



*Planning Division*

## PLANNING COMMISSION STAFF REPORT

**TO:** Planning Commission

**FROM:** Christopher Williamson, AICP, Senior Planner

**DATE:** June 28, 2007

**SUBJECT:** Planning and Zoning Permit No. 06-400-5 (Coastal Development Permit) for Southern California Edison (SCE) Peaker Plant Located at 251 N. Harbor Boulevard

1. **Recommendation:** That the Planning Commission:
  - a) Adopt Mitigated Negative Declaration (MND) 07-02; and
  - b) Adopt a resolution of denial for the proposed SCE Peaker Plant.
  
2. **Project Description and Applicant:** A request to develop a 45-Megawatt peaker generator at 251 N. Harbor Boulevard (just south of the Reliant power plant) that includes one natural gas-fired General Electric (GE) LM6000 gas turbine generator, pollution control equipment, an 80-foot tall exhaust stack, a 10,500-gallon 19-percent aqueous ammonia storage tank, fuel gas supply line, fuel gas compressor, water supply line, water demineralizer, two water storage tanks, transformers, 66 kilovolt (kV) transmission tap line, a natural gas-fired “black-start” generator, a power control module, a 65- by 75-foot customer substation, and a 40- by 75-foot gas metering station. Filed by Southern California Edison, 2244 Walnut Grove Avenue, Rosemead, CA 91770.
  
3. **Existing Site and Surrounding Land Use:** The project site is vacant and was formerly the oil tank farm for the Reliant Energy Mandalay Power Plant (Mandalay) facility. The project site is bounded on the north by the existing Mandalay facility and channel; on the west by an existing oil processing facility, coastal dunes, and the Mandalay State Beach and Pacific Ocean; on the east by Harbor Boulevard, undeveloped SCE-owned land, and agricultural fields; on the southeast by the 292-unit *Northshore at Mandalay Bay* (Northshore) residential development now under construction; and on the south by an access road; two operating oil pumps, and state and city-owned coastal dunes. The project site and surrounding area is shown in Attachment A.

4. **General Plan Policies and Land Use Designation Conformance:** The proposed project site is within the coastal zone and the Oxnard Coastal Land Use Plan designation for the proposed project site is Public Utility/Energy Facility. There are six relevant policies:
- ◆ Policy No. 50 refers to the Coastal Act to define a “Coastal-dependent development or use” as “...any development or use which requires a site on, or adjacent to, the sea to be able to function at all” (PRC §30101). The proposed project is not considered a coastal-dependent development, as there are existing peaker plants located throughout the state including non-coastal areas. Policy No. 50 also prohibits new or expanded hazardous industries or industries producing toxic waste. Based on MND 07-02 analyses, the proposed project is not considered a hazardous industry nor does it produce significant toxic wastes.
  - ◆ Policy No. 51 requires all new energy-related development to conform to applicable Ventura County Air Pollution Control District (APCD) regulations and related plans and rules. APCD staff indicate the proposed project would need to meet APCD permit requirements, if approved.
  - ◆ Policy No. 52 prohibits energy-related development from locating on resource, sensitive, recreational, and archaeological sites. The project site is not located in any protected site and the project proposes vegetative screening to minimize aesthetic impacts.
  - ◆ Policy No. 54 requires energy-related development to minimize impacts on coastal access and provide access where appropriate. The project does not impact any existing coastal access and, based on discussions with local staff of the State Departments of Fish and Game and Parks, there is no opportunity at this site for appropriate coastal access.
  - ◆ Policy No. 55 states, “Residential and visitor-serving commercial uses shall not be considered compatible with industrial and energy facility zoning as neighboring uses or zoning designations.” Although the subject site is adjacent to the Northshore residential parcel, the nearest Northshore housing structure is approximately 750 feet from the nearest proposed structure (electrical substation). MND 07-02 concluded that there were no significant adverse noise or air quality impacts on the Northshore development. Therefore, staff does not consider Policy No. 55 as applicable in this situation.
  - ◆ Policy No. 56 prohibits energy-related development located seaward of the 100-year flood/wave run-up line. The project meets this requirement as it is located approximately 750 feet from the Pacific Ocean between the 100- and 500-year flood zones.

Coastal-dependency is a recurring intent in the Coastal Zoning Ordinance implements that implements the Coastal Land Use Plan. The purpose of the Coastal Zoning Ordinance is stated in Section 17-2(2), "To assure priority for coastal-dependent and coastal-related development over other development on the coast." The coastal zone designation for the project site is Coastal Energy Facility Sub-Zone (EC). Section 17-20(A) states, "The purpose of the EC zone is to provide areas for...power generating facilities and electrical substations consistent with Policies 50, 51, 52, 54, 55, and 56 of the Oxnard coastal land use plan." Section 17-20(A)(1) states, "Coastal dependent energy facilities shall be encouraged to locate and expand within existing sites..."

Section 17-20(B)(2) includes "Electrical power generating plant and accessory uses normally associated with said power generating facility" as a conditionally allowed use in the EC zone, requiring a coastal development permit. As this is the only reference to power generating facilities in the EC section, the coastal-dependency purpose applies and the use should be considered in the context of whether it is coastal-dependent as defined by the Coastal Act.

A non-coastal dependent energy-generating facility would not be allowable based on Section 17-5(I) of the City Code which states, "If a proposed use is not listed as permitted or conditionally permitted, such use shall be assumed to be prohibited..."

In a memorandum attached to SCE's February 16, 2006 letter responding to a request for additional information, SCE stated the proposed plant is not coastal dependent and that four other similar SCE peaker plants are being developed at inland sites.

Based on staff's interpretation of the intent and wording of the EC section and SCE's statement that the proposed project is not coastal dependent, the project is not allowed at this coastal location under the City's EC zoning designation and a resolution of denial is included as Attachment C. SCE disagrees with this conclusion and states that the EC zone does allow a non-coastal dependent energy power generating plant use as a conditional use.

5. **Environmental Determination:** The proposed development is subject to review in accordance with the California Environmental Quality Act (CEQA). An initial study was prepared to analyze the project's potential significant environmental effects. Staff requested additional environmental information on March 15, 2007 that included information regarding what air quality impacts are expected during periods of coastal fog and what are the noise impacts on the second floor living areas of the closest Northshore housing unit. SCE responded in detail to staff's inquiries (Attachment D) and because all impacts were found to be less than the applicable significance threshold, or were mitigatable to less than significance, Mitigated Negative Declaration (MND 07-02, Attachment E) was prepared and circulated between May 11 and June 18, 2007 (38 days).

A correction is noted for page 70 of the MND, Land Use and Planning, where the "Less Than Significant With Mitigation" box for item 2, "Conflict with any applicable land use plan..." should have been checked to be consistent with the discussion that followed leading up to mitigation measure LUP-1 on page 74.

Comment letters (Attachment F) were received from the several public agencies and over 20 members of the public. The Ventura County Air Pollution Control District concurred with the MND air quality analysis that significant air quality impacts would not result from the project. In staff's opinion, other issues do not rise to the level of changing the determinations of no significant impacts after mitigation. In the event the project is later reviewed by either the City Council and/or the Coastal Commission, staff recommends the Planning Commission adopt MND 07-02 as an adequate analysis and mitigation of potential adverse environmental impacts.

6. **Community Input:** The project was presented at a community workshop on May 21, 2007 that was attended by approximately 40 members of the public. Most of those attending stated that the project was not desirable at the proposed location. Certain calculations in the noise analysis were questioned, and SCE later confirmed that their original calculations were correct.

7. **Attachments:**

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Reduced Project Plans
- C. Resolution of Project Denial
- D. SCE Letter of April 18, 2007
- E. MND 07-02
- F. MND 07-02 Comments

Prepared by: <u>CW</u> CW
Approved by: <u>SM</u> SM

ATTACHMENT A

**VICINITY MAP**

**COASTAL LAND USE PLAN**

**COASTAL ZONING**

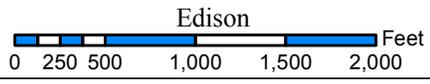
**AERIAL PHOTO**



# General Plan Map



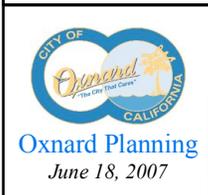
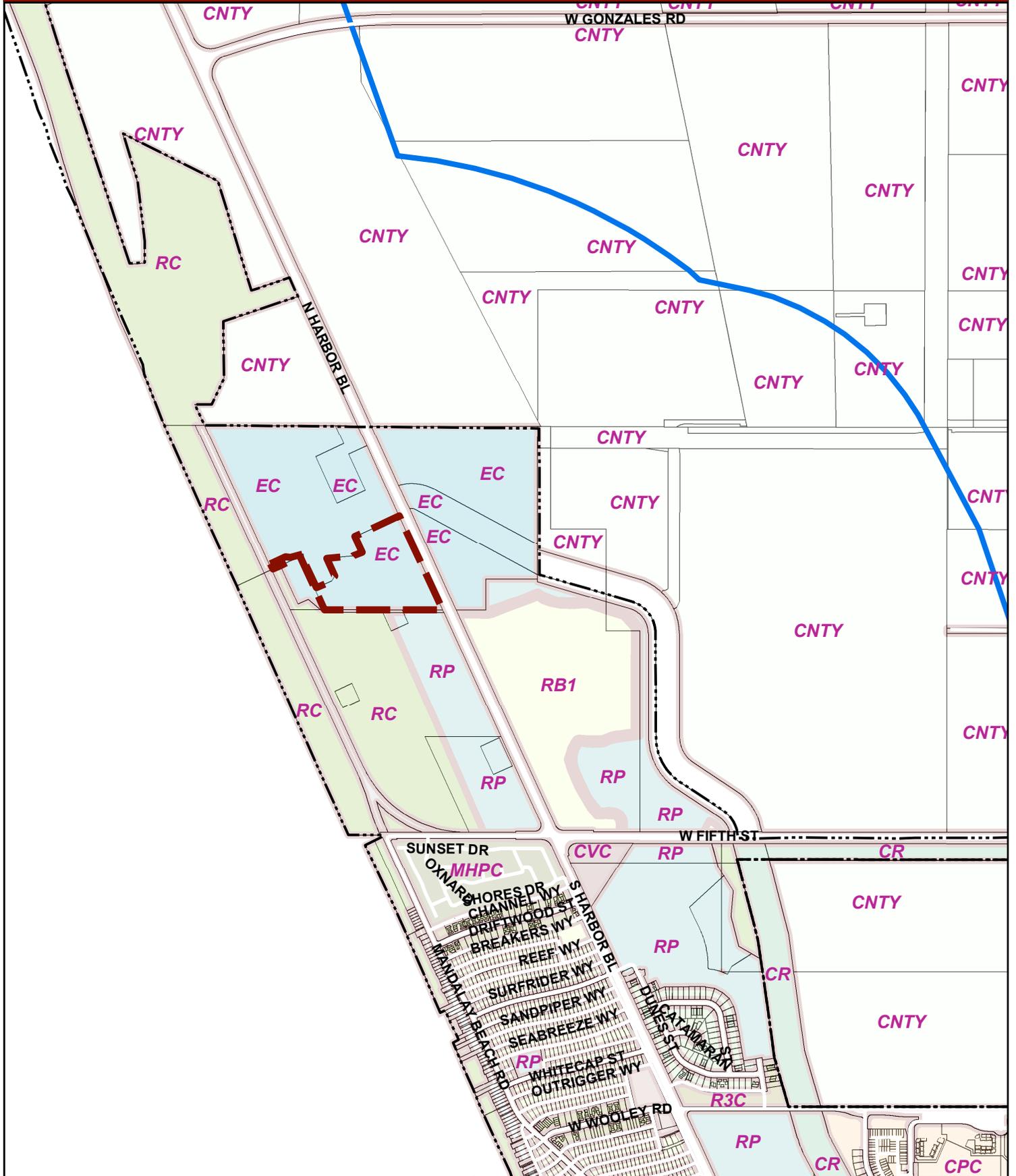
PZ 06-400-5  
Location: 201 N Harbor Bl  
APN: 183002203



## General Plan Map



# Zone Map



PZ 06-400-5  
 Location: 201 N Harbor Bl  
 APN: 183002203  
 Edison  
 0 250 500 1,000 1,500 2,000 Feet

**Zone Map**





2005 Aerial 11132



PZ 06-400-5  
 Location: 201 N Harbor Bl  
 APN: 183002203  
 Edison

Aerial Map

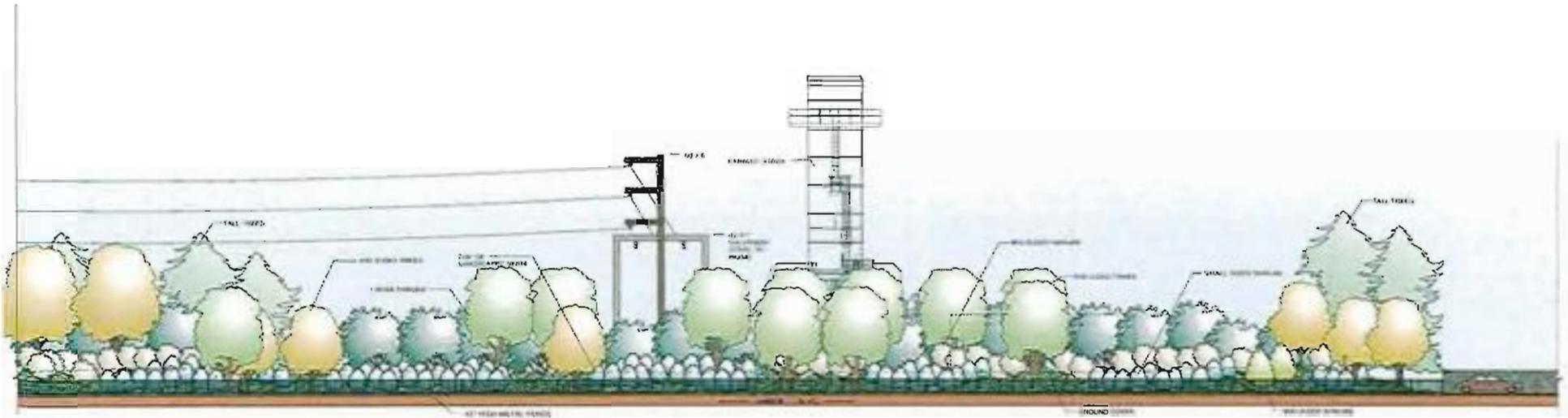


ATTACHMENT B

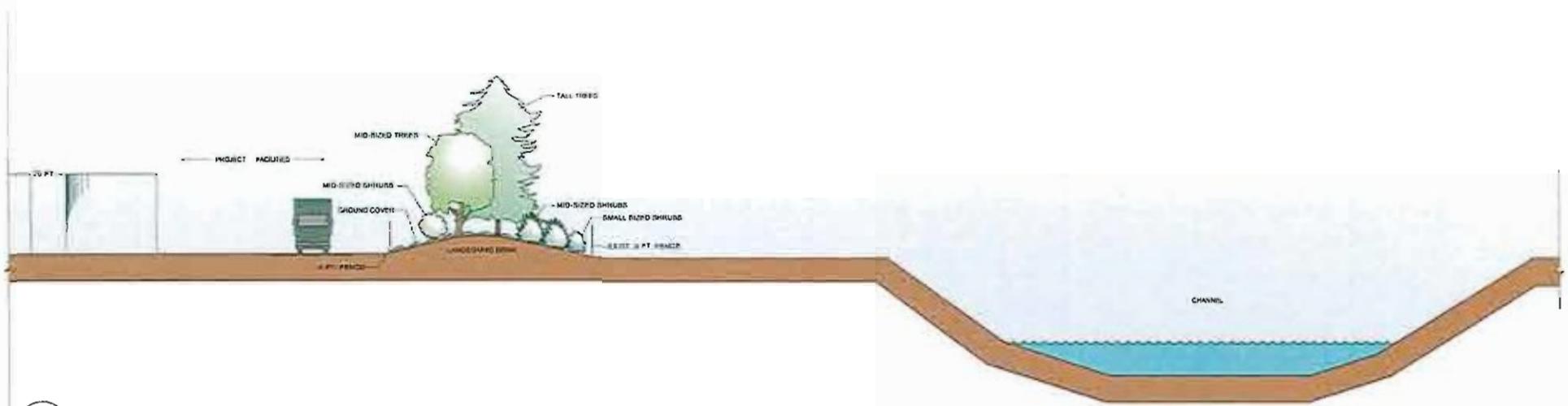
**PROJECT PLANS**







DD ELEVATION AT HARBOR BLVD.



CC SECTION THRU CHANNEL



JUNE 11, 2007

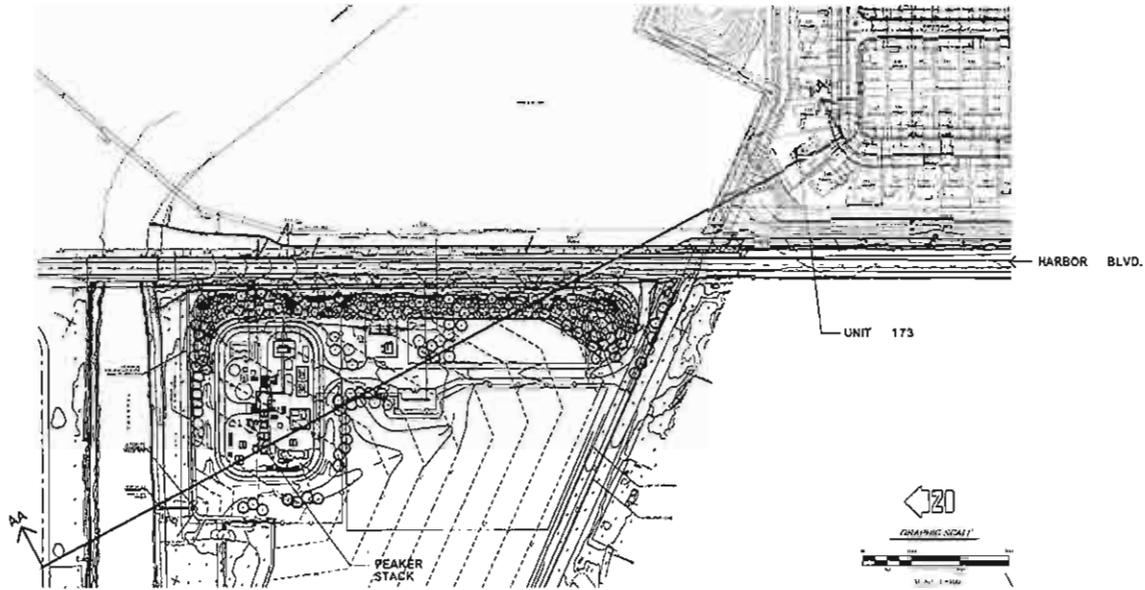
SOUTHERN CALIFORNIA EDISON COMPANY  
 3074 LONE HILL AVE  
 SAN JOAQUIN, CA 95128  
 T: 209.399.6122

# MANDALAY SITE

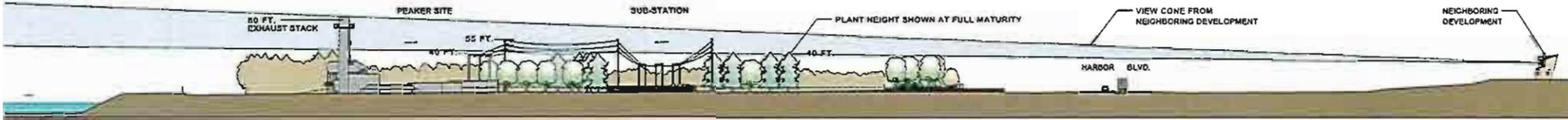
SOUTHERN CALIFORNIA EDISON COMPANY  
 251 N. HARBOR BLVD., OXNARD, CALIFORNIA

L3  
 PRELIMINARY LANDSCAPE ELEVATIONS

JORDAN, GILBERT & BAIN  
 LANDSCAPE ARCHITECTS INC.  
 10715 W. ROAD  
 VISALIA, CA 93278



PROJECT SITE PLAN WITH NEIGHBORING DEVELOPMENT  
SCALE 1"=100ft.



AA SECTION-ELEVATION THROUGH SITE FROM NEIGHBORING DEVELOPMENT  
SCALE 1"=40ft.



APRIL 18, 2007

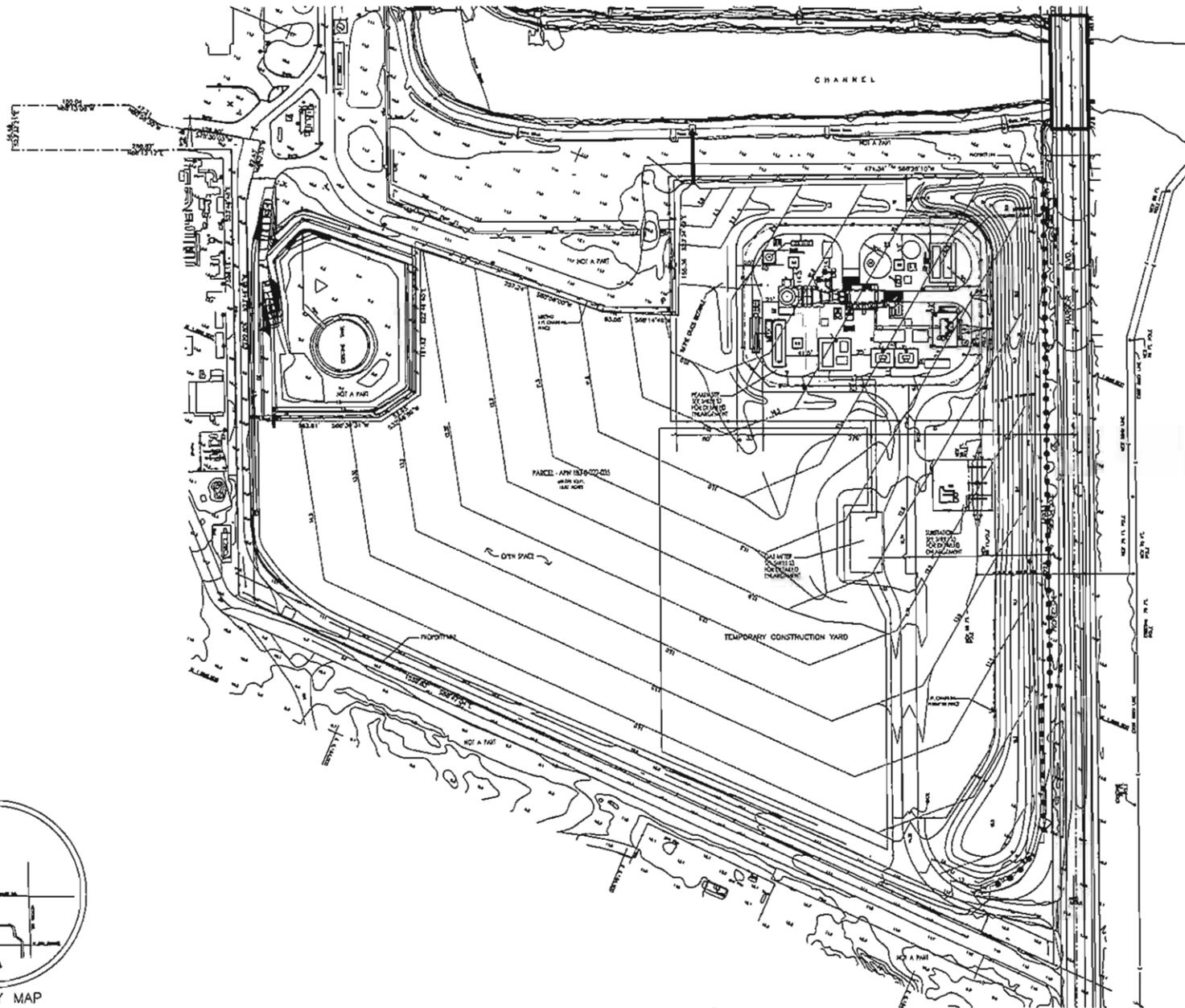
SOUTHERN CALIFORNIA EDISON COMPANY  
378 N. GARDEN BLVD.  
SANTA ANA, CA 92701  
TEL: (949) 241-1000

# MANDALAY SITE

SOUTHERN CALIFORNIA EDISON COMPANY  
251 N. HARBOR BLVD., OXNARD, CALIFORNIA

L4  
PRELIMINARY LANDSCAPE ELEVATIONS

JORDAN, GILBERT & BAIN  
LANDSCAPE ARCHITECTS  
175 ALVARADO BLVD.  
SANTA ANA, CA 92701



**LEGAL DESCRIPTION**

CONTRACT 2949  
 BLOCK #1  
 APN # 100-022-023  
 ZONING - EC

**SITE SUMMARY**

TOTAL ACREAGE = 201,231 SQ. FT. = 4.61 ACRES  
 TOTAL LANDSCAPED AREA = 110,730 SQ. FT. = 2.54 ACRES  
 TOTAL PLANTED AREA = 103,719 SQ. FT. = 2.37 ACRES  
 TOTAL GROSS BIODIVERSITY = 22,310 SQ. FT. = .51 ACRES  
 TOTAL PEAKY SITE = 20,484 SQ. FT. = 0.47 ACRES

**LEGEND**

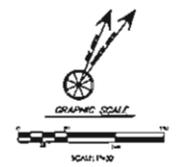
EXISTING CONTOURS ON-SITE  
 PROPOSED CONTOURS  
 PROPERTY LINE



VICINITY MAP

**MANDALAY SITE**

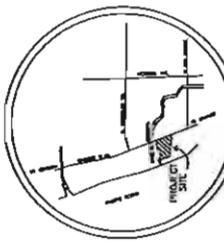
SOUTHERN CALIFORNIA EDISON COMPANY  
 251 N. HARBOR BLVD., OXNARD, CALIFORNIA



**S1**  
 SITE PLAN

JORDAN, GILBERT & BAIN  
 LANDSCAPE ARCHITECTS P.A.C.  
 3330 JOMA VISTA ROAD  
 YUBA, CA 95967

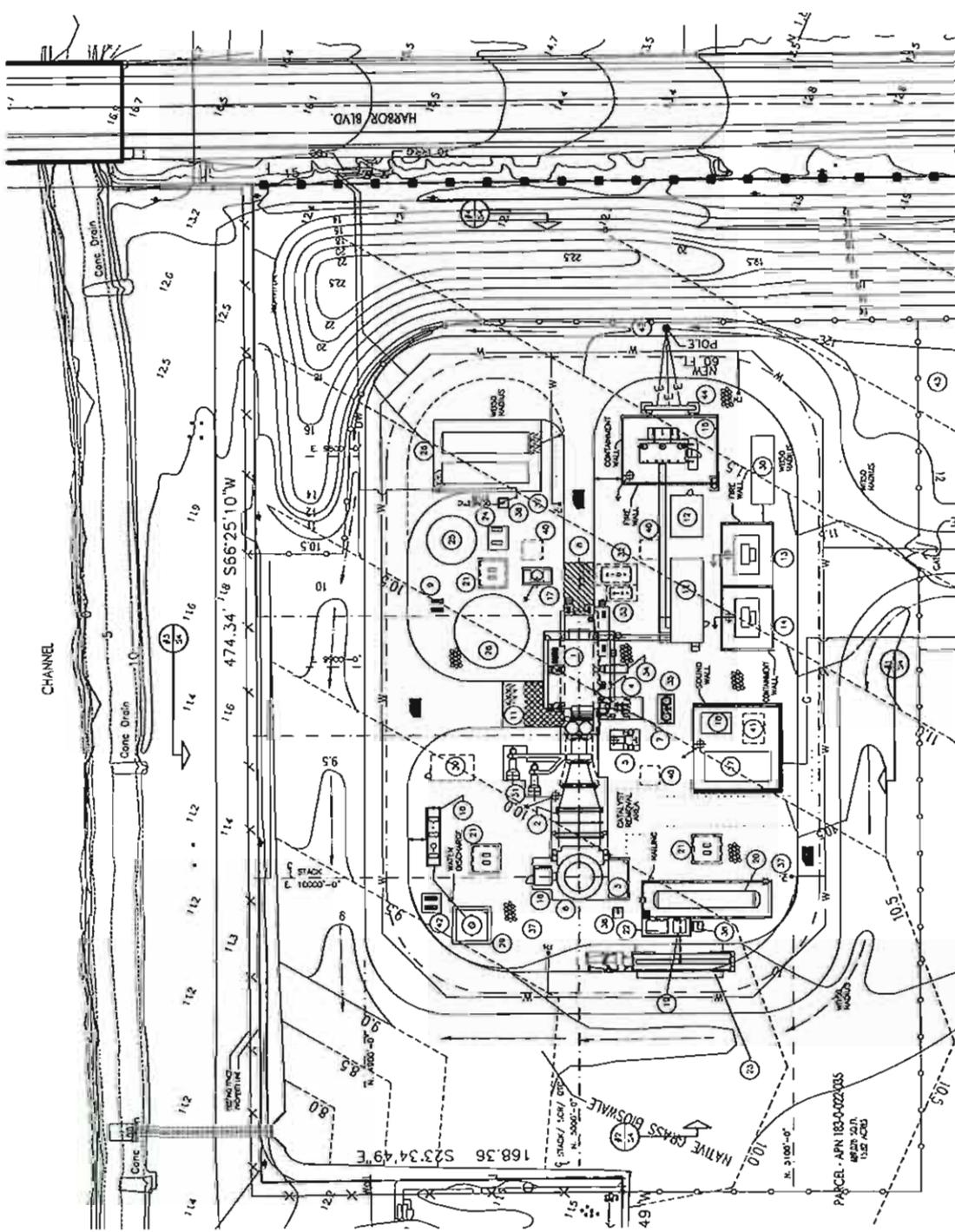
JUNE 11, 2007  
 SOUTHERN CALIFORNIA EDISON COMPANY  
 300 N. TOWNE SQUARE AVE.  
 SAN ANTONIO, CA 78205  
 TEL: 214-242-4202



VICINITY MAP

LEGEND:

- 1 GAS TURBINE GENERATOR
- 2 CO / SCR
- 3 ALUMINA FLOW CONTROL UNIT
- 4 CTC SHIRT SLEEV
- 5 CTC LUBIC OIL / IN FAN COOLER
- 6 COMBUST STACK
- 7 CTC AUXILIARY SMO
- 8 CONDENSATOR REMOVAL AREA
- 9 RAW WATER PUMPS
- 10 OIL / WATER SEPARATOR
- 11 TURBINE REMOVAL AREA
- 12 POWER CONTROL MODULE
- 13 4.18 KV AIR TRANSFORMER
- 14 480V AIR TRANSFORMER
- 15 CSU TRANSFORMER
- 16 CEAS SHELTER
- 17 AIR COMPRESSION SMO
- 18 GAS COMPRESSION EXCHANGE COOLER
- 19 ALUMINA UNLOADING AREA
- 20 ALUMINA STORAGE TANK
- 21 WASTEWATER SLURRY AND PUMPS
- 22 ALUMINA FORWARDING PUMPS
- 23 ALUMINA UNLOADING PAD
- 24 DOWNSHAFTED WATER TRANSFER PUMPS
- 25 DOWNSHAFTED WATER TANK
- 26 DOWNSHAFTED WATER TREATMENT AREA
- 27 FUEL GAS COMPRESSION SMO
- 28 HAF / FIRE WATER TANK
- 29 WASTEWATER STORAGE TANK (TEMPORARY)
- 30 BLACK START GENERATOR
- 31 SCR ISLANDS
- 32 WASTE OIL DRAIN TANK (U/D)
- 33 WATER WASH BRAIN UNIT
- 34 CTC WATER INJECTION SMO
- 35 FUEL GAS SUPPLY / CONDENSED FILTER
- 36 NOT USED
- 37 FINE HYDRAWT
- 38 FRESH AND SALTY SHOWERS
- 39 TOILETS WITH (2) TOILETS AND SINK
- 40 ELECTRICAL WARDROBES
- 41 FUEL GAS REGULATORS
- 42 WASTE WATER PUMPS
- 43 POWER WALL 90 FT.
- 44 GRADED - GALVANIZED STEEL "Y" FRAME



- LEGEND:
- GRAVEL
  - ASPHALT
  - CONCRETE
  - LECTING FENCE
  - 8" - 12" DIA. DRAINAGE FORCE
  - 6" DIA. BRASS TO
  - 6" DIA. BRASS TO

PLANT COORDINATE SYSTEM:  
 N. 5000'-0"  
 E. 10000'-0"  
 SLOPE OF CONCRETE OF TURBINE / SCR STACK

MANDALAY SITE

SOUTHERN CALIFORNIA EDISON COMPANY  
 251 N. HARBOR BLVD., OYNAARD, CALIFORNIA

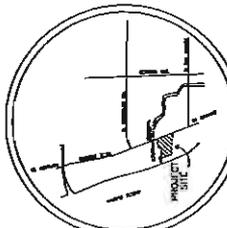
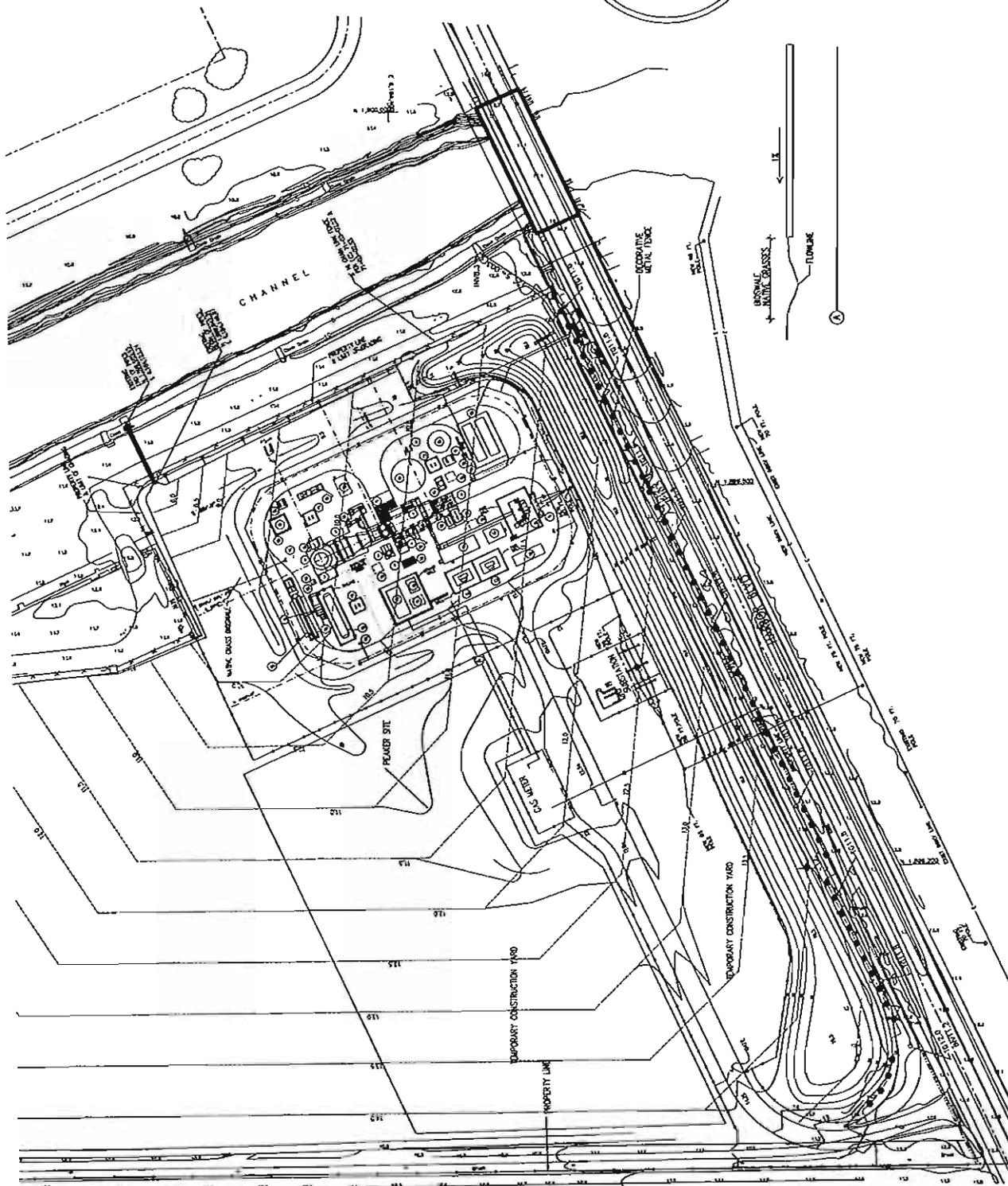
JUNE 11, 2007  
 SOUTHERN CALIFORNIA EDISON COMPANY  
 3000 GARDEN AVENUE  
 IRVINE, CA 92614

S2  
 DETAILED SITE PLAN

JORDAN GILBERT & BAIN  
 LANDSCAPE ARCHITECTS INC.  
 300 GARDEN AVENUE  
 IRVINE, CA 92614







VICINITY MAP



**G1**  
 PRELIMINARY GRADING PLAN

JORDAN, GILBERT & BAIN  
 LANDSCAPE ARCHITECTS INC.  
 10000 WILSON BLVD.  
 BOSTON, CA 95020

# MANDALAY SITE

SOUTHERN CALIFORNIA EDISON COMPANY  
 251 N. HARBOR BLVD., OXNARD, CALIFORNIA

JUNE 11, 2007

SOUTHERN CALIFORNIA EDISON COMPANY  
 200 W. CALIFORNIA AVENUE  
 BOSTON, CA 95020

ATTACHMENT C

**RESOLUTION**

RESOLUTION NO. [PZ 07-400-5]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING COASTAL DEVELOPMENT PERMIT (PZ 07-400-5) FOR A 45-MW ELECTRICAL GENERATING FACILITY LOCATED AT 251 NORTH HARBOR BOULEVARD, WITHIN THE COASTAL ZONE. FILED BY SOUTHERN CALIFORNIA EDISON, 2244 WALNUT GROVE AVENUE, ROSEMEAD, CA, 91770.

WHEREAS, the Planning Commission of the City of Oxnard considered the above-described application for a Southern California Edison 45-MW electrical power-generating facility and related equipment ("the project"); and

WHEREAS, the project is inconsistent with the City's coastal zoning ordinance Section 17-20 that does not allow a non-coastal dependent energy generating facility in the Coastal Energy Facility Sub-Zone; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning and Environmental Services Manager provided public notice of the intent of the City to adopt Mitigated Negative Declaration 07-02 for this project, and the Planning Commission considered the proposed mitigated negative declaration, together with any comments received during the public review process, finds on the basis of the whole record before it (including the initial study and any comments received) that with the imposition of mitigation measures as conditions of approval, there is no substantial evidence that the project will have a significant effect on the environment, further finds that the mitigated negative declaration reflects the independent judgment of the City, and adopts the mitigated negative declaration; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard denies the application for coastal development permit No. PZ 07-400-5.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on the 28<sup>th</sup> day of June, 2007, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

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Dr. Sonny Okada, Chairperson

ATTEST: \_\_\_\_\_  
Susan L. Martin, Secretary

ATTACHMENT D

**SCE LETTER OF APRIL 19, 2007**



April 19, 2007

Mr. Christopher Williamson  
Senior Planner  
Planning and Environmental Services Division  
City of Oxnard  
305 West Third Street  
Oxnard, CA 93030

**Subject: Coastal Development Permit PZ 06-400-5, Proposed SCE Peaker Plant, 251 N. Harbor Blvd., Request for Additional Environmental Analysis for the Mitigated Negative Declaration**

Dear Mr. Williamson:

This letter is in response to your March 15, 2007, letter requesting additional analyses and corrections to the Draft Mitigated Negative Declaration (MND) for Southern California Edison Company's (SCE's) proposed peaker project, which was submitted as part of SCE's February 16, 2007 revised Coastal Development Permit (CDP) application.

Although SCE believes that many or most of the City of Oxnard (City) requests in your March 15 letter fall outside the scope of what is normally and appropriately required under the California Environmental Quality Act (CEQA), SCE has responded below, to the best of its ability, to all of the City's requests. In some cases these responses have required considerable time and effort on the part of SCE and its contractors. SCE has undertaken this effort with the hope and intention of (1) expediting the overall process of City review and approval of this very time-sensitive project, and (2) accommodating all of the City's desires with regard to the project to the extent feasible and appropriate. This SCE response does not represent an acknowledgment that all of the City requests are appropriate under CEQA and other applicable law, and indeed SCE is concerned that the City's requests may demonstrate the legally incorrect conclusion that the City has unfettered discretionary authority over this project. However, our intention has always been to work cooperatively with the City, so we hope that this response helps the review and approval process for this project to move forward expeditiously.

For your ease of reference, each City comment is repeated below, followed by SCE's response including an explanation of whether and how SCE has modified the Draft MND to incorporate your comments. SCE is providing this information prior to submitting the revised MND to help ensure that the revised document will address your concerns.

## **Landscape Plan**

### City of Oxnard Comment

...our landscape architect ...request[s] that the Cupressus macrocarpa (tree) be removed from the proposed project plant list as it is on the prohibited list for the adjacent

and downwind Northshore project. Contact Dave Gorcey at 805-385-8156 for consultation on a replacement species.

### SCE Response

SCE's landscape architect, Jordan, Gilbert & Bain, asked Larry Lodwick of Impact Sciences, who prepared the permitted plant list for the Northshore project, to add additional species to the Northshore list for use in the peaker project's landscape plan. Impact Sciences responded by stating that a few widely spaced *Cupressus macrocarpa* (Monterey Cypress) trees would be acceptable. In addition, Impact Sciences approved the use of *Eucalyptus ficifolia* (Western Red Flowering Gum) and *Metrosideros excelsus* (New Zealand Christmas Tree) at the peaker site.

The landscape plan that we have just submitted in response to the City's March 15, 2007 comments reflects the third major revision to SCE's original landscape plan that was submitted last fall. In the first revision, the City requested that the largest available box sizes of the originally proposed ornamental species be used to ensure that the peaker facility would be adequately shielded upon first planting and that the planting would grow to maturity as quickly as possible. In the second revision, the City requested that native species be substituted for the originally proposed ornamental species in order to better reflect the California habitat. In this third revision, we have attempted to capture the best aspects of first two revisions to respond to the City's request that the facility be maximally shielded for aesthetic purposes. Native species are typically not available in larger box sizes and are not optimal for a landscape plan that is intended to provide maximal shielding for an industrial facility. Therefore, in this plan, although we have maintained the majority of the native plants proposed in the previous plan, we have also incorporated the above three tree species in strategic locations throughout the planting to ensure maximum shielding of the facility. The success of this effort can be seen by examining the revised visual simulations for the project.

## **1. Page 20, Aesthetics**

### City of Oxnard Comment

"The Northshore housing project, located just southeast of the project site, will have elevated building pads of up to 20 feet above Harbor Blvd. The MND needs to include an elevation cross-section from Northshore to the west lot line of the peaker plant to determine the line of site from the second floor windows of Northshore homes located opposite the peaker plant. Mitigations are needed to block the view from these windows. Northshore engineering, grading, and building plans are available from Linda Windsor, 805-385-7849."

### SCE Response

Jordan, Gilbert & Brown reviewed information provided from both Linda Windsor and Bill Teller from the Northshore project regarding grading and building plans in order to prepare the requested elevation cross section from the second story window of the nearest home. In addition, SCE created a computer simulation of the view from this home. Both views show that the tree species used in the proposed landscape plan will, at full maturity, fully shield the facility from the Northshore development's second story windows as requested, with the exception of the stack and the transmission poles which are not able to be shielded. We expect that within 3-5 years after planting, the growth rate would be such that the majority of the facility would be fully screened.

The requested views have been incorporated into the MND.

## **2. Page 24, Aesthetics**

### City of Oxnard Comment

"The rationale for the new peaker stack having no significant adverse impact should not be that the new view is consistent with the existing view of the Mandalay power plant stack. The City considers the existing view as undesirable, and the MND seems to suggest that since there is already an undesirable view, adding to it is not significant. The explanation needs to be reworded to acknowledge that the existing view is unaesthetic and that the proposed new stack has a significant impact. As a view mitigation, SCE should reduce the height of the stack as much as feasible, consider painting the stack in a less obtrusive color, and/or landscape the substation facility on the east side of Harbor Blvd. in a similar manner as the peaker plant site. The photo-simulations of proposed landscaping should be shown in its initial planting, 2-3 years later, and at maturity."

### SCE Response

The CEQA Checklist used by the City of Oxnard establishes significance criteria by asking whether the proposed project would:

1. Have a substantial adverse effect on a scenic vista?
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
3. Substantially degrade the existing visual character or quality of the site and its surroundings?
4. Create a source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Because of the existing historic land uses on the site, and the existing Coastal Energy zoning of the site, energy facilities surround the proposed project. The project site does not contain a scenic vista, nor would the project damage scenic resources within a state scenic highway, nor would the project result in significant light or glare.

Determining if there is a significant impact to a visual resource is a systematic process that must be determined based on established criteria. Two processes have been developed to assess the effects of a project on the visual characteristics of an area. The Bureau of Land Management has developed the Visual Resource Management (VRM) system (BLM Manual 8431) and the U.S. Forest Service has developed the Scenery Management System (SMS) (FS SMS 1995) to assess the visual impacts of projects in their respective resource areas. The California Energy Commission (CEC) has developed a set of guidelines for energy projects that is based on a combination of the two systems. All three systems are based on the degree of perceived change that would occur in an existing landscape due to the construction and presence of the proposed project's facilities. In none of these systems would the proposed project be considered significant.

Despite the fact that no mitigation is required, SCE concurs with the City that the project would add incrementally to the existing unaesthetic visual character of the site. This is why SCE has proposed to mitigate the impact of the proposed project to the extent

feasible by providing significant landscaping and has incorporated each of the City's suggestions into its proposed landscape plan.

Reducing the height of the stack is not feasible, and could result in additional undesirable impacts such as change in emission characteristics. The height of the stack has already been minimized to the maximum extent feasible and cannot be reduced further.

SCE does not believe that painting the stack would significantly affect the visibility or aesthetic quality of the project. In previous experience with transmission line projects, we have learned that a painted structure may be less visible only at certain times of day and from certain vantage points, but will be more visible at other times of the day or from other viewpoints. The proposed color of the stack is the color that is typically required because it has the least visual impact when taking into consideration all lighting conditions and vantage points.

The existing substation facility on the east side of Harbor Boulevard is not part of the proposed project and therefore no change in visual impact will occur that would require landscaping. However, SCE is willing to discuss this issue with the City apart from the current environmental analysis.

SCE's visual simulation specialist spent a great deal of time contacting nurseries in order to locate the proposed landscaping plants at the ages needed to comply with the City's request to create photo simulations at three different stages of growth, but was unsuccessful. In order to create the requested simulations, each plant in the plan must be photographed separately, masked out, & digitally planted in the location shown in the landscape plan in order to create the simulation. The native plants proposed as part of the landscaping plan are uncommon and were not easily available to be photographed at any stage of growth. In order to create the most realistic photo simulation possible of the mature planting, photos of plants with the same look and feel as the proposed plants were used to depict the majority of the native plants in the photosimulations. Actual photos were used for the ornamental trees and those natives that were available from an existing photo library. A mature plant cannot be scaled smaller to depict earlier stages of growth, since the visual appearance of the plant is different in each growth stage. Simulations of immature plantings are not typically done, so library photos are not available from which to select likenesses. Therefore, it was not possible to photographically simulate the earlier stages of growth.

Although it was not possible to provide a visual depiction of the first few years of growth following planting, the proposed landscape plan was designed to provide good shielding at all stages of growth. The plan contains plants in larger containers than are typically used for similar installations, utilizes dense plantings of plants with a variety of heights, incorporates a berm to improve site shielding in the early years, and includes plants expected to grow quickly and provide good coverage characteristics. This would provide coverage equal to or better than similar industrial facilities.

The revised landscape plan and visual simulations have been incorporated into the MND.

### **3. Pages 36-47, Air Quality**

#### **City of Oxnard Comment**

"The project site and nearby housing are located in an area that experiences heavy coastal fog for extended periods which acts as an inversion layer. The air quality section, while using data from another coastal location, did not explicitly model or address impacts during heavy coastal fog. The section needs to include such a discussion and determine if the localized impacts are significant, especially on the Northshore housing development."

#### **SCE Response**

The description of the air quality modeling that was conducted to determine if operation of the proposed project will have significant adverse impacts on air quality will be expanded to indicate the source of the meteorological data used for the modeling and to explain how the modeling was conducted. The air quality modeling used three years of meteorological data collected at the Ventura County Air Pollution Control District (VCAPCD) Emma Wood State Beach site, which is a coastal site that experiences meteorological conditions similar to the conditions experienced at the proposed project site. These conditions include periods with poor dispersion of emissions, such as occurs during heavy coastal fog. Use of these data was approved by the VCAPCD for the Authority to Construct (ATC) application for the facility. To ensure that potential impacts from operation of the project were evaluated under all meteorological conditions, the modeling was conducted for every hour of the three-year period. The potential impacts of project emissions on air quality during each hour were calculated, and the highest impacts were identified. As shown in Tables C-11 through C-13 on pages 41 and 42 of the Draft MND, these maximum impacts from the project would not cause significant localized impacts. This includes periods with heavy coastal fog.

The meteorology section has been expanded and a reference to periods of heavy coastal fog has been included in the MND.

### **4. Page 50, Biology**

#### **City of Oxnard Comment**

"This section does not list the Least Tern and Snowy Plover nesting sites located on the beach just west of the project site. This area, and the nesting period of March to September, needs to be recognized, mapped, and included in the analysis and mitigated, if applicable. Contact Barbara Fosbink at 805-585-1848 (California State Parks) for more information. The proposed stack was identified by Chris Dellith of California Department of Fish and Game as a possible raptor site that could endanger the Least Tern and Snowy Plover nesting sites. This concerns needs addressed, and mitigations are needed, if applicable. His phone number is 805-644-1766."

#### **SCE Response**

The following comments were provided by Kathy Keane of Keane Biological Consulting. Ms. Keane prepared the Biological Resources Assessment for this project, which is included in the Draft Initial Study submitted to the City of Oxnard. Ms. Keane can be reached at 562-708-7657 or by email at [keanebio@yahoo.com](mailto:keanebio@yahoo.com) if there are further questions.

*The least tern and snowy plover are discussed in Section 3.3 of the Biological Resources Assessment for the project. Contrary to the comment, there is no least tern nesting "just west" of the project site at Mandalay State Beach, but least terns are known to nest, as the Biological Resources Assessment discusses, at McGrath Lake north of the project site.*

*The only information available regarding snowy plovers at Mandalay State Beach when the Biological Resources Assessment was written is that seven snowy plovers were observed at Mandalay State Beach during the 2006 breeding season; no information on whether nesting had been documented, or on reproductive success, was available. Barbara Fosbink of California State Parks was contacted but did not return phone calls. However, we were able to obtain the following information regarding the number of snowy plover nests in the project area last week from biologist Reed Smith:*

<i>Year</i>	<i>Mandalay</i>	<i>McGrath Lake</i>
<i>2003</i>	<i>3</i>	<i>8</i>
<i>2004</i>	<i>7</i>	<i>8</i>
<i>2005</i>	<i>2</i>	<i>3</i>
<i>2006</i>	<i>6</i>	<i>3</i>

*Nevertheless, the conclusion that no suitable nesting or foraging habitat is present on the project site for either least terns or snowy plovers remains unchanged.*

*The impact discussion in the Biological Resources Assessment states that "California least terns may nest northwest of the project site at McGrath Lake during project construction [more than 1000 feet north of the project site]. However, considering the fact that this species nests at active container terminals (Port of Los Angeles, the second-largest nesting site in California in 2006) and airports (Lindberg Field in San Diego, which supported over 100 nests in 2006), it is unlikely that the noise, vibration and other disturbances associated with construction and operation of the Mandalay Peaker project would result in significant indirect impacts on this species."*

*This statement also holds true for snowy plovers, since the western limits of the project site (including staging areas and other activities associated with the project) would be more than 300 feet east of the dunes at Mandalay State Beach where snowy plovers may nest. The author of the Biological Resources Assessment worked many years with snowy plovers at Camp Pendleton Marina Base where they nested (and continue to nest) successfully despite military operations including frequent traffic by large tanks on the beach just west of the nesting area, generating both noise and vibration. Among other locations adjacent to human disturbance, snowy plovers also nest successfully at a nesting site at Batiquitos Lagoon in San Diego County that is adjacent to 4-lane Carlsbad Boulevard. Snowy plovers are more susceptible to disturbances caused by people and pets walking close to nests (Page, G. W., J. S. Warriner, J. C. Warriner, and P. W. C. Paton. 1995. Snowy Plover (*Charadrius alexandrinus*). In *The Birds of North America*, No. 154 (A. Poole and F. Gill, eds.).*

*The comment that the peaker project steam stack may provide perching habitat for raptors that may prey on least terns or snowy plovers is true; however, many other potential perches are present in the project vicinity, including utility poles and other existing structures associated with the existing Mandalay Generating Station. Thus, the steam stack is not expected to provide more suitable perching habitat for potential snowy plover predators than is currently available.*

An expanded discussion of potential impacts to least terns and snowy plovers has been incorporated into the MND.

## **5. Page 59, Hazards**

### **City of Oxnard Comment**

"See the air quality notes regarding periods of extended local fog that act as an inversion layer. Both the aqueous ammonia and natural gas accidental release analyses need to explicitly include modeling of exposure and impacts under a heavy coastal fog condition. In addition, the interaction of natural gas and aqueous ammonia needs discussed in detail. The NOAA hazardous chemicals database includes interaction information (<http://cameochemicals.noaa.gov>)."

### **SCE Response**

Heavy coastal fog conditions do occasionally occur at the proposed Mandalay Peaker site. Such atmospheric conditions are characterized by stable (inversion) conditions with light wind speeds. CalARP regulations require the use of these very meteorological conditions in the worst-case offsite consequence analysis, namely, "F" stability category (temperature inversion) and a wind speed of only 1.5 m/s. CalARP regulations also require the worst-case release temperature of the chemical (aqueous ammonia) to be equal to the highest maximum temperature recorded at the site in the last three years (93°F for the Mandalay Peaker site). These conditions are unrealistic and yield a very conservative (over predicted) estimate of the worst-case downwind impacts of any hypothesized ammonia release scenario by pairing conditions that do not typically occur at the same time. For example, the highest maximum temperature represents a daytime temperature, while atmospheric stability "F" is typical of nighttime conditions. If a fog is present at this time, the high solubility of ammonia in water (fog) will promote the dilution of an ammonia cloud thereby reducing its downwind concentration and the resulting distance to the Toxic Endpoint of 200 ppm. Therefore, the scenarios analyzed in the MND depict worst-case conditions that would produce maximum impacts higher than those that would occur during a heavy coastal fog.

No reaction would be expected if aqueous ammonia and natural gas are mixed. It should be further noted that the probability of mixing of these two substances is very low because of the separation of the two substances at the facility and the safety features that have been incorporated into the facility design.

The answer to these two questions has been incorporated into the MND.

## **6. Page 62, Hazards**

### City of Oxnard Comment

"Off-site risks from aqueous ammonia and natural gas accidental release are acknowledged, but no data are presented. Instead, references are made to a future Response Management Plan, and SCE commits to "evaluate any ammonia systems improvements that are recommended as a result of the studies" (p. 62). This is a deferral of analysis and mitigation that is not permitted under CEQA and not acceptable to the City. The Fire Department is concerned that the only access to the project site is downwind: the project needs to have a secondary emergency upwind access route. The Hazards section must include an off-site risk evaluation and include appropriate mitigations. The risk analyses should include the Northshore development as fully developed and occupied and include a scenario of extended coastal fog as described above."

### SCE Response

Aqueous ammonia will be the only regulated substance stored and handled at the Mandalay peaker site that is subject to an offsite risk analysis. The Hazards and Hazardous Materials section of the submitted MND (G.2, pages 62-66) presents the results of the offsite consequence analysis that considers the worst-case release scenario involving aqueous ammonia at the Mandalay peaker project. The results of this analysis (performed using very conservative meteorological conditions) indicate that the toxic endpoint distance will extend only up to 246 ft, and will not extend into any area where the public will have general access. This distance is also significantly shorter than the distance of 750 ft between the aqueous ammonia storage tank location at the Mandalay peaker facility and the proposed Northshore development. As discussed in the previous answer, a heavy coastal fog will not increase the toxic endpoint distance. The worst-case release scenario considered the catastrophic failure of the aqueous ammonia storage tank and subsequent evaporation of aqueous ammonia from the secondary containment and underground sump, mitigation features that have been incorporated into the design of the project. Therefore, appropriate mitigation has been included as part of the base project design.

Aqueous ammonia is a regulated substance under the CalARP regulations. Under these regulations SCE is required to prepare a Risk Management Plan (RMP) for the peaker facility. The RMP is typically prepared after the completion of the CEQA process and before the first ammonia delivery occurs on site. As part of preparing the RMP, a hazard review and hazard assessment of the aqueous ammonia system is performed. The hazard review identifies the possible aqueous ammonia release scenarios and make recommendations to reduce the probability of the occurrence of these release scenarios (including the worst-case release scenario). However, the worst-case release scenario for the peaker facility (catastrophic failure of the aqueous ammonia storage tank) will not change because it is a mandated scenario under the CalARP regulations. Thus, the results of the worst-case release scenario presented in the Hazards and Hazardous Materials section will not change after the preparation of the Risk Management Plan.

The hazard assessment section of the RMP will also include offsite consequence analyses for an alternative release scenario. The alternative release scenario will consider an ammonia truck unloading accident. The toxic endpoint distance for the alternative release scenario will be significantly lower than the distance estimated for the worst-case release scenario.

SCE has met several times with the City Fire Department to discuss both the facility's fire protection plan and ammonia tank design, and has completed the required hazard review and hazard assessment with them. All changes and suggestions recommended by the Fire Department have been incorporated into the system design that has been described and analyzed in the MND. Access to the project from the north is available from the Mandalay Generation Station facility. SCE will continue to work closely with the Fire Department to ensure that all their concerns have been appropriately addressed.

As the answers to these questions are already part of the MND, no additional changes have been proposed.

## **7. Page 72, Hydrology and Water Quality**

### **City of Oxnard Comment**

"The discussion of Tsunami risk ends with a statement that implies the release of aqueous ammonia as a result of a Tsunami would not "...be made significantly worse with an ammonia release." This is not an acceptable conclusion and is unsupported by any data. As it is possible that a Tsunami may not extend beyond Harbor Blvd. and yet damage and release the aqueous ammonia, this scenario analysis must be included. What happens when ammonia mixes with sea water, especially during periods of low coastal fog and/or moderate to high Westerly winds?"

### **SCE Response**

The probability of the occurrence of Tsunami near the Mandalay peaker facility is expected to be low. In addition, ammonia is highly soluble in water. If damage to the aqueous ammonia storage tank were caused by a tsunami, and aqueous ammonia were released, the released aqueous ammonia would mix with seawater. Mixing with seawater would substantially reduce the rate of evaporation of gaseous ammonia from the mixture in two ways. First, the seawater would dilute the aqueous ammonia, which would reduce the ammonia concentration. The ammonia evaporation rate would be lower in a more dilute solution than in the 19 percent solution contained in the storage tank.

Similarly, mixing of aqueous ammonia with low coastal fog and/or moderate to high Westerly winds will reduce downwind impacts even more since higher wind speeds will promote mechanical mixing of the plume resulting in significantly reduced downwind concentrations.

The evaporation rate of ammonia from an aqueous solution is affected by the pH of the solution. At a pH of about 9.8 or higher, the ammonia is essentially all present as dissolved ammonia gas, which can evaporate from the solution. At a lower pH, the ammonia dissociates into ammonium and hydroxyl ions, which do not evaporate from the solution. The pH of the 19 percent solution in the storage tank is above 12, so the ammonia could evaporate from the solution if it were released without dilution with seawater. However, the pH of seawater is between about 7.5 and 8.5, and substances dissolved in seawater "buffer" it, so that it is resistant to changes in pH when other solutions are mixed with it. As a result, mixing the aqueous ammonia from the storage tank with seawater would lower its pH below 9.8, so most of the ammonia would be dissociated and not able to evaporate.

As a result of the effects of mixing the aqueous ammonia with seawater on the ammonia evaporation rate, a release of aqueous ammonia from the storage tank caused by a tsunami is not anticipated to cause significant adverse impacts.

A discussion of the potential consequences of damage to the aqueous ammonia storage tank by a tsunami has been added to the MND.

## **8. Page 74, Land Use and Planning**

### City of Oxnard Comment

"This section needs to state that the proposed peaker plant is not a coastal dependent energy facility, per page 2 of your Memorandum of February 16, 2007 submitted along with the updated application materials."

### SCE Response

The Land Use and Planning section of the submitted MND already states that the proposed peaker project is not dependent on a coastal location to operate (see second paragraph of section I.2, p.76). This paragraph states the following:

*The Coastal Land Use Plan and 30101 of the California Public Resources Code define a "Coastal Dependent Development or Use" as "any development or use which requires a site on, or adjacent to, the sea to be able to function at all." Based on this definition, the project does not qualify as a coastal dependent use. However, provisions under '64 Code, Sec. 37-2.11.1 (B) [Article II. Coastal Sub-zones, Section 17-20. EC, Coastal Energy Facilities, Sub-Zone] of the Coastal Zoning Ordinance, provides conditional permitted use of certain projects that are not coastal dependent. The Mandalay Peaker Project meets these provisions and is consistent with Policies 51, 52, 54, 55 and 56 of the Oxnard Coastal Land Use Plan. Therefore, this project qualifies for a 'Conditionally Permitted Use', subject to the approval of the coastal development permit pursuant to provisions of Article V of the Zoning Ordinance.*

Because the existing document already addresses the City's comment, no additional changes have been proposed.

## **9. Page 81, Noise**

### City of Oxnard Comment

"This section should include a noise setting and impact analysis that takes into account extended periods of heavy coastal fog (see Air Quality discussion) and the finished elevation of the top floors of the Northshore homes. A noise model must include an elevation aspect and demonstrate that the proposed sound walls, berms, and buffers prevent excessive sound from impacting the second floor windows of the Northshore homes now under development. If mitigations are needed, the MND should list and document their expected effectiveness and state that SCE would reimburse homeowners and/or the Northshore developer for the mitigations."

### SCE Response

As stated in the MND, a planned low density residential development known as Northshore at Mandalay Bay will be located across Harbor Blvd approximately 750 feet

southeast of the proposed peaker site. Because of the distance involved, the sound difference will be negligible at the property line if the measurement is taken 5' off the ground or 32 meters off the ground. Appendix G of the MND, the Acoustical Analysis Report, provides computer modeling of expected sound levels at this location, and the model results show a calculated sound level of 48 dBA at the proposed residential boundary closest to the project. The Acoustical Analysis Report also identified both the existing ambient noise level and local noise ordinance criteria, both of which are significantly higher than the calculated project sound levels. The Draft Initial Study correctly concluded that the proposed peaker will not result in any significant noise impact. This conclusion remains unchanged regardless of residence height due to the distance between residences and the peaker facilities.

Sound has been known to be affected by weather inversions. These inversions can reflect sound downwards to focus more of the energy at certain receptor points. However, there is no clear way to accurately model or predict if weather will cause sound energy to focus. In foggy weather, sound usually propagates less as some of the sound energy is absorbed by the damp air. This is why it typically is quiet when one walks through the fog. Therefore, the sound perceptible at any given location, including the Northshore project, would be expected to be less during a heavy coastal fog than at other times.

A discussion of receptor height and the impact of fog on noise levels at the Northshore development has been added to the MND.

## **10. Page 91, Public Services**

### City of Oxnard Comment

"The presented analysis is inadequate to support the conclusion of no public service adverse impacts. As stated earlier, the possible release of aqueous ammonia and natural gas and off-site impacts are not fully analyzed. Without a full analysis, including offsite risk, a conclusion as to the City's first response and emergency operations cannot be made. It is possible the City lacks sufficient equipment and/or training. The primary and alternate emergency response routes were not shown nor discussed in terms of response times and responding fire and police stations. There is no discussion of Homeland Security with regard to the 10,500 gallon ammonia tank being an unattended attractive target. There should be a conversation with the City's CUPA team on if and how the proposed facility, especially the ammonia tank, should be remotely monitored, at SCE's expense."

### SCE Response

As discussed above under Question 6, worst-case offsite impacts have been appropriately analyzed as part of the Hazards and Hazardous Materials section of the MND. Further, SCE has met several times with the City Fire Department regarding peaker facility design and emergency response issues. At those meetings the Fire Department has expressed confidence in their ability to respond to emergencies at the facility. All suggestions made by the Fire Department have been incorporated into the facility's design in order to reduce risks. It should be noted that the new peaker facility is proposed to be constructed adjacent to the much larger Mandalay Generating Station, which has been in operation for approximately 50 years and which contains greater

natural gas and ammonia risks than the proposed new facility and for which the City's emergency response system has proven to be satisfactory over the years.

The U.S. Department of Homeland Security (DHS) recently published the Chemical Facility Anti-Terrorism Standards; Final Rule (interim final rule, IFR) in the Federal Register on April 9, 2007 (6 CFR Part 27). This rule imposes comprehensive federal security regulations for high risk chemical facilities. The rule will require owners of facilities housing certain quantities of specified chemicals to complete a preliminary screening assessment that will determine the level of risk associated with the facility. Potential consequences of a terrorist attack or an incident at the facility will be an important factor in determining the level of risk associated with the facility. If the facility qualifies as a high risk facility based on the preliminary screening assessment, then the facility owner will be required to prepare a security vulnerability assessment and site security plan for submittal to the DHS.

Appendix A to 6 CFR Part 27 lists all DHS Chemicals of Interest. Aqueous ammonia in concentrations less than 20% is not listed as a Chemical of Interest due to its low risk. Because the proposed peaker facility will only store aqueous ammonia in concentrations less than 20%, the facility is not considered to be a high risk facility by the DHS. Although the peaker site is not required to prepare a special site security plan for DHS, SCE will be installing a 24-hr surveillance camera system, site perimeter monitoring and a site access control system as part of its standard security measures. These measures will restrict public access to the facility's aqueous ammonia storage tank and protect the facility from vandalism.

In addition, the ammonia system will be provided with four ammonia detectors. One will be located at the top of the dry sump, which will detect ammonia in the dry sump as well as ammonia coming from the unloading pad; one will be located at the aqueous ammonia tank which will detect ammonia in the event of a tank leak; one will be located at the forwarding pump skid; and one will be located at the ammonia flow control/vaporizer unit. The ammonia detectors will be set to alarm at 35 ppm, 50 ppm, and 250 ppm. These alarms will produce a local audible/visible alarm at the ammonia storage area, and will activate alarms in both the on-site plant control module and the 24-hr offsite manned monitoring station. An ammonia concentration of 250 ppm will automatically shut down the ammonia pumps. The Oxnard Fire Department will be called as soon as a significant incident is detected. As noted above, the 24-hr surveillance camera system will also be used to remotely monitor the ammonia storage tank system.

Additional information on Homeland Security issues and remote alarming has been included in the MND.

## **11. Page 95, Recreation**

### **City of Oxnard Comment**

"The Oxnard Local Coastal Plan Policy No. 54 states, "All new industrial and energy-related development shall be located and designed to minimize adverse impacts upon public access to the beach. Where appropriate, an access dedication shall be a condition of approval." The MND discussion must include this policy and propose a coastal access mitigation acceptable to the City. Since an on-site coastal access facility may require walking through state-owned dunes and protected nesting areas (see

Biology discussion above), an off-site access facility may be required. Contact the Michael Henderson, Parks and Facilities Superintendent, to discuss the location and design of a coastal access mitigation project.”

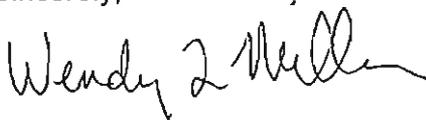
SCE Response

SCE agrees with the Oxnard Local Coastal Plan Policy No. 54 which requires all new industrial and energy related development should be located and designed to minimize adverse impacts upon public access to the beach. However, the proposed peaker facility is located within a historical energy generating site that is zoned for coastal energy development. The site is surrounded on three sides by industrial and energy development, and no public access exists at this location. Because public access has not existed from this site for more than 50 years, the project will not result in any adverse impacts to public beach access and mitigation is therefore not required under either CEQA or the California Coastal Act.

SCE has been in continuous communication with City officials regarding a wide variety of City suggestions that would provide public benefits that are not required by regulation. We continue to be open to such discussions, including the subject of public access.

We look forward to receiving your response to these proposed revisions. Please contact me at 626-302-9543 or by e-mail at [Wendy.Miller@sce.com](mailto:Wendy.Miller@sce.com) if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Wendy L. Miller". The signature is written in a cursive, flowing style.

Wendy L. Miller  
Environment, Health and Safety

cc: Sumner J. Koch, Esq.

# ATTACHMENT E

## **MND 07-02**

### Cover Notice with Mitigations

### Initial Study/MND 07-02

### Appendices to MND

- A. Assigned Commissioners Ruling
- B. Project Plans
- C. Photo-Simulations
- D. Elevations
- E. Air Quality Analysis
- F. Biology Study
- G. Noise Analysis