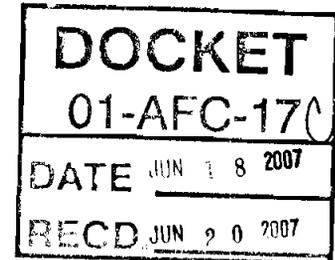




**CALPINE POWER SERVICES**  
26226 Antelope Road  
Romoland, CA 92585



June 18, 2007

Connie Bruins  
Compliance Project Manager  
California Energy Commission  
1516 9<sup>th</sup> Street  
Sacramento, CA 95814

**Subject: Inland Empire Energy Center 01-AFC-170**  
**Re: Request for additional laydown**

Dear Ms. Bruins:

Pursuant to section 1769 of the California Energy Commission (CEC) Siting Regulations, Inland Empire Energy Center (IEEC), hereby submits the attached Petition for additional laydown space.

Currently the soil is highly disturbed. We have evaluated the site and determined that based on it and determined that based on its current condition that we need only apply visual screening to be consistent with applicable LORS. Our sub-contractor, E.J. Meyers intends to store materials and equipment on the site. No digging of any kind will occur so cultural and paleontological resources will not be affected. Storm Water management will be consistent with the state's general permit for storm water discharge associate with construction activities and will require a minor modification to the program.

If you have any questions please feel free to call me at (951) 928-6963.

Sincerely,

Jennifer Gavaldon  
Compliance Specialist  
Calpine Construction Management

**INLAND EMPIRE ENERGY CENTER  
(01-AFC-17)**

**MURRIETA LAYDOWN AREA  
PETITION**

# **1.0 INTRODUCTION**

## **1.1 Overview of Amendment**

In December 2003, the California Energy Commission (CEC) approved the Inland Empire Energy Center Project, (IEEC). The project is located in Romoland in southern Riverside County. Construction of IEEC began on August 5, 2005, and the project is expected to be available for commercial operation in June 2008.

On June 22, 2005 the CEC approved an amendment for the addition of 11.5 acres of laydown space and parking. On October 10, 2006 the CEC approved an additional 6 acres of laydown yard to meet the demand of the current construction and delivery schedules. Additional land is now necessary in order to support construction activities related to the Non-reclaimable waste water line that will be attached to the Eastern Municipal Water District's brine line. The IEEC has evaluated land available in the area and has identified approximately 3 acres of land available for lease directly to the south east of the project. The lay down area will be needed for approximately 6 months.

## **1.2 Summary of Environmental Impacts**

Section 1769(a)(1)(E) of the CEC Siting Regulations requires that an analysis be conducted to address any potential impacts the proposed revisions may have on the environment and proposed measures to mitigate significant adverse impacts. Section 1769(a)(1)(F) requires a discussion of the impact of proposed revisions on the facility's ability to comply with applicable laws, ordinances, regulations, and standards (LORS). Section 3.0 of this document discusses the potential impacts of the Amendment on the environment, as well as a discussion of the consistency of the requested change with LORS. Section 3.0 concludes that there will be no significant adverse environmental impacts associated with this Amendment and that the project, as amended, will comply with applicable LORS.

## **1.3 Consistency of Amendment with License**

Section 1769(a)(1)(D) of the CEC Siting Regulations requires a discussion of the Amendment's consistency with the LORS and whether the modification being sought is based on new information that changes or undermines the assumptions, rationale, findings, or other basis of the final decision. If the project is no longer consistent with the license, an explanation of why the modification should be permitted must be provided. The changes proposed herein are consistent with the project's CEC license and relevant LORS. These proposed changes do not undermine any basis for the CEC's licensing decision.

## **2.0 DESCRIPTION OF PROJECT AMENDMENT**

Consistent with the California Energy Commission Siting Regulations Section 1769(a)(1)(A) and (B), this section includes a complete description of the proposed project modification as well as the necessity for the Amendment.

In its Final Decision, the California Energy Commission approved two construction laydown areas within the 46.8 acre project site. In June 2005, the CEC approved three additional laydown areas located to the west on Antelope Road and a parcel surrounded by the plant site. In October, 2006 the CEC approved an additional 6 acres of laydown yard to the east in order to meet the demand of the construction and delivery schedules.

By this Amendment, IEEC proposes to add another construction laydown area located southwest of the plant site, west of Murrieta Road (hereinafter referred to as the “Murrieta Road Laydown Area”). The Murrieta Road Laydown Area will be used as a storage yard during the construction of the non-reclaimable waste water line.

### **2.1 Murrieta Road Laydown Area**

The proposed Murrieta Road laydown area is located approximately 4 miles southeast of the IEEC Project site. (See Figure 1.) The laydown area is approximately 3 acres. The parcel will be leased by our sub-contractor EJ Meyer, from the owner, Mr. Daryoush Yamtoobian. (A copy of the lease agreement is included in Attachment A.) The proposed lay down area is bordered by Murrieta Road to the east and additional undeveloped fields to the north south and west. Undeveloped parcels border the south, north and west sides of the proposed site. The nearest residence is approximately 250 feet away (south of the proposed laydown area).

A search of the Riverside County land use database identified the specific assessor’s parcel number for this property as APN 335440007-4. A zoning map of the project area (see Figure 2) shows that the site is located in an area characterized by commercial and residential use.



FIGURE 1 Location of Proposed Murrieta Road Laydown

The parcel is currently undeveloped but is regularly tilled by the property owner for weed control. When the property is leased, it will be grubbed as necessary and water will be applied to maintain dust control. Soil will not be removed from the site. Equipment or materials brought to the site for storage will arrive via truck and offloaded onto the property. The construction Storm Water Pollution Prevention Plan for Construction Activities (SWPPP) is in place and will be amended prior to use of the property. Best Management Practices already incorporated into the SWPPP will be utilized on this additional laydown area. The Applicant's approved SWPPP will be implemented pursuant to Condition of Certification S&W-2.

Once this additional laydown area is no longer needed, the area will be returned to its original condition as per VIS-1.

## **2.2 Necessity of Proposed Amendment**

Sections 1769(a)(1)(B) and (C) of the CEC Siting Regulations require a discussion of the necessity for the proposed revisions to the Inland Empire Energy Center Project and whether the revisions are based on information known by the petitioner during the certification proceeding.

At the time the IEEC Application for Certification (AFC) was prepared, it was unknown as to the exact schedules for the delivery of major equipment in relation to the construction schedule. As construction of the power plant has progressed, laydown space continues to be a critical issue, as evidenced by IEEC's request for approval of previous new construction laydown areas. Approval of an additional laydown area that is in close proximity to the Salt Creek Channel service road, Murrieta Road will allow the project to proceed with construction in a safe and efficient manner that supports commercial operation of the project for summer 2008.

## **3.0 ENVIRONMENTAL ANALYSIS OF THE AMENDMENT**

This section examines whether the project enhancement set forth in this Amendment may result in additional environmental impacts. An environmental analysis for the modification identified in this Amendment is included below. The analysis concludes that with the proposed mitigation measures, there will be no significant adverse environmental impacts associated with this Amendment and that the project, as amended, will comply with all applicable LORS.

### **3.1 Air Quality**

The addition of the proposed Murrieta Road laydown area will not require any construction activities other than to water periodically to control mud and fugitive dust from leaving the site. No excavation will occur and only minor clearing to level the surface will occur. Use of the proposed Murrieta Road laydown area will not result in a cumulative increase in air emissions sufficient to create a significant air quality impact.

## **3.2 Biological Resources**

Paul Konrad, biological monitor for IEEC, conducted a reconnaissance level survey of the proposed laydown area on April 17, 2007. The reconnaissance survey consisted of walking east-west transects within the proposed laydown area systematically, at 5 meter intervals, closely observing the ground to assess vegetation and other habitat features for special status species.

The monitors found the habitat to be highly disturbed and void of plants and ground dwelling animals. (See the Biological Report included in Attachment B.)

## **3.3 Cultural Resources**

The soil that is on the parcel site has been highly disturbed. Since the sites will only be used to store equipment, and supplies, ground disturbance will be minimal. Therefore, use of the proposed Murrieta Road laydown area for equipment storage and the construction of the non-reclaimable waste water line will not result in any cultural resource impacts.

## **3.4 Paleontological Resources**

Limited ground disturbing activities will occur to the proposed Murrieta laydown area as a result of storage of equipment and materials. The ground disturbance will not be at levels where paleontological resources are any concern. Use of the proposed laydown area will not result in any impacts to paleontological resources.

## GIS inquiry for APN=335440007 MAP=General\_Zoning

RESULT IS .....

- MAP : 1/2 MILE SQUARE



- GENERAL ZONING : C-P-S
- ADDITIONAL ZONING MAY APPLY - SEE **PLANNING DEPARTMENT** OFFICIAL ZONING MAPS.
- PARCEL ACREAGE : 3.17 ACRES



**FIGURE 3** View of Proposed Murrieta Road Laydown Area

### **3.5 Land Use**

The proposed Murrieta Road laydown area is located within a general area of mixed uses (see Figure 2 in Section 2.0). As previously mentioned, this property is located within a residential and commercial zoned area. The land use designation is commercial. The nearest residential area is located approximately 250 feet south of the proposed laydown area. The site is owned by Mr. Daryoush Yamtoobian and will be used on a temporary basis during the construction phase of IFEC non-reclaimable waste water line. The laydown area will be returned to Mr. Yamtoobian in its existing condition once construction is complete. Therefore, no impacts to land use would occur and use of the laydown area is consistent with all applicable LORS.

### **3.6 Noise**

The use of the Murrieta Road laydown area will result in temporary and minor noise impacts, mainly resulting from the use of construction equipment loading or offloading equipment for non-reclaimable waste water line construction area. Any additional noise impacts resulting from the use of the laydown area will be short-term and less than significant. Use of the laydown area would comply with all applicable LORS.

### **3.7 Public Health**

Transport of material to and from the laydown area will be done in such a manner as to comply with the LORS. No acutely hazardous materials will be stored onsite during construction.

### **3.8 Worker Safety & Health**

Use of the proposed laydown area would result in a minor short-term increase in construction efforts, primarily related to mobilization as a laydown area. The combined effect of these changes in construction would not result in worker safety and health impacts any greater than those analyzed by the CEC during licensing, since these construction activities would be subject to the same training, plans, and practices as those required for all other construction activities.

### **3.9 Socioeconomics**

Use of the proposed Murrieta Road laydown area would result in only minor construction efforts related to preparing the site for use as a laydown area. Use of the site for equipment storage would not alter the basis of the CEC's decision for the project.

### **3.10 Agriculture & Soils**

The proposed Murrieta Road laydown area would not result in any impacts to agricultural and soil resources, as the entire site is unused and tilled periodically for weed control. No special

activities, other than to clearing and grubbing and subsequently return it in its pre-construction condition once the project construction activities are completed. Storm water BMPs and fugitive dust control, consistent with those already in place, will be used for erosion control. Therefore, the activities proposed in this Amendment would not create a significant adverse impact to agricultural or soil resources.

### **3.11 Traffic & Transportation**

Use of the proposed Murrieta Road laydown area will require the transport of materials to and from the site on public roads during the preparation phase of the laydown area. The only increase in overall construction project traffic, manpower, etc. will be to preparation phase of the laydown area. The activities proposed in this Amendment would not create a significant adverse impact to traffic and transportation resources.

### **3.12 Visual Resources**

The Murrieta Road laydown area is similar in nature to the current laydown areas approved in the Final Decision and the two subsequent laydown areas approved in Amendment #1. As is the case for these other laydown areas, use of the Murrieta Road laydown area is temporary and activities in the laydown area (e.g., storage of equipment, and materials) will have little effect on the overall character and quality of the commercial/residential area in which it is located. Primary viewers of the proposed laydown site are motorists traveling on Thornton and Murrieta Roads. These views would be temporary in nature.

The nearest residential area is located approximately 250 feet south of the laydown. The laydown area is surrounded by undeveloped parcels on the north, south, and west sides. Murrieta Road borders the proposed area on the west. For these reasons, use of this area would not result in any significant impacts to visual resources.

### **3.13 Hazardous Materials Management**

The proposed laydown area will be used for the temporary storage of materials, and equipment, related to construction of the non-reclaimable waste water line. No hazardous materials will be stored at this location. Therefore, use of the Murrieta Road laydown area will not result in any hazardous material impacts different from those analyzed by the CEC during licensing of the project.

### **3.14 Waste Management**

Use of the proposed Murrieta Road laydown area will not result in waste management impacts any different than those analyzed by the CEC during licensing of the project.

### **3.15 Water Resources**

Use of the proposed Murrieta Road laydown area will not result in water resource impacts any different than those analyzed by the CEC during licensing of the project.

### **3.16 Geologic Hazards and Resources**

Use of the proposed Murrieta Road laydown area will not result in geologic impacts any different than those analyzed by the CEC during licensing of the project.

### **3.17 Cumulative Impacts**

The cumulative impact study area associated with the proposed Amendment includes the geographic area south west of the Inland Empire Energy Center site. Because this Amendment focuses on the use of an existing vacant parcel as a temporary additional laydown area, no significant impacts have been identified from the proposed Amendment. Therefore, this Amendment will not change the assumptions or conclusions made in the CEC's Final Decision.

### **3.18 Laws, Ordinances, Regulations, Standards**

The Final Decision certifying the Inland Empire Energy Center found the project to be in compliance with applicable LORS. As described in this Amendment, the use of the proposed laydown area is also consistent with all applicable LORS, and the Amendment will not alter the assumptions or conclusions made in the CEC's Final Decision for the Inland Empire Energy Center.

## **4.0 PROPOSED MODIFICATIONS TO THE CONDITIONS OF CERTIFICATION**

Consistent with the requirements of CEC Siting Regulations Section 1769(a)(1)(A), potential modifications to the project's Conditions of Certification were evaluated. IEEC does not anticipate that any modifications to the Conditions of Certification will be required and that the Conditions of Certification that applied to the previously approved laydown areas will also apply to the proposed Murrieta Road laydown areas.

## **5.0 POTENTIAL EFFECTS ON THE PUBLIC**

Consistent with the CEC Siting Regulations Section 1769(a)(1)(G), this section discusses the proposed project modification effects on the public. The proposed project modifications contained in this Amendment are short-term in nature, will have no significant impacts on the environment, and will be in compliance with all applicable LORS and Conditions Certification. Accordingly, there will be no adverse impacts on the public associated with this Amendment.

## **6.0 LIST OF PROPERTY OWNERS**

CEC Siting Regulations Section 1769(a)(1)(H), requires a list of the property owners potentially affected by the proposed addition of the Murrieta Road laydown area. All parcels within 1,000 ft to the west and south of the proposed sites are owned by Mr. Yamtoobian.

## **7.0 POTENTIAL EFFECTS ON PROPERTY OWNERS**

Consistent with the CEC Siting Regulation Section 1769(a)(1)(I), this section addresses potential effects of the proposed Amendment on nearby property owners, the public, and parties in the application proceeding. Due to the short-term nature of the modification proposed by this Amendment, there will not be any significant impacts to nearby property owners and the public. During the use of the Murrieta Road laydown area, minor amounts of diesel exhaust and additional construction noise will occur. Nearby businesses are not expected to be impacted by use of the laydown area.

Use of the Murrieta Road laydown area will be done in compliance with Condition of Certification AQ-SC3 to mitigate any diesel emissions from the use of construction vehicles and equipment on the laydown area. Any transport of materials to or from the construction site to the laydown area will be conducted in compliance with applicable LORS and practices already in place for current laydown areas on Antelope and San Jacinto Roads.



**Inland Empire Energy Center Project  
Construction Biological Monitoring Form**

<b>Date (mmddyy):</b> 04-17-07 <b>Observers:</b> Paul Konrad and Jennifer Gavaldon	Page 1 of 4
<b>Site:</b> Murrieta Road lay down site <b>Start Time:</b> 12:15 <b>End Time:</b> 12:45	
<b>Visibility (<u>underline one</u>):</b> <u>Good</u> Fair    Poor	
<b>Precipitation (<u>underline one</u>):</b> <u>none</u> light rain    rain    other	

**Description of Area Monitored (attach map or include GPS coordinates):** This is a 50-foot-wide open lot located at on Murrieta Road in Sun City, east of the Inland Empire Energy Center, just south of the corner of Murrieta Road and Thornton on the west side of the street.

**Construction Activity:**

This L-shaped strip of land will be used as a lay down area for storage of materials including tubular pipes. A small office trailer will be installed at the site and some vehicles and machinery will be parked there periodically. The area will primarily be used for storage from May 1 to December 1, 2007.

**Observations:**

This property is a cleared field that has been fallow plowed (Figure 1). The area is L-shaped with the first strip of land positioned west from Murrieta Road; the second strip section is attached to the first, positioned north from the west end of the first portion. The adjoining property to the north of the east-west property is fenced with a 6-foot-high chain-link fence with 3 strands of barbed wire stung along the top; this fencing continues along the east side of the north-south leg of the property.

Vegetation - The area is presently void of living green plants, but dry plant stalks were plowed into the fallow soil, so some regeneration can be expected (Figure 1). A few non-native eucalyptus trees have been planted in a row that meets the eastern border of the property along the north leg. One large eucalyptus tree grows on the east side of this north-south strip (Figure 2).

Wildlife – During our short visit, only a few birds were observed, including 3 Mourning Doves, 1 adult Red-tailed Hawk, 1 Common Raven, and 1 Western Kingbird.

**Actions Required:**

A pre-use nesting survey should be conducted to check for any spring nesting activity. Subsequent surveys of nesting activity and nest sites should be conducted every 2 weeks. If an active nest is found, a 50-foot buffer area should be delineated around the nest. Personnel working in the area should be alerted about the species of birds, the nesting timetable, and the need to avoid disturbances around the nest during this period.

Any nests would probably be initiated in the tree row that meets the east border of the north section of the property, however Jennifer stated that the company will not utilize this area unless necessary, limiting the lay down area to the east-west section of the property, which is removed from the trees in the area.

**Photographs (below):**



Figure 1. Murrieta Road lay down site looking east from west end of fence showing plowed fallow ground.



Figure 2. Murrieta Road lay down site looking north from the west end of fence showing plowed fallow ground, fence, and eucalyptus trees.



Figure 3. Murrieta Road lay down site looking south from street showing adjoining plowed field and nearby residential property.



Figure 4. Murrieta Road lay down site looking southwest from street showing plowed fallow ground and adjoining residential property.



Figure 5. Murrieta Road lay down site looking east across the street toward residential properties from east end of property.

**Contacts:** Jennifer Gavaldon was my on-site Calpine Power Services contact. Paul Konrad worked under the direction of Zak Likins at Tetra Tech Environmental Consulting.

**Prepared by:** Paul Konrad, Wildlife Biologist and Ecologist, Tetra Tech Environmental Consulting, Santa Ana, CA; telephone 714-478-3150; email [Paul.Konrad@TtECi.com](mailto:Paul.Konrad@TtECi.com) (note the period between Paul's names).

# LAND LEASE

THIS LEASE is made this 1<sup>st</sup> day of May, 2007

BETWEEN DARYOUSH YAMTOOBIAN, LESSOR (whether one or more),

AND E.J. MEYER COMPANY

\_\_\_\_\_, LESSEE (whether one or more).

LESSOR does hereby lease to LESSEE, and LESSEE hereby hires from LESSOR that certain lot of land and its appurtenances, described as:

MURRIETA ROAD SOUTH OF THORNTON AVENUE  
SUN CITY, CA 92586  
PARCEL 335440007-4

For the term of 6-8 MONTHS MONTH-TO-MONTH, commencing on the 1<sup>st</sup>

day of MAY, 2007 and ending on the 31<sup>ST</sup> day of DECEMBER

2007, at the total rent or sum of \$1,800 PER MONTH MONTH-TO-MONTH Dollars,

payable in installments as follows:

\$1,800 PER MONTH PAYABLE THE 1<sup>ST</sup> OF EACH MONTH

LESSEE promises to quit and surrender the premises to LESSOR at the end of term, in as good order and condition (reasonable use and wear thereof and damage by elements expected), as the same are now or may be put into, and to pay the rent as above stated for such further time as LESSEE may hold the same, and not to make or suffer any waste thereof, nor lease, nor sublease, nor permit any other person to occupy or improve the same, or make or suffer to be made, any alteration therein without the written consent of LESSOR. AND if any rent shall be due and unpaid, or if default shall be made in any of the covenants herein contained, the LESSOR, at LESSOR's option, may terminate this lease, and may re-enter the premises to the extent provided by law.

Certificate of Insurance, naming Mr. Yamtoobian as additionally insured will be issued. The yard will be clean and free from any trash and debris before we vacate the property. Any hazardous materials from any heavy equipment we park on the property, E.J. Meyer is solely responsible for the clean-up when our lease is over.

IN WITNESS WHEREOF, the parties hereto have executed this lease the day and year first above written.

DARYOUSH YAMTOOBIAN

E.J. MEYER COMPANY

LESSOR

LESSEE

ADDRESS

LESSEE

P.O. BOX 277, HIGHLAND, CA 92346

ADDRESS

This standard form is intended for the typical situations encountered in the field indicated. However, before you sign, read it, fill in all blanks and make whatever changes are appropriate and necessary to your particular transaction. Consult a lawyer if you doubt the form's fitness for your purpose and use.