sentence, through page 148, now read as follows:

We disagree.

First, the evidence demonstrates that the assessment of exposure risks for the oil field workers were quite conservative. As Applicant s testimony explained:

The most important uncertainties related to exposure include the definitions of exposed populations and their exposure characteristics. The choice of a residential maximally exposed individual (MEI) is very conservative in the sense that no real person is likely to spend 24 hours a day, 365 days a year over a 70-year period at exactly the point of highest toxicity-weighted annual average concentration. The greatest true exposure is likely to be at least 10 times lower than that calculated for the MEI. (Ex. 1, p. 5.15-10.)

Second the extremely conservative nature of Applicant s assessment substantially moots CURE s argument of potential harm to oilfield workers. It thus appears to us that these workers would be equally protected under either standard.

Third, the evidence establishes that western Kern County, where the plant is proposed for construction, has a population density of 19 persons per square mile.¹ (Ex. 19, p. 20.) The proposed project is in the approximate center of the OEHI operated oil field and the point of maximum impact where exposures were estimated--is closed to public access. (1/25 RT 85:17-87:22, 136:12-137:3.) The nearest residence to the 12-acre proposed project site is located approximately 5.1 miles to the east, and there are no sensitive receptors within a six-mile radius of the site. (Ex. 19, p. 20-21.) Finally, the point of maximum impact for the pollutant emissions is more or less equally distant. (1/25 RT 117:2-20.)

Staff's witness Rick Tyler testified as follows:

It is my belief that by virtue of the fact that Occidental Chemical has incorporated this facility virtually in the center of their existing oilfield operations, that in fact they are obligated to protect their employees under existing Cal-OSHA regulations from any hazard that is introduced to them by this facility. As such, I believe the appropriate treatment of these individuals is--they should be treated as workers.

Additionally, I would point out that they are exposed to many--already exposed to many of the same hazards that --that they would be exposed to as a result of this facility, such as ammonia.

My belief is that there is --that there is not a reasonable justification for treating these individuals as public receptors. (1/25 RT 85:17-86:25.)

Dated: December 7, 2000

ENERGY CONSERVATION AND
DEVELOPMENT COMMISSION

MICHAL C. MOORE, Ph.D.
Commissioner and Presiding Member
Elk Hills AFC Committee

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¹ This is according to the 1990 U.S. census figures. (Ex. 19, p. 20.)