

California Energy Commission

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

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Energy Facility Licensing

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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

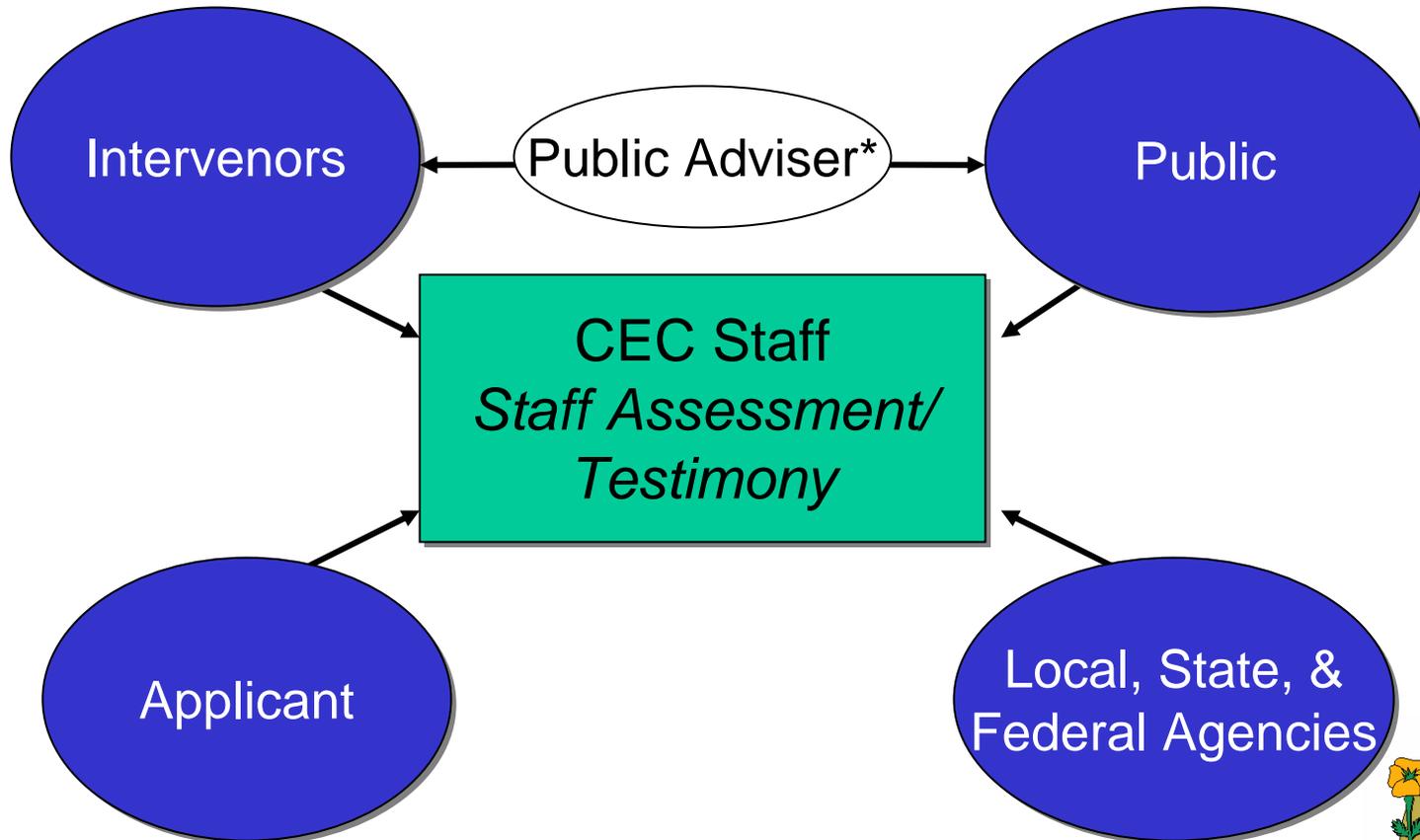
- Issues Identification
- Data requests
- Workshops
- Staff Assessments (Preliminary and Final)

3. Evidentiary Hearing and Decision

- Committee holds evidentiary hearings
- Committee produces PMPD
- Goes before full Commission for decision



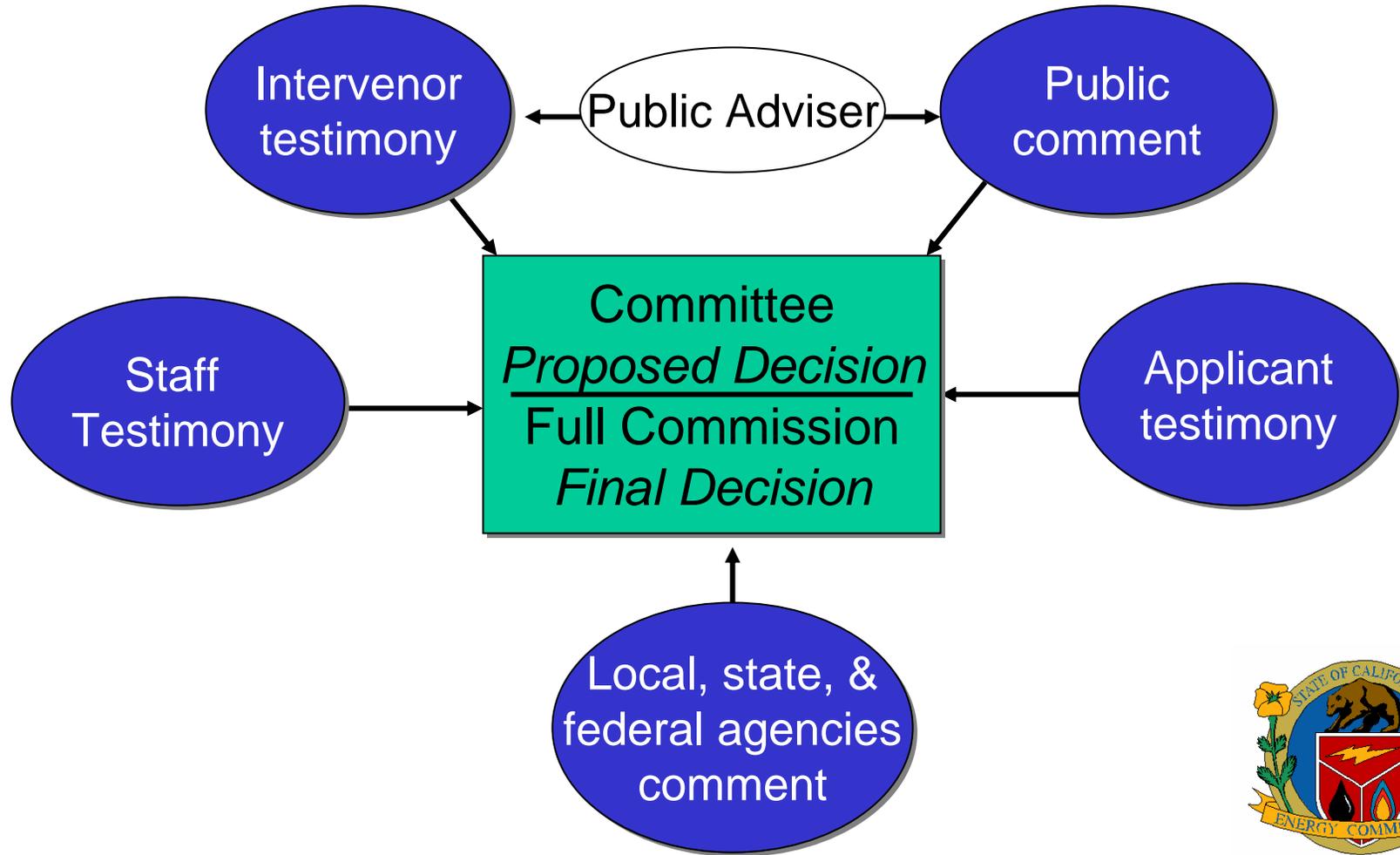
Staff Discovery and Analyses Process



* The Public Adviser provides assistance on how to participate in the CEC's public process.



Evidentiary Hearing & Decision Process



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**



Staff's Issues Identification Report

■ Purpose

- Inform participants of potential issues
- Early focus on important topics

■ Criteria

- Significant impacts that may be difficult to mitigate
- Non-compliance with LORS
- Conflicts between parties about appropriate findings or conditions of certification for Commission decision that could delay schedule



Potential Issues Identified by Staff

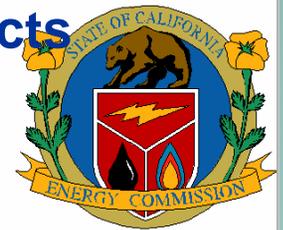
- Air Quality
- Land Use
- Waste Management



Potential Issues Identified by Staff

■ Air Quality Issues:

- Existing South Bay Power Plant (SBPP) will not be shut down until after the proposed South Bay Replacement Project begins running
- Applicant plans to obtain air quality offsets for the new plant as a result of the old plant being shut down
- Both plants may be operating at the same time for a brief period, with the potential for unmitigated, possibly significant impacts from the new plant

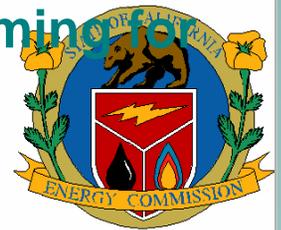


Potential Issues Identified by Staff

■ Land Use:

- The City of Chula Vista, the City of Chula Vista Redevelopment Agency, the Port of San Diego, and Pacifica Companies are involved in the planning, development, and approval of the Chula Vista Bay Master Plan.

- Until the CVBMP is implemented, there is no local or state land use plan that controls and guides the planning and development of the site, which will affect the timing of completing the staff land use analysis.



Potential Issues Identified by Staff

■ Waste Management Issues:

- Phase I Report prepared for SDG&E on the existing facility's site identified significant environmental issues including soil and groundwater contamination.
- Workplan completed for SDG&E in 2005 presents proposed soil and groundwater investigation and remediation activities.
- It is uncertain what, if any, additional investigation and remediation activities have actually been conducted since the Workplan was prepared and whether it is applicable to the replacement project site.



Staff's Proposed Schedule

Date	Milestone / Event
August 30, 2006	AFC is deemed Data Adequate at business meeting
Sept. 12, 2006	Staff issues Issue Identification Report w/tentative schedule
Sept. 15, 2006	Committee Informational Hearing and Site Visit
Sept. 29, 2006	Staff issues first set of data requests
Oct. 19, 2006	Staff holds Data Request/ Issues Resolution Workshop
Oct. 31, 2006	Applicant provides responses to data requests
Nov. 14, 2006	Staff holds Data Response Workshop
Dec. 28, 2006	Local, state, and federal agency draft determinations (e.g., San Diego Air Pollution Control District files Preliminary Determination of Compliance)
Feb. 12, 2007	Staff files Preliminary Staff Assessment (PSA)
Late Feb. 2007	Staff holds PSA workshops
Feb. 26, 2007	Local, state, and federal agency final determinations (e.g., San Diego Air Pollution Control District files Final Determination of Compliance)
Mar. 28, 2007	Staff files Final Staff Assessment (FSA)
TBA	Committee Prehearing Conference/Hearings/Proposed Decision



Staff's Proposed Schedule

- **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

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