

<b>DOCKET</b>	
<b>05-AFC-8</b>	
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# Sun Valley Energy Project

## Preliminary Staff Assessment Workshop

May 31, 2007, 3:00 - 6:40

This workshop summary and response consists of two parts. Part I: Workshop Notes, is a summary by Edison Mission Energy, of the Workshop proceeding. Part II contains the Applicant's comments on or suggested wording changes for some Conditions of Certification, where Staff and Applicant agreed in the workshop that the Applicant would provide additional comments or suggested wording. Part I identifies these action items in gray scale. They are repeated in Part II, along with the comments and suggested wording.

### Part I: Workshop Notes

#### Attending:

CEC in attendance: Bob Worl, Debra Dyer, Keith Golden

CEC on telephone: Richard Latteri, Shahab Koshmashrab, Steve Baker, Jim Adams

EME: Jenifer Morris, Scott Galati, Victor Yamada, Doug Davy, Greg Darvin, Kris Kjellman, Dave Wiseman, Adam Ementov

Agency: Fred Azemi, EMWD

General Public: Bob Gibbons, Harvest Valley Community Council; Name unknown, Hornaday Construction Company; Ken Griffith, IEEC CBO, Bureau Veritas

#### Noise

Staff agrees to Applicant's suggested change to Conditions of Certification NOISE-2 and NOISE-4 except that Staff will not delete the stipulation in NOISE-4 that the noise limit of 58 dBA applies to the four quietest nighttime hours. Applicant agrees.

#### Facility Design

Staff agrees with Applicant's suggested wording to Condition GEN-5.

#### Geology and Paleontology

Staff agrees with changes to PALEO-5.

#### Hazardous Materials Management

Staff says that if EME prepares a Hazardous Materials Business Plan and obtains a letter from the CUPA saying no RMP is necessary, then Owner would be in compliance. Applicant indicated that aqueous ammonia is the only material requiring an RMP and is delivered after operation starts. It is a timing issue. Non-RMP materials require only a business plan.

Action Item - Applicant will provide suggested rewrite of the condition to reflect the information provided for RMP.

Staff agrees with Applicant's suggested changes to Conditions HAZ-7 and HAZ-2.

### Public Health

Applicant suggested a wording change similar to the one proposed in the Walnut Creek project for Condition Public Health-1 (delete "is kept to a minimum" and replaced with "is controlled"). Staff agreed to this in Walnut Creek. Staff did not agree to deleting the wording "potential for."

### Air Quality

South Coast Air Basin has achieved attainment for CO. No rule change is required and no CO offsets will be required.

Staff notes that the project will not have a steam generator, HRSG or auxiliary boiler.

The South Coast AQMD apparently made an error in calculating VOC emissions. They used the wrong molecular weight in the calculations. The District had made this same error in the Walnut Creek Preliminary Determination of Compliance and District acknowledged it and corrected it. We assume District will correct this.

Staff agrees that VOC is a better term than ROG (AQ-4).

Staff and Applicant agree that the District agrees to testing every 3 years, instead of quarterly (AQ-7). Staff had agreed to this same change testing at the Walnut Creek Prehearing Conference.

Applicant agreed to preparing a confidential filing regarding efforts to obtain emission reduction credits for VOC

**Action Item** – Provide some additional information on the cumulative air analysis (one receptor site is within the 100-foot buffer zone of the 100-foot setback boundary).

### Land Use

Staff prefers to keep Condition LAND-1 as part of the Standard Conditions to require what a local jurisdiction requires. Applicant agrees to keeping the Condition in place.

### Soil and Water

Staff agrees that the average potable water use would be slightly less than 5 acre-feet per year, rather than 2 afy.

Applicant suggests changing or deleting Condition S&W-2 (requires County grading permit) because the CBO has jurisdiction for grading permits. Staff has requested the permit because the County flood control district must have a grading permit meeting their specification to implement their storm water management plan. The County requirement for a Water Quality Management Plan sufficiently rigorous that Staff deleted the requirement that the project prepare an erosion control plan from the Conditions of Certification. Staff indicated that Applicant would need the County to monitor compliance with the water management plan.

Applicant suggested rewriting the condition to say "satisfy the requirement of obtaining approval of the Water Quality Management Plan." Staff agreed, but indicated the necessity of making certain that the project is accounted for in the County's system.

Applicant has a case number with the County and can find a way to address Staff's concerns.

**Action Item** – Applicant will send some suggestions regarding supplemental comments.

Applicant suggested revisions to Condition S&W-5. Applicant requests that the Title 22 engineering report be required before construction of the recycled water facilities, instead of before any construction begins. Staff indicated that Applicant would need a separate report, in that case, for the use of recycled construction water and agreed to revising the Condition accordingly.

Applicant indicated that there is no identified impact on potable water and suggests deletion of Condition Soil & Water-7, which limits the use of potable water. Staff disagrees.

### Traffic and Transportation

Applicant requested that mention of McLaughlin Road be deleted from Condition TRANS-5. The project will not use McLaughlin Road for travel to and from the project during construction and operation, so a condition that required paving McLaughlin Road would not be appropriate. Staff included McLaughlin Road because the Applicant will construct the non-reclaimable wastewater line in McLaughlin Road. Staff understands that McLaughlin Road is a dirt road and would not be paved.

### Visual Resources

The Applicant suggested several changes to Conditions parallel to changes suggested and accepted by Staff in the Walnut Creek Energy Park case. Staff indicated that the Sun Valley project area is somewhat different than the Walnut Creek project area. It is an area that is experiencing growth and there are potential new viewers that will be affected. Applicant suggested that the CEQA baseline condition should be the project area at the time of the application.

Applicant suggested that anti-graffiti coating on the construction fencing might be prohibitively expensive (Condition VIS-1). Staff asks for additional information. Applicant suggests a graffiti abatement plan that could include several measures.

**Action Item** – Applicant will submit information on anti-graffiti coating (VIS-1).

Applicant suggested several changes to the wording of Condition VIS-2. Staff does not agree to changing the language of VIS-2 to indicate that light should not affect "public viewing areas" because this area is rapidly changing. In the future, there may be public viewing areas next door. Staff asked Applicant to describe in more detail why this would be appropriate language.

**Action Item** – Applicant will provide Staff with additional reasoning to support this wording.

Applicant suggested several changes to the wording of Condition VIS-4. This included deleted the requirement that the color scheme include a list of pipes. Applicant asked for agreement on the definition of the term "major structure" and for the color scheme to apply

to major structures. Applicant asked that the Verification be changed to say that the treatment plan must be approved before ordering "final finish" on equipment.

Applicant asks that the requirement for visual simulations be removed from Condition VIS-4 (Item D). Staff agrees.

Staff is reluctant to reduce the verification timing on VIS-4 from 90 to 60 days. The County needs time to review the plan. Applicant asks that the Staff not hold up the plan review if the County does not respond in a timely way. The County Planning Department is very busy and their response times have been slow recently, so it might be difficult to get their timely comment. Staff agreed not to hold up approval while waiting for County comment but feels they need to give the County a reasonable amount of review time.

Applicant asked that Staff delete the requirement in VIS-5 for visual simulations of the landscaping. Staff responded that this was required for the Inland Empire project. Applicant agreed to provide more information.

**Action Item – Applicant will provide more information. Discussion**

Applicant asked Staff to strike the requirement to plant the landscaping in the first year of construction. This would be a major impediment to construction and would not provide a significant benefit in terms of visual screening. Staff will discuss this internally and suggested planting older trees to provide faster screening.

**Action Item – Applicant will provide more discussion of why first year landscaping would not be feasible during construction.**

Applicant suggested changing the wording of Condition VIS-6 to indicate that light would be minimized as seen from "public viewing areas." Staff object that this term is too vague.

Staff agreed to replace "mitigation" with "management" in VIS-6.

Applicant suggested several wording changes to Condition VIS-6. Staff may agree to delete items B and E and will agree to the other suggested wording changes.

Applicant suggested changing the requirement to notify the CPM of a lighting compliant resolution from 48 hours to 10 days (as in the Walnut Creek case). Staff clarified that this applies to notification of the complaint, not the final resolution of the complaint. Applicant asked Staff to change the timing to 2 business days and to indicate that this is a complaint report - not a resolution report.

Applicant had suggested wording changes to VIS-8 in their written comments. Staff agrees with the changes.

Applicant had requested a wording change to Condition VIS-2, Item E to delete the word "mitigated" and add the phrase "reported and addressed." Staff agrees with this wording.

### **Cultural Resources**

Applicant suggested changes to Condition CUL-6. Staff agreed with changing the wording to specify monitoring of the "on-site" monopole (instead of "off-site pole") on the basis that the off-site transmission line will be constructed by Southern California Edison. Staff cannot

agree with the Condition's description of activities requiring monitoring because this wording is and must be consistent with the standard wording in the Compliance section.

Applicant suggested deleting the requirement that cultural resources monitors daily logs be kept on site because the logs are generally done electronically. Staff may agree with this change but must check with the Compliance Unit.

Applicant suggested deleting the requirement that the Designated Cultural Resources Specialist notify the CPM daily regarding the lack of cultural finds during monitoring. Staff indicated that they will consider a greater interval. Staff is concerned about receiving timely notification of finds and would like to address this issue, because it has been a problem for some projects.

Applicant suggested deleting the requirement that all interested Native American groups be included in monitoring a prehistoric find. Staff agreed to consider refining the language.

Applicant suggested additional wording to CUL-8 to indicate that construction would halt only if there is a significant find. Staff will consider revising this condition similarly to the Applicant's suggested revision for PALEO-5.

**Action Item** – Applicant will provide the suggested revised language for CUL-8 based on the revised language for PALEO-5 regarding significant finds.

**Action Item** – Staff will provide will provide a revised CUL-8 that will help to address the Applicant's concerns.

## Waste Management

Staff agrees with Applicant's suggested changes to the Waste Management Conditions.

## Biological Resources

Regarding BIO-4, Applicant suggested clarifying that construction would only be halted if there is a potential for significant impact. Staff suggested using the wording "potentially adverse impact."

Applicant indicated that SVEP does not require some of the permits indicated in BIO-6 as topics of discussion in the Biological Resources Monitoring and Mitigation Implementation Plan. Staff indicated that Applicant could suggest removal of some of the 18 items listed.

**Action Item** – Applicant will provide list of what to remove and a rationale for removing it.

Applicant indicated that Condition BIO-9 would not apply because a Section 404 permit is not needed for the project. Staff requested that Applicant obtain concurrence from USACE on this. Applicant agreed and also requested that Staff change the condition to indicate that Applicant will either comply or provide a statement from the USACE Corps indicating why compliance is not necessary.

Applicant suggested rewording BIO-13 (use of native plants in landscaping) to prevent conflict with landscape requirements. Staff agrees with this change.

**Action Item** – Applicant and Staff will contact USACE to obtain their concurrence that a Clean Water Act Section 404 permit is not needed.

*Action Item* - Applicant will check with South Coast AQMD to determine whether the District has received the US Forest Service letter regarding nitrogen deposition.

## Part II: Comments on and Suggested Wording for Conditions of Certification

Action Items identified in the Workshop Notes in grayscale highlight are repeated in this section, along with the Applicants response for the Action Item (comment on or suggested wording for Conditions of Certification).

### Hazardous Materials Management

"Staff says that if EME prepares a Hazardous Materials Business Plan and obtains a letter from the CUPA saying no RMP is necessary, then Owner would be in compliance. Applicant indicated that aqueous ammonia is the only material requiring an RMP and is delivered after operation starts. It is a timing issue. Non-RMP materials require only a business plan."

**Action Item:** Applicant will provide a suggested rewrite of the condition in the CUPA letter affirming that an RMP is not required.

Applicant's suggested wording to Condition HAZ-2, last sentence:

After receiving comments from the CUPA, the EPA, and the CPM, **or confirming that the listed agency does not have comments**, the project owner shall reflect all recommendations in the final documents. Copies of the final Business Plan and RMP shall then be provided to the CUPA and EPA for information and to the CPM for approval.

### Air Quality

**Action Item:** Applicant action: Provide some additional discussion on the cumulative air analysis (on the receptor site, within the Inland Empire project fence line boundary).

In the cumulative modeling analysis, the staff had identified that the 1-hour NO<sub>2</sub> and 24-hour SO<sub>2</sub> State Ambient Air Quality Standards (SAAQS) would be exceeded. The cause of the 24-hour SO<sub>2</sub> exceedance appears to be the use of the incorrect background ambient air concentration. In addition, the background 1-hour NO<sub>2</sub> concentration seems to also be incorrect. Based on highest background concentration over the last three years (as identified and used in the AFC), the correct background data should be as follows:

- 1-hour NO<sub>x</sub> - 191.3 µg/m<sup>3</sup>
- 24-hour SO<sub>2</sub> - 39.9 µg/m<sup>3</sup>

Use of the corrected background concentration of 39.9 µg/m<sup>3</sup> for the 24-hour SO<sub>2</sub> averaging period produces a total cumulative impact of 93.4 µg/m<sup>3</sup>, which is less than the SAAQS of 109 µg/m<sup>3</sup>.

The maximum ambient 1-hour NO<sub>2</sub> concentration (modeled plus background of 1,751.1 µg/m<sup>3</sup> + 191.2 µg/m<sup>3</sup>) produces 1,924.4 µg/m<sup>3</sup>, which exceeds the SAAQS of 470 µg/m<sup>3</sup>. The location of the 1,924.4 µg/m<sup>3</sup> NO<sub>2</sub> concentration is adjacent to the IEEC emergency generators and occurs within the boundaries of the Inland Empire Energy Center (IEEC) fence line. This exceedance appears to be caused by the emergency generators and is a result of downwash from the large HRSGs at IEEC. The emergency generator stacks at IEEC are

75 feet high, which is an abnormally high stack for this type of source, and is the cause of the the higher impact potential. In addition, the IEEC AFC dispersion modeling analysis indicated that the testing of the emergency generators would not cause a violation of the 1-hour NO<sub>2</sub> SAAQS, based on analysis of the receptor fields starting at project fenceline. Therefore, it is clear that this is an on-site receptor, given its immediate proximity to the emergency generator and the unrealistically high 1-hour modeled concentration.

The results of our cumulative 1-hour NO<sub>2</sub> modeling analysis for both SVEP and IEEC indicate that our impact at the IEEC receptor is 0.0 µg/m<sup>3</sup>. Dropping this receptor, the maximum cumulative impact from the testing of emergency equipment is less than the 1-hour NO<sub>2</sub> SAAQS.

Since emergency generators are normally tested less than 1 hour per week, it is highly unlikely that both the IEEC emergency generators and the SVEP fire pump would be tested at the same time. Therefore, additional 1-hour NO<sub>2</sub> analyses were performed without the on-site receptor with only the IEEC emergency generators or SVEP fire pump (but not both) being tested at any one time. Results of these analyses show that the maximum 1-hour NO<sub>2</sub> impacts by the SVEP facility on modeled CAAQS exceedances are 3.7 µg/m<sup>3</sup> when the IEEC emergency generators and firepump are being tested and 4.6 µg/m<sup>3</sup> when the SVEP and IEEC fire pumps are being tested. Thus, maximum-modeled 1-hour SVEP impacts are less than the 1-hour NO<sub>2</sub> significant impact level of 19 µg/m<sup>3</sup> at receptors with ambient 1-hour NO<sub>2</sub> concentrations (modeled plus background) greater than the 1-hour CAAQS of 470 µg/m<sup>3</sup>.

## Soils and Water

### Condition Soil & Water-2

“Applicant suggests changing or deleting Condition S&W-2 (requires County grading permit) because the CBO has jurisdiction for grading permits. Staff has requested the permit because the County flood control district must have a grading permit meeting their specification to implement their storm water management plan. The County requirement for a Water Quality Management Plan sufficiently rigorous that Staff deleted the requirement that the project prepare an erosion control plan from the Conditions of Certification. Staff indicated that Applicant would need the County to monitor compliance with the water management plan.

Applicant suggested rewriting the condition to say ‘satisfy the requirement of obtaining approval of the Water Quality Management Plan.’ Staff agreed, but indicated the necessity of making certain that the project is accounted for in the County’s system.

Applicant has a case number with the County and can find a way to address Staff’s concerns.”

**Applicant comment** – Applicant will send some suggested wording for supplemental comments

**Applicant comment** – A number of conditions (particularly in Transportation and Visual) require the project owner to obtain and submit discretionary approvals or comments from the County of Riverside in addition to the typical CEC approvals. While the Applicant does not object to conditions that require the SVEP to meet County of Riverside requirements, we do object to the requirement to go through

both the County and the CEC processes or to add significant ongoing requirements for County action.

The County of Riverside is one of the busiest local agencies in the US, at last count issuing 17,000 building permits per month. In addition, the Applicant has direct experience in working with the County on the CUP process. The findings and conditions for the CEC process for the SVEP took approximately 12 months for action by the County of Riverside without any CEQA process or discretionary approval. Requiring the applicant to meet both requirements is acceptable, but actually requiring the County to take action or comment in each case will create a significant source of pre-construction and ongoing delay to the construction and commissioning schedule of the SVEP. This is based both the Applicant's direct experience as well as the experience of the IEEC currently under construction.

The comments on Condition Soil & Water 2 below reflect this concern. Also, at the conclusion of these comments discussed in the workshop is a list of all of the other Conditions of Certification requiring County of Riverside action. EME's concern would be addressed if staff were to clarify that the County should be provided with the opportunity to comment on the compliance plans within review periods established in the Verification requirements and, furthermore, that the project owner should be required to demonstrate only that the County had been provided the opportunity to comment. This relatively minor change would prevent the Applicant from having to obtain County comments or action in order to proceed in each case, with the potential for delay that each one could bring.

**Suggested Wording for Soil & Water 2:**

Prior to site mobilization, the project owner shall **prepare the required information to obtain authorization from the CBO to begin grading including a Water Quality Management Plan (WQMP) in accordance with County of Riverside requirements and** ~~obtain a grading permit that complies with the general conditions of the Building and Safety Department's Grading Division (CIBS Grade 4 as described on Page 2 of the Riverside County Conditional Use Permit 03499)~~ and obtain CPM approval of the Water Quality Management Plan (WQMP) submitted to the Riverside County Flood Control and Water Conservation District (District) that ensures protection of water quality and soil resources of the SVEP site and all linear facilities for both the construction and operational phases of the project.

**Verification:** No later than 90 days prior to the start of site mobilization, the project owner shall submit the WQMP to the Riverside County Flood Control and Water Conservation District (District) for review ~~and comment~~. No later than 90 days prior to the start of site mobilization, the project owner shall submit the WQMP to the CPM for review and approval. The CPM shall consider **any** comments received from the District on the WQMP before issuing approval. The project owner shall submit to the CPM copies of the **CBO's approval of** grading permit and all correspondence between the project owner and the District **and CBO** about the grading permit **authorization** and WQMP within 10 days of their receipt or submittal. The WQMP shall be consistent with the Stormwater Pollution Prevention Plan (SWPPP) developed in conjunction with the NPDES permits for Construction and Industrial Activities. The project owner shall provide in the monthly compliance report a narrative on the effectiveness of the water pollution control measures contained in

the WQMP, the results of monitoring and maintenance activities, and the dates of any dewatering activities.

#### Condition Soil & Water-5

“Applicant suggested revisions to Condition S&W-5. Applicant requests that the Title 22 engineering report be required before construction of the recycled water facilities, instead of before any construction begins. Staff indicated that Applicant would need a separate report, in that case, for the use of recycled construction water and agreed to revising the Condition accordingly.”

**Applicant comment** – Construction use of reclaimed water would not involve the design or installation of dual-plumbed water systems beyond those used by the Eastern Municipal Water District’s wastewater treatment plant that are likely to be covered in their treatment plant’s Title 22 Engineer’s report. Construction water will be used mainly for dust control from a tanker truck. For this reason, we suggest modifying Condition Soil & Water 5 as follows:

#### Suggested Wording for Condition Soil & Water 5:

The SVEP shall use recycled water for all non-potable plant construction and operation uses. The SVEP shall comply with all requirements of Title 22 and Title 17 California Code of Regulations. Prior to delivery of recycled water to the SVEP for **power plant operation**, the owner shall submit a Title 22 Engineer’s Report which has been approved by the Department of Health Services (DHS) and the Santa Ana Regional Water Quality Control Board (SARWQCB).

**Verification:** Prior to beginning any **power plant operation** activities, the project owner shall submit to the CPM the water supply and distribution system design and Engineer’s Report for the Production, Distribution and Use of Recycled Water approved by the DHS and the SARWQCB demonstrating compliance with this condition. The water supply and distribution system design shall be included in the final design drawings submitted to the CBO as required in Condition of Certification **Civil 1**. ...

### Visual Resources

#### Condition VIS-1

“Applicant suggested that anti-graffiti coating on the construction fencing might be prohibitively expensive (Condition VIS-1). Staff asks for additional information.”

**Action Item:** Applicant will submit cost information on anti-graffiti coating (Condition VIS-1).

**Applicant comment** – Anti-graffiti coating for construction screening fencing would cost approximately \$50,000. This coating does not prevent graffiti from being applied to the fencing, however, it merely makes it easier to use removal techniques to abate the graffiti. Applicant believes that there are more cost effective means of graffiti-abatement, including replacement fencing or overpainting. We suggest that Condition VIS-1 condition be changed as follows:

**Suggested Wording for Condition VIS-1:**

The project owner shall provide construction screening using a fabric, wooden slats, or other material along the perimeter fence line. A fencing plan shall be submitted to **the CPM and** the Riverside County Transportation and Land management Agency showing all fence locations and typical views of all types of fences proposed. This plan shall **include** ~~require anti-graffiti measures~~ **graffiti management measures** ~~for~~ **for** fences where applicable.

**Verification:** At least 60 days prior to site mobilization, the project owner shall submit a construction screening plan to the Riverside County Transportation and Land Management Agency for review ~~and to the CPM for review and approval.~~ and to the CPM for review and approval. If the CPM notifies the project owner that any revisions of the screening plan are needed, the project owner shall submit to the CPM a plan with the specified revisions within 30 days of receiving that notification.

**Condition VIS-2**

"Applicant suggested several changes to the wording of Condition VIS-2. Staff does not agree to changing the language of VIS-2 to indicate that light should not affect "public viewing areas" because this area is rapidly changing. In the future, there may be public viewing areas next door. Staff asked Applicant to describe in more detail why this would be appropriate language."

~~Action Item – Applicant will provide Staff with additional reasoning to support this wording.~~

**Applicant comment** – The current wording of condition VIS-2 would not allow direct light from the project to spill beyond the boundaries of the project site. Applicant's suggested wording would take into consideration that area/security lighting from the project might be seen from areas off-site that are not public viewing areas (such as the adjacent railroad right-of-way) and from which direct light would not be considered a nuisance. Applicant suggests that a performance-based standard be applied rather than the less flexible requirement for no off-site lighting. We suggest the following wording for item B of Condition VIS-2:

**Suggested Wording for Condition VIS-2:**

- B. All fixed position lighting shall be shielded/hooded, and directed downward and toward the area to be illuminated to prevent direct illumination of the night sky and direct light trespass (direct light extending **into public viewing areas**); ~~outside the boundaries of the power plant site or the site of construction of ancillary facilities including any security fenced boundaries~~;

**Condition VIS-5**

"Applicant asked that Staff delete the requirement in VIS-5 for visual simulations of the landscaping. Staff responded that this was required for the Inland Empire project. Applicant agreed to provide more information."

~~Action Item – Applicant will provide more information/discussion~~

**Applicant comment**— It is our understanding that the owner of the Inland Empire Energy Center modified their landscaping plan after the Staff Assessment had been completed. In this case, it was necessary to prepare and submit simulations showing the landscaping to document that there would be no adverse visual impacts after the mitigation was applied. In the case of the SVEP, Staff has made the finding that the project would cause no significant adverse effects to visual resources after landscaping. There is no regulatory or other reason to prepare additional photographic simulations. The landscape plan itself is sufficient to document that the SVEP will be properly screened.

“Applicant asked Staff to strike the requirement to plant the landscaping in the first year of construction. This would be a major impediment to construction and would not provide a significant benefit in terms of visual screening. Staff will discuss this internally and suggested planting older trees to provide faster screening.”

**Action Item**— Applicant will provide more discussion of the proposed landscaping plan.

**Applicant comment**— The benefits of installing landscaping along a portion or all of the SVEP site during the construction phase would be relatively small (one additional year’s growth) and their potential for interference with construction activities would be large. The construction site is an area where there are a number of activities going on that would potential conflict with early landscaping. In addition, it would be necessary to establish the reclaimed water irrigation system on the project site early in the project. Screening trees will grow faster and healthier if they are installed after most of the construction is completed and the power plant’s reclaimed water system is installed and operational and there is no longer any potential interference from construction activities.

#### **Suggested Wording for Condition VIS-5:**

The planting must occur during the first optimal planting season following **power plant operation site mobilization**. The project owner shall simultaneously notify the Riverside County Transportation and Land Management Agency and the CPM within seven days after completing installation of the landscaping, that the landscaping is ready for inspection.

## **Cultural Resources**

### **Condition CUL-8**

“Applicant suggested additional wording to CUL-8 to indicate that construction would halt only if there is a significant find. Staff will consider revising this condition similarly to the Applicant’s suggested revision for PALEO-5.”

**Action Item**— Applicant will provide the suggested revised language for CUL-8 based on the revised language for PALEO-5 regarding significant finds.

#### **Suggested Wording for Condition CUL-8:**

The project owner shall grant authority to halt construction to the CRS, alternate CRS, and the CRMs in the event previously unknown, **potentially significant** cultural resources sites or materials are encountered, or if known resources may be **adversely** impacted in a previously unanticipated manner. Redirection of ground disturbing activities shall be accomplished under the direction of the construction supervisor in consultation with the CRS. In the event that **potentially significant** cultural resources greater than 50 years of age, or cultural resources considered exceptionally significant, are found or impacts on such resources can be anticipated, construction shall be halted or redirected in the immediate vicinity of the find and shall remain halted or redirected until all of the following have occurred: ...

## Biological Resources

### Condition BIO-6

Applicant indicated that SVEP does not require some of the permits indicated in BIO-6 as topics of discussion in the Biological Resources Monitoring and Mitigation Implementation Plan. Staff indicated that Applicant could suggest removal of some of the 18 items listed.

**Action Item – Applicant will work with staff to remove items from Condition BIO-6.**

#### Suggested Wording for Condition BIO-6:

The project owner shall develop a BRMIMP and submit two copies of the proposed BRMIMP to the CPM (for review and approval) and to CDFG and USFWS (for review and comment) and shall implement the measures identified in the approved BRMIMP.

The BRMIMP shall be prepared in consultation with the Designated Biologist and shall identify:

- ...
3. All biological resource mitigation, monitoring and compliance measures required in federal agency terms and conditions, such as those provided in a USFWS Biological Opinion or USACE Nationwide permit;
  4. All biological resources mitigation, monitoring and compliance measures required in other state agency terms and conditions, such as those provided in CDFG Incidental Take Permit, Streambed Alteration Agreement or Regional Water Quality Control Board permits;
- ...
16. Restoration and re-vegetation plan;

Applicant indicated that Condition BIO-9 would not apply because a Section 404 permit is not needed for the project. Staff requested that Applicant obtain concurrence from USACE on this. Applicant agreed and also requested that Staff change the condition to indicate that Applicant will either comply or provide a statement from the USACE indicating why compliance is not necessary.

**Action Item – Applicant and Staff will contact USACE to obtain their concurrence that a Clean Water Act Section 404 permit is not required.**

**Applicant comment** – Applicant has been in contact with Mr. Dan Swenson of the USACE and will be providing additional documentation to the USACE that the

SVEP's non-reclaimable wastewater pipeline will avoid ephemeral drainages because it will be constructed within the roadbed of McLaughlin Road. The USACE will evaluate this and other information to determine whether or not the ephemeral drainage that crosses McLaughlin Road is jurisdictional.

... with South Coast AQMD to determine whether the project is subject to PSD requirements and would therefore not be subject to Class I air quality impacts review.

**Applicant comment** – The South Coast AQMD has written a March 22, 2007 letter to the US Forest Service indicating that the SVEP project does not trigger Prevention of Significant Deterioration (PSD) requirements and would therefore not be subject to Class I air quality impacts review.

### Additional Comments on Conditions of Certification Requiring County Approval

See the discussion of County review requirements under Soil & Water-2, above. The following are suggested minor changes to conditions of certification that require county review and comment. The purpose of these changes is to avoid duplicative and time-consuming review by the CPM and the County, while affording the County to review the compliance documents in a timely way.

**TRANS-2** The project owner shall develop a construction traffic control plan that outlines what measures need to be taken on a month-to-month basis with input from Riverside County Transportation and Land Management Agency, Caltrans and the CPM. The construction traffic control plan must address the following minimum requirements:

...

**Verification:** At least 30 days prior to start of site preparation or earth moving activities, the project owner shall provide the plan to Riverside County Transportation and Land Management Agency and Caltrans for review and comment, and to the CPM for review and approval. The plan shall contain a statement signed by the project owner that the measures contained in the plan will be implemented. Any deviance from the submitted plan shall be reported to the CPM.

**TRANS-3** The project owner and contractor shall improve to Riverside County standards the unpaved section of Matthews Road southeast of Palomar Road to the temporary rail crossing at Junipero Road within the first two months of construction.

...

**Verification:** At least 60 days prior to the start of construction, the project owner shall submit plans to improve Matthews Road to the Riverside County Transportation and Land Management Agency for review and comment, and to the CPM for review and approval. The project owner shall provide to the CPM a letter from the Riverside County Transportation and Land Management Agency stating their satisfaction with the plans comply with County requirements.

...

**VIS-4**

...

**Verification:** At least 90 days prior to specifying to the vendor the color(s) and finish(es) of the first structures or buildings that are surface treated during manufacture, the project owner shall submit the proposed treatment plan to the CPM for review and approval and simultaneously to the Riverside County Planning Department for review ~~and comment~~.

**VIS-5** The project owner shall provide landscaping that reduces the visibility of the power plant structures and complies with local policies and ordinances as noted in the Riverside County Advisory Conditional Land Use Permit. Trees and other vegetation consisting of informal groupings of fast-growing evergreens shall be strategically placed and of sufficient density and height to effectively screen the power plant structures within the shortest feasible time. The project owner shall submit to the CPM for review and approval and simultaneously to the Riverside County Transportation and Land Management Agency for review ~~and comment~~ a landscaping plan whose proper implementation will satisfy these requirements. The plan shall include:

...

**Verification:** The landscaping plan shall be submitted to the CPM for review and approval and simultaneously to the Riverside County Transportation and Land Management Agency for review ~~and comment~~ at least 90 days prior to installation.

**VIS-6** To the extent feasible, consistent with safety and security considerations, and commercial availability, the project owner shall design and install all permanent exterior lighting such that a) light fixtures do not cause obtrusive spill light beyond the project site; b) lighting does not cause excessive reflected glare; c) direct lighting does not illuminate the nighttime sky; d) illumination of the project and its immediate vicinity is minimized, and e) the plan complies with local policies and ordinances. Lighting shall be consistent with Condition of Certification **VIS-2**. The project owner shall simultaneously submit to Riverside County Transportation and Land Management Agency for review ~~and comment~~ and to the CPM for review and approval a lighting mitigation plan that includes the following:

...

**Verification:** At least 90 days prior to ordering any permanent exterior lighting, the project owner shall contact the CPM to discuss the documentation required in the lighting mitigation plan. At least 60 days prior to ordering any permanent exterior lighting, the project owner shall to Riverside County Transportation and Land Management Agency for review ~~and comment~~ and to the CPM for review and approval a lighting mitigation plan. If the CPM determines that the plan requires revision, the project owner shall provide to the CPM a revised plan for review and approval by the CPM. The project owner shall not order any exterior lighting until receiving CPM approval of the lighting mitigation plan.

**WORKER SAFETY-1** The project owner shall submit to the Compliance Project Manager (CPM) a copy of the Project Construction Safety and Health Program containing the following:

...

**Verification:** At least 30 days prior to the start of construction, the project owner shall submit to the CPM for review and approval a copy of the Project Construction Safety and Health Program. The project owner shall provide a copy of a letter to the CPM from

the Riverside County Fire Department stating the Fire Department's comments on the Construction Fire Prevention Plan and Emergency Action Plan **or stating their intent not to comment.**

**WORKER SAFETY-2** The project owner shall submit to the CPM a copy of the Project Operations and Maintenance Safety and Health Program containing the following:

...

**Verification:** At least 30 days prior to the start of first-fire or commissioning, the project owner shall submit to the CPM for approval a copy of the Project Operations and Maintenance Safety and Health Program. The project owner shall provide a copy of a letter to the CPM from the Riverside County Fire Department stating the Fire Department's comments on the Operations Fire Prevention Plan and Emergency Action Plan **or stating their intent not to comment.**