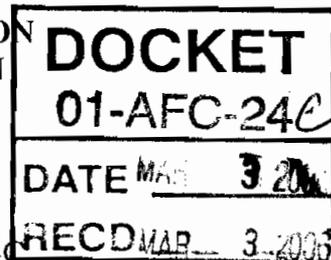


CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION



In the Matter of:)	
PALOMAR ENERGY PROJECT)	Docket No. 01-AFC-240
)	
PALOMAR ENERGY, LLC)	Order No.
)	ORDER APPROVING a Petition to Correct
)	Noise Level Limits
_____)	

Palomar Energy, LLC, the owner/operator of the Palomar Energy Project, has requested to correct the noise level limits specified in the existing condition at two locations during plant operation.

The modification is required because of an error made by staff during the siting process that caused noise limits to be set at a lower level than they should have been set. Although both background and permitted noise levels at those locations will increase, the significance threshold between background and operating noise levels of 5 dBA will not change, and there will be no new significant noise impacts to sensitive receptors.

STAFF RECOMMENDATION

The Energy Commission staff reviewed the petition and finds that it complies with the requirements of Title 20, Section 1769(a) of the California Code of Regulations and recommends approval of Palomar Energy, LLC's petition to amend Condition of Certification Noise-6.

ENERGY COMMISSION FINDINGS

Based on staff's analysis, the Energy Commission concludes that the proposed changes will not result in any significant impact to public health and safety, or the environment. The Energy Commission finds that:

- o The petition meets all the filing criteria of Title 20, section 1769(a) of the California Code of Regulations concerning post-certification project modifications;
- o The modification will not change the findings in the Energy Commission's Final Decision pursuant to Title 20, section 1755;
- o The project will remain in compliance with all applicable laws, ordinances, regulations, and standards, subject to the provisions of Public Resources Code section 25525;

- o The change will be beneficial to the project owner because the modifications will correct a calculation error in baseline (pre-project) noise level values made during the initial siting process.
- o There has been a substantial change in circumstances since the Commission certification justifying the change. In 2005, well after the Commission's Decision in August 2003, the project owner became aware of the calculation error when developing noise survey protocols.

CONCLUSION AND ORDER

The California Energy Commission hereby adopts Staff's recommendations and approves the following changes to the Palomar Energy Project's Decision. New language is shown **double-underlined and bolded**, and deleted language is shown in ~~strikeout~~.

NOISE-6 The project design and implementation shall include appropriate noise mitigation measures adequate to ensure that operation of the project will not cause resultant noise levels to exceed an hourly average noise level of:

- 37 dBA at any residence in the vicinity of Site 1 (Live Oak Road Neighborhood)
- **4145** dBA at any residence in the vicinity of Site 2 (Oak View Way)
- **4345** dBA at any residence east of the project site.

No new pure tone components may be introduced. No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints. Steam relief valves shall be adequately muffled to preclude noise that draws legitimate complaints.

- A. When the project first achieves a sustained output of 80 percent or greater of rated capacity, the project owner shall conduct a 25-hour community noise survey at Sites 1, 2, and 3. The noise surveys shall also include short-term measurement of one-third octave band sound pressure levels at each of the above locations to ensure that no new pure-tone noise components have been introduced.
- B. If the results from the operational noise survey indicate that the noise level due to the plant operations exceeds the noise standards cited above, mitigation measures shall be implemented to reduce noise to a level of compliance with this limit.
- C. If the results from the operational noise survey indicate that pure tones are present, mitigation measures shall be implemented to eliminate the pure tones.

Verification: The operational noise survey shall take place within 30 days of the project first achieving a sustained output of 80 percent or greater of rated capacity. Within 15 days after completing the operational survey, the project owner shall submit a summary report of the survey to the City of Escondido Planning Department, and to the CPM. Included in the survey report will be a description of any additional mitigation measures necessary to achieve compliance with the above listed noise limits, and a schedule, subject to CPM approval, for implementing these measures. When these measures are in place, the project owner shall repeat the operational noise survey.

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Within 15 days of completion of the new survey, the project owner shall submit to the CPM and the City of Escondido Planning Department a summary report of a new noise survey, performed as described above and showing compliance with this condition.

IT IS SO ORDERED.

Date: March 1, 2006

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION



JOSEPH F. DESMOND, Chairman

