

**Rio Mesa Solar Electric Generating Facility (RMSEGF)  
(11-AFC-4)**

**Applicant's General Comments and Comments to Conditions of Certification  
on the Preliminary Staff Assessment**

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**GENERAL COMMENTS**

No general comments.

**FINDINGS OF FACT**

No findings of fact listed are listed in the PSA.

**PROPOSED CONDITIONS OF CERTIFICATION**

1. **Page 4.1-43, AQ-SC3:** Applicant requests the following changes to this condition to clarify the dust mitigation techniques expected to be used during construction of the Project:

**AQ-SC3** Construction Fugitive Dust Control: The AQCM shall submit documentation to the CPM in each Monthly Compliance Report (MCR) that demonstrates compliance with the following mitigation measures for the purposes of preventing all fugitive dust plumes from leaving the project boundary. Any deviation from the following mitigation measures shall require prior CPM notification and approval.

- A. The main access roads through the facility to the power block areas will be ~~paved~~ watered, or otherwise treated with a CEC-approved soil weighting agent until they are paved during prior to initiating construction in the main power block area, and delivery areas for operations materials (chemicals, replacement parts, etc.) will be paved prior to taking initial deliveries.
- B. All unpaved construction roads and unpaved operational site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer, water, or other soil weighting agent that can be determined to be at least ~~both~~ as efficient ~~or more efficient~~ for fugitive dust control as Air Resources Board (ARB)-approved soil stabilizers, and shall not increase any other environmental impacts including loss of vegetation. All other disturbed areas in the project and linear construction sites shall be watered as frequently as necessary during grading and stabilized with a non-toxic soil stabilizer or soil weighting agent to comply with the dust mitigation objectives of Condition of Certification AQ-SC4. The frequency of watering can be reduced or eliminated during periods of precipitation.
- C. Unless approved by the CPM, ~~No~~ vehicle shall exceed 10 miles per hour on unpaved areas within the construction site, with the exception that

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- vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.
- D. Visible speed limit signs shall be posted at the construction site entrances and along traveled routes.
  - E. All construction equipment vehicle tires shall be inspected and washed as necessary to be cleaned free of dirt prior to entering offsite paved roadways.
  - F. Gravel ramps of at least 20 feet in length must be provided at the tire washing/cleaning station.
  - G. All unpaved exits from the construction site shall be graveled or treated to prevent track-out to public roadways.
  - H. All construction vehicles shall enter the construction site through the treated entrance roadways, unless an alternative route has been submitted to and approved by the CPM.
  - I. Construction areas adjacent to any paved roadway below grade of the surrounding construction area or otherwise directly impacted from site drainage shall be provided with sandbags or other equivalently effective measures to prevent run-off to roadways, or other similar run-off control measures as specified in the Storm Water Pollution Prevention Plan (SWPPP), only when such SWPPP measures are necessary so that this condition does not conflict with the requirements of the SWPPP.
  - J. All paved roads within the construction site shall be swept ~~at least twice daily (or less during periods of precipitation)~~ or as often as necessary on days when construction activity occurs to prevent the accumulation of dirt and debris.
  - K. At least the first 500 feet of any paved public roadway exiting the construction site or exiting other unpaved roads en route from the construction site or construction staging areas shall be swept ~~at least twice daily (or less during periods of precipitation)~~ or as often as necessary on days when construction activity occurs or on any other day when dirt or runoff resulting from the construction site activities is visible on the public paved roadways.
  - L. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with water or appropriate dust suppressant compounds.
  - M. All vehicles used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.
  - N. Wind erosion control techniques (such as windbreaks, water, chemical dust suppressants, and/or vegetation) shall be used on all construction areas that may be disturbed. Any windbreaks installed to comply with this condition shall remain in place until the soil is stabilized or permanently covered with vegetation.

**Verification:** The AQCOMM shall provide to the CPM in the MCR:

- A. a summary of all actions taken to maintain compliance with this condition;

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- B. copies of any complaints filed with the district and subsequently provided to the project owner in relation to project construction; and
  - C. any other documentation reasonably deemed necessary by the CPM, and AQCMM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.
2. **Page 4.1-45, AQ-SC4:** Applicant requests the following changes to this condition for clarification purposes and in recognition of the large site:

**AQ-SC4** Dust Plume Response Requirement: The AQCMM shall monitor all construction activities for visible dust plumes. Observations of visible dust plumes that have the potential to be transported: (A) off the project site and within 400 feet upwind of any regularly occupied structures not owned by the project owner, or (B) 200 feet beyond the centerline of the construction of linear facilities indicate that existing mitigation measures are not resulting in effective mitigation. The AQCMP shall include a section detailing how the ~~additional~~ augmented mitigation measures will be accomplished within the time limits specified in Steps 1 through 3, below. The AQCMM or Delegate shall implement the following procedures for ~~additional~~ augmented mitigation measures in the event that such visible dust plumes are observed:

Verification: The AQCMP shall include a section detailing how the augmented measures will be accomplished within the time limits specified in Steps 1 through 3, below. The AQCMM or Delegate shall implement the following procedures for augmented mitigation measures in the event that such visible dust plumes are observed:

- Step 1: The AQCMM shall direct more intensive application of the existing mitigation methods ~~within~~ as quickly as feasible but not more than 1530 minutes of ~~after~~ making such a determination.
- Step 2: The AQCMM shall direct implementation of additional methods of dust suppression if Step 1, specified above, fails to result in adequate mitigation ~~within~~ as quickly as feasible but not more than 3060 minutes of ~~after~~ the original determination.
- Step 3: The AQCMM shall direct a temporary shutdown of the activity causing the emissions if Step 2, specified above, fails to result in effective mitigation within one hour of the original determination. The activity shall not restart until the AQCMM is satisfied that appropriate additional mitigation or other site conditions have changed so that visual dust plumes will not result upon restarting the shutdown source. The owner/operator may appeal to the CPM any directive from the AQCMM to shut down an activity, if the shutdown shall go into effect within one hour of the original determination, unless overruled by the CPM before that time.

**Verification:** The AQCMM shall provide to the CPM in the MCR:

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- A. a summary of all actions taken to maintain compliance with this condition;
  - B. copies of any complaints filed with the District and provided to the project owner in relation to project construction; and
  - C. any other documentation reasonably deemed necessary by the CPM and AQCMM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.
3. **Page 4.1-45, AQ-SC5:** Applicant requests that the standard idling condition be added to this condition. In addition, Applicant requests the following changes to this condition for clarification purposes:

**AQ-SC5** Diesel-Fueled Engine Control: The AQCMM shall submit to the CPM, in the MCR, a table that demonstrates compliance with the AQCMP mitigation measures for purposes of controlling diesel construction-related combustion emissions. Any deviation from the AQCMP mitigation measures requires prior CPM notification and approval.

Verification: All off-road diesel construction equipment with a rating of 50 hp or greater used in the construction of this facility ~~shall be powered by the cleanest engines available that also~~ shall comply with the California Air Resources Board's (ARB's) Regulation for In-Use Off-Road Diesel Fleets (California Code of Federal Regulations Title 13, Article 4.8, Chapter 9, Section 2449 et.seq.) and shall be included in the Air Quality Construction Mitigation Plan (AQCMP) required by **AQ-SC2**. The AQCMP measures shall include the following, with the lowest-emitting engine chosen in each case, as available:

- a. All off-road vehicles with compression ignition engines shall comply with the California Air Resources Board's (ARB's) Regulation for In-Use Off-Road Diesel Fleets.
- b. To meet the highest level of emissions reduction available for the engine family of the equipment, each piece of diesel-powered equipment shall be powered by a Tier 4 engine (without add-on controls) or Tier 4i engine (without add-on controls), or a Tier 3 engine with a post-combustion retrofit device verified for use on the particular engine powering the device by the ARB or the U.S. EPA. For PM, the retrofit device shall be a particulate filter if verified, or a flow-through filter, or at least an oxidation catalyst. For NOx, the device shall meet the latest Mark level verified to be available (as of January 2012, none meet this NOx requirement).
- c. For diesel powered equipment where the requirements of Part "b" cannot be met, the equipment shall be equipped with a Tier 3 engine without retrofit control devices or with a Tier 2 or lower Tier engine using retrofit controls verified by ARB or U.S. EPA as the best available control device to reduce exhaust emissions of PM and nitrogen oxides (NOx) unless certified by engine manufacturers or the on-site AQCMM that the use of such devices is not practical for specific engine types. For purposes of this condition, the use of

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such devices can be considered “not practical” for the following, as well as other, reasons:

1. There is no available retrofit control device that has been verified by either the California Air Resources Board or U.S. EPA to control the engine in question and the highest level of available control using retrofit or Tier 1 engines is being used for the engine in question; or
  2. The use of the retrofit device would unduly restrict the vision of the operator such that the vehicle would be unsafe to operate because the device would impair the operator’s vision to the front, sides, or rear of the vehicle, or
  3. The construction equipment is intended to be on site for 10 work days or less.
- d. The CPM may grant relief from a requirement in Part “b” or “c” if the AQCOMM can demonstrate a good faith effort to comply with the requirement and that compliance is not practical.
- e. The use of a retrofit control device may be terminated immediately provided that the CPM is informed within 10 working days following such ~~of the~~ termination; (2) and a replacement for the construction equipment item in question, which meets meeting the level of control required, occurs within 10 work days following such ~~of~~ termination of the use (if the equipment would be needed to continue working at this site for more than 15 work days after the use of the retrofit control device is terminated); and (3) if one of the following conditions exists:
1. The use of the retrofit control device is excessively reducing the normal availability of the construction equipment due to increased down time for maintenance, and/or reduced power output due to an excessive increase in exhaust back pressure.
  2. The retrofit control device is causing or is reasonably expected to cause engine damage.
  3. The retrofit control device is causing or is reasonably expected to cause a substantial risk to workers or the public.
  4. Any other seriously detrimental cause which has the approval of the CPM prior to implementation of the termination, which approval shall not be unreasonably withheld.
- f. All equipment with engines meeting the requirements above shall be properly maintained and the engines tuned to the engine manufacturer’s specifications. ~~Each engine shall be in its original configuration and the~~

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equipment or engine must be replaced if it exceeds the manufacturer's approved oil consumption rate.

- g. Construction equipment will employ electric motors when feasible.
- h. If the requirements detailed above cannot be met, the AQCMM shall certify that a good faith effort was made to meet these requirements and this determination must be approved by the CPM, which approval shall not be unreasonably withheld.
- i. All off-road diesel-fueled engines used in the construction of the facility shall have clearly visible tags issued by the on-site AQCMM showing that the engine meets the conditions set forth herein.
- j. All diesel heavy construction equipment shall not idle for more than 5 minutes. Vehicles that need to idle as part of their normal operation (such as concrete trucks) are exempt from this requirement.

**Verification:** The AQCMM shall include in the MCR the following information to demonstrate control of diesel construction-related emissions:

- A. A summary of all actions taken to control diesel construction related emissions;
  - B. A table listing all heavy equipment used on site during that month, showing the tier level of each engine and the basis for alternative compliance with this condition for each engine not meeting Part "b" requirements. The MCR shall identify the owner of the equipment and contain a letter from each owner indicating that the equipment has been properly maintained; and
  - C. Any other documentation reasonably deemed necessary by the CPM and AQCMM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.
4. **Page 4.1-48, AQ-SC6:** Because Applicant has specified that some MWMs will be equipped with non-road engines, reference to "non-road" vehicles has been inserted into this condition. Applicant requests the following changes:

**AQ-SC6** The project owner, when obtaining dedicated vehicles for mirror washing activities and other facility maintenance activities, shall only obtain new model year vehicles equipped with engines that meet California on-road or off-road vehicle emission standards for the ~~model~~ year when obtained.

Other vehicle/fuel types may be allowed assuming that the emission profile for those vehicles, including fugitive dust generation emissions, is comparable to the vehicles types identified in this condition.

**Verification:** At least 60 days prior to the start of commercial operation, the project owner shall submit to the CPM a plan that identifies the size and type of the on-site

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vehicle and equipment fleet and the vehicle and equipment purchase orders and contracts and/or purchase schedule. The plan shall be updated every other year and submitted in the Annual Compliance Report.

5. **Page 4.1-48, AQ-SC7:** Applicant requests the following changes to this condition for clarification purposes:

- AQ-SC7** The project owner shall provide a site operations dust control plan, including all applicable fugitive dust control measures identified in **AQ-SC3** that would be applicable to reducing fugitive dust from ongoing operations; that:
- A. describes the active operations and wind erosion control techniques such as windbreaks and chemical dust suppressants, including their ongoing maintenance procedures, that shall be used on areas that could be disturbed by vehicles or wind anywhere within the project boundaries; and
  - B. identifies the location of signs throughout the facility that will limit traveling on unpaved surfaces to solar equipment maintenance vehicles only. In addition, vehicle speed shall be limited to no more than 10 miles per hour on these unpaved surfaces, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved surfaces as long as such speeds do not create visible dust emissions.

Verification: The site operations fugitive dust control plan shall include the use of durable non-toxic soil stabilizers or water, on all regularly used unpaved surfaces and disturbed off-road areas within the project boundaries, and shall include the inspection and maintenance procedures that will be undertaken to ensure that the unpaved surfaces remain stabilized. The soil stabilizer used shall be a non-toxic soil stabilizer, water, or other soil weighting agent that can be determined to be ~~both~~ as efficient ~~or more efficient~~ for fugitive dust control as ARB approved soil stabilizers, and shall not increase any other environmental impacts including loss of vegetation.

The fugitive dust controls shall meet the performance requirements of condition **AQ-SC4**. The performance requirements of **AQ-SC4** shall also be included in the operations dust control plan.

Verification: At least 60 days prior to start of commercial operation, the project owner shall submit to the CPM for review and approval a copy of the plan that identifies the dust and erosion control procedures, including effectiveness and environmental data for the proposed soil stabilizer, that will be used during operation of the project and that identifies all locations of the speed limit signs. At least 60 days after the beginning of commercial operation, the project owner shall provide to the CPM a report identifying the locations of all speed limit signs, and a copy of the project employee and contractor training material that clearly identifies that project employees and contractors are required to comply with the dust and erosion control procedures and on-site speed limits.

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6. **Page 4.1-49, AQ-SC9:** This condition appears to be duplicative of AQ-24, AQ-30, AQ-31, and AQ-36 with respect to installing emergency generator and fire pump engines certified to EPA non-road engine emission standards and compliant with applicable NSPS Subpart IIII requirements. Therefore Applicant requests the removal of this condition.

**AQ-SC9** ~~The emergency generator and fire pump engines procured for this project will meet or exceed the NSPS Subpart IIII emission standards for the model year that corresponds to their date of purchase.~~

**Verification:** ~~The project owner shall submit the emergency engine specifications to the CPM at least 30 days prior to purchasing the engines for review and approval.~~