

Memorandum

Date: October 27, 2008
Telephone: (916) 654-4679

To: Vice Chair James Boyd, Presiding Member
Chairman Jackalyne Pfannenstiel, Associate Member

From: California Energy Commission – John S. Kessler, Project Manager
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET	
07-AFC-3	
DATE	<u>OCT 27 2008</u>
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Subject: **CPV Sentinel Energy Project (07-AFC-3) – Additional Testimony and Addendum to Final Staff Assessment Filed by Energy Commission Staff**

Enclosed please find additional testimony of Energy Commission staff for the CPV Sentinel Energy Project (07-AFC-3). As discussed at the Prehearing conference held on October 21, 2008, this addition testimony has been prepared in response to comments received from the applicant and the Committee. The topics of the additional testimony, exhibit numbers, and supporting witnesses are as follows:

Executive Summary – Exhibit 201 – John Kessler. Staff is providing the correction requested by the applicant in its Prehearing Conference Statement regarding the transmission line route.

Project Description – Exhibit 202 – John Kessler. Staff is providing the correction requested by the applicant in its Prehearing Conference Statement regarding the project’s sources of potable water.

Air Quality – Staff will be providing additional testimony clarifying the attainment status of the area in which the project is located, and to address the general qualifications required of the Air Quality Construction Mitigation Manager as referred to in conditions of Certification AQ-SC1 and AQ-SC5, at such time as applicant provides the Energy Commission with its plans for emission reduction credits.

Biological Resources - Exhibit 203 – Heather Blair. Staff is providing testimony accepting the change to Biological Resources Condition of Certification BIO-11 identified in the applicant’s Prehearing Conference Statement.

Hazardous Materials – Exhibit 204 – Rick Tyler. Staff is providing additional testimony accepting the corrections identified in the applicant’s Prehearing Conference Statement.

Land Use – Exhibit 205 – Negar Vahidi. Staff is providing additional testimony responding to the concern expressed by the Committee at the Prehearing Conference

regarding the conditions that would be required were the City of Palm Springs to issue a Conditional Use Permit for a portion of the construction laydown area, and addressing the height variance issue from Riverside County. In addition, staff's testimony concurs with the comment in the applicant's Prehearing Conference Statement that the reference in the Final Staff Assessment for Condition of Certification BIO-13 should be deleted.

Soil and Water Resources – Exhibit 206 – John Fio, Christopher Dennis, John Kessler. Staff is providing additional testimony in response to Exh. 95, submitted by the applicant on October 16, 2008. In addition, staff will identify changes in response to the Conditions of Certification contained in the Final Staff Assessment to reflect discussions held between the applicant and staff at the conclusion of the Prehearing Conference on October 21, 2008.

Visual Resources – Exhibit 207 – Martha Goodavish. Staff is providing additional testimony in response to the Committee's question about the status of State Route 62 as a scenic corridor, and, if so, staff's conclusions as to whether the project would have a significant adverse impact to this scenic corridor.

Waste Management – Exhibit 208 – Christopher Dennis. Staff is providing additional testimony accepting some of the changes to Conditions of Certification WASTE-6 and -8 as proposed by applicant in its Prehearing Conference Statement.

Transmission System Engineering – Exhibit 209 – Mark Hesters and Ajoy Guha. Staff is providing a response and additional testimony addressing the points raised by the applicant in its Comments on the PSA, dated August 21, 2008 and in its Prehearing Conference Statement.

Transmission Line Safety and Nuisance – Exhibit 210 – Obed Odoemelan. Staff is providing additional testimony consisting of a general description of qualifications necessary for the individual who would be used to measure electric and magnetic fields of transmission lines as would be required under Condition of Certification TLSN-3.

Traffic & Transportation – Exhibit 211 – Mark Hamblin. Staff is providing additional testimony pertaining to Condition of Certification **TRANS-5** in response to the applicant's comments in their Prehearing Conference Statement.

Worker Safety & Fire Protection – Exhibit 212 – Rick Tyler. Staff is providing a response and additional testimony addressing the points raised by the applicant in its Prehearing Conference Statement.

EXECUTIVE SUMMARY – EXHIBIT 201 –

TESTIMONY OF JOHN KESSLER

Pages 1-1 and 1-2

PROJECT LOCATION AND DESCRIPTION

The CPV Sentinel project would be a nominally rated 850 megawatt, natural gas-fired generating facility using General Electric's LMS 100 combustion turbine generators. The other main project features will consist of a 37 acre power plant site, 14 acre construction laydown area, 2,300 ~~3,250~~ feet of transmission lines, and 2.6 miles of natural gas pipeline. The power plant, transmission lines, and portions of the gas line and construction laydown area will be located within unincorporated Riverside County. Portions of the construction laydown area and portions of the proposed gas line route will be located within the city of Palm Springs. The site is situated approximately 8 miles northwest of the center of Palm Springs and 4.5 miles west of the center of Desert Hot Springs. **PROJECT DESCRIPTION Figures 1 and 2** show the regional and local settings for the proposed project, and **PROJECT DESCRIPTION Figures 3 and 4** show the general arrangement and a photo simulation of the proposed project.

The 37 acre proposed power plant site is currently vacant. The surrounding area is primarily characterized by industrial use with extensive development of wind energy and transmission infrastructure. Southern California Edison's (SCE) Devers substation is approximately 700 feet to the west of the proposed project site and the 135 megawatt natural gas-fired Indigo Energy Facility is approximately 1.8 miles to the southeast. The nearest current residence to the power plant site is approximately 330 feet to the east. CPV Sentinel has secured site control under an option to purchase this residence and the structure is currently vacant.

The proposed power plant site is zoned W 2 (Controlled Development Area) and designated as PF (Public Facilities) in the Riverside County General Plan. Electrical power-generating facilities are permitted uses within this zoning district and General Plan designation.

Electricity generated by the proposed project will be delivered to the Devers substation via a generation tie connecting the project station switchyard to the substation at the 230 kilovolt (kV) bus. It is currently anticipated that SCE will execute contracts with CPV Sentinel, LLC under which SCE will be responsible for final design, engineering, construction, ownership, operation, and maintenance of the generator tie to the Devers substation. SCE will seek a Certificate of Public Convenience and Necessity (CPCN) from the California Public Utilities Commission (CPUC). The project would require the construction of a 2,300 foot-long transmission line connecting the proposed project site to the existing Devers substation, 1,850 feet of which would be located outside of the project site.

PROJECT DESCRIPTION – EXHIBIT 202 –

TESTIMONY OF JOHN KESSLER

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PROJECT FEATURES

The primary proposed project features include the following:

- A power plant on a 37-acre property, including a $\frac{3}{4}$ -acre stormwater retention basin and five on-site water supply wells;
- A 2.6-mile-long natural gas line extending from the existing Indigo Energy Facility;
- A 2,300-foot-long, 230-kV transmission line connecting to the existing Devers substation;
- A 3,200-foot-long road extending off Dillon Road to the project site and associated intersection widening at Dillon Road and the site access road;
- A 3,200-foot-long potable water supply line extending off Dillon Road to the project site, or on-site wells that would serve both potable and process water supplies;
- Eight natural gas-fired, GE Energy LMS100 CTGs, each with an exhaust stack 13.5 feet in diameter and 90 feet tall; and
- A 14-acre construction laydown area.

BIOLOGICAL RESOURCES – EXHIBIT 203 –

TESTIMONY OF HEATHER BLAIR

Conditions of Certification

Burrowing Owl and Nesting Bird Surveys and Impact Avoidance

- BIO-11** The project owner shall conduct follow-up surveys to the surveys conducted in 2007 and 2008 by Xeric Specialties and URS to identify the presence and avoid or minimize impacts to burrowing owls and other nesting birds:
1. A qualified biologist shall conduct survey for burrowing owl activities in the project area, including the power plant site, the linear facilities (e.g. natural gas lines), and a 150 meter (approximately 500 feet) buffer (where possible and appropriate based on the habitat). The survey should follow the protocol outlined in the CDFG Staff Report on Burrowing Owl Mitigation (1995), as modified below, including:
 - A. One (1) winter (December 1 to January 31) survey no less than 30 days prior to the start of initial ground disturbance activities.
 - B. Conduct surveys from two hours before to one hour after sunset or from one hour before to two hours after sunrise.
 - C. Identify all active and historical burrows (natural or artificial) as well as suitable habitat within the entire project area including the 150 meter buffer (accounts for impacts from noise and vibration impacts).
 - D. Space transects to allow for 100 percent visual coverage (maximum 30 meters from centerline).
 - E. Surveyors shall avoid owls and occupied burrows by a minimum 50 meters where practical.
 2. If burrowing owls are present within 500 feet of the power plant site or linear facilities, then the project owner shall contact CDFG and implement the CDFG burrowing owl guidelines (1995) to include:
 - A. Mitigation should consist of passive relocation with a one-way door to avoid direct impacts to the burrowing owls on site. Passive relocation shall be conducted during the non-breeding season (September 1– January 31) to ensure that active nests are not lost as a result of owl exclusion. The methodology for owl relocation shall follow the guidelines set forth in the CDFG Staff Report on Burrowing Owl Mitigation (CDFG 1995).

- B. Occupied burrows shall not be disturbed during the nesting season (February 1–August 31) unless a qualified biologist approved by CDFG verifies through noninvasive methods that either: (1) the birds have not begun egg laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
 - C. If permanent impacts to breeding habitat are unavoidable, the project owner shall acquire, permanently protect and enhance a minimum of 6.5 acres of suitable habitat per pair of breeding burrowing owl, or submit evidence of coverage under the CVMSHCP to the CPM.
3. If initial ground disturbance is to occur during the breeding season, complete a pre-construction survey for nesting birds on the project site and/or linear facilities no less than 30 days prior to the start of ground disturbance activities. This survey can occur in conjunction with the burrowing owl surveys.
 4. Ground disturbance and work near potential raptor nesting sites should be scheduled for the non-breeding season. ~~If active, occupied nests are found, schedule work is to occur during non-the-nesting periods or prohibit season, work will be prohibited~~ within 500 feet of raptor nests or 200 feet of other species' nests. With At the request of the Designated Biologist and with CPM approval, visual barriers and sound buffers may be used to reduce these buffers around nests.

Verification: At least 60 days prior to start of any project-related ground disturbance activities, the project owner shall provide the CPM with the final version of the BRMIMP, which includes burrowing owl/nesting bird survey results to date and any necessary impact avoidance measures. Results for all protocol surveys conducted after the final version of the BRMIMP is complete shall be submitted as a supplement to the CPM. All modifications to the approved BRMIMP must be made only after consultation with the CPM and other appropriate agencies. The project owner shall notify the CPM five working days before implementing any modifications to the BRMIMP.

HAZARDOUS MATERIALS – EXHIBIT 204 -

TESTIMONY OF RICK TYLER

Page 4.4-8, Paragraph 3

Based on staff's analysis described above, aqueous ammonia is the only hazardous material that may pose a significant risk of off-site impact. The use of aqueous ammonia can result in the release of ammonia vapor in the event of a spill. This is a result of its moderate vapor pressure and the large amounts of aqueous ammonia that would be used and stored on site. However, the use of aqueous ammonia poses far less risk than the use of the more hazardous anhydrous ammonia (ammonia that is not diluted with water).

To assess the potential impacts associated with an accidental release of aqueous ammonia, staff used four benchmark exposure levels of ammonia gas occurring off-site. These include:

1. the lowest concentration posing a risk of lethality, 2,000 parts per million (ppm);
2. the concentration immediately dangerous to life and health, a level of 300 ppm;
- ~~3. the emergency response planning guideline level 2 of 150 ppm, which is also the RMP level 1 criterion used by U.S. Environmental Protection Agency (EPA) and California; and~~

Page 4.4-9, Paragraph 2

Section 7.12 of the AFC (CPVS 2007a) describes the modeling parameters used for the worst-case accidental releases of aqueous ammonia in the applicant's off-site consequence analysis (OCA). Pursuant to the California Accidental Release Program (CalARP) regulations (federal risk management plan regulations do not apply to sources that store or use aqueous ammonia solutions below 20 percent), the OCA was performed for the worst-case release scenario, which involved the failure and complete discharge of the storage tank, as well as an alternative release scenario involving a spill during truck unloading. Ammonia emissions from two potential release scenarios were calculated following methods provided in the RMP off-site consequence analysis guidance provided by the U.S. EPA in April 1999. The default meteorological data necessary for emission and dispersion calculations were supplemented by daily temperature data as required by California Code of Regulations, Title 19, section 2750.2. The maximum temperature recorded in the area in the past three years (117° F), a wind speed of 1.5 meters per second, and atmospheric stability class F were used for emission and dispersion calculations for the worst-case scenario. Potential off-site ammonia concentrations were estimated using the ~~SLAB numerical~~ SCREEN3 dispersion model.

LAND USE – EXHIBIT 205 - TESTIMONY OF NEGAR VAHIDI

Page 4.5-12

Conflict with Any Applicable Habitat or Natural Community Conservation Plan

The **Biological Resources** section provides a detailed discussion of LORS applicable to wildlife and plants, including the proposed project's consistency with the Coachella Valley Multiple Species Habitat Conservation Plan and Natural Community Plan (MSHCP/NCP). As discussed in the **Biological Resources** section, ~~the proposed project would be consistent with~~ conditions of certification have been developed assuming that the MSHCP/NCP may not be permitted before project initiation. with implementation of Conditions of Certification **BIO-13**. As such, the Conditions of Certification presented in the **Biological Resources** section are intended to eliminate impacts to sensitive species and habitats covered under the MSHCP/NCP.

LAND USE Table 2, Project Compliance with Adopted Applicable Land Use LORS

See applicable rows from **LAND USE Table 2** following this page for text revisions.

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CONCLUSIONS AND RECOMMENDATIONS

- ~~As discussed in the **Biological Resources** section, the proposed project is consistent with the Coachella Valley Multiple Species MSHCP/NCP with implementation of Condition of Certification **BIO-13**.~~ As discussed in the **Biological Resources** section, conditions of certification have been developed assuming that the MSHCP/NCP may not be permitted before project initiation. As such, the Conditions of Certification presented in the **Biological Resources** section are intended to eliminate impacts to sensitive species and habitats covered under the MSHCP/NCP.

LAND USE Table 2
Project Compliance with Adopted Applicable Land Use LORS

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
Local			
	FSA pages 4.5-19 and 4.5-20		
<u>Riverside County Zoning Ordinance 348</u> Article XV: W-2 Zone (Controlled Development Areas)	Section 15.2 - Development Standards, Subsection a. One family residences shall not exceed forty (40') feet in height. No other building or structure shall exceed fifty (50') feet in height, unless a greater height is approved pursuant to Section 18.34 of this ordinance. In no event, however, shall a building exceed seventy-five (75') feet in height or any other structure exceed one hundred five (105') feet in height, unless a variance is approved pursuant to Section 18.27 of this ordinance.	YES (Upon Riverside County's review of staff's interpretation of the zoning code regarding height variances, and agreement with staff's conclusions presented herein, and Upon Riverside County's issuance of a Public Use Permit to CPV Sentinel for the proposed project)	As described in the Project Description section, each of the selective catalytic reduction (SCR) stacks associated with the proposed project's water-injected combustors would be 90 feet tall. In addition, the proposed transmission line structures (i.e., poles) associated with the propose project would range in height from 85 to 115 feet (URS 2007f). According to the development standards of the county's W-2 zone, "Building" is defined as a structure having a roof supported by columns or walls. "Structure" is defined as anything constructed or erected and the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground, such as awnings and patio covers, but not including walls and fences 6 feet or less in height. The stacks and transmission towers would not qualify as buildings as defined, but would qualify as structures. Therefore, the 105-foot height restriction is applicable rather than the 75-foot height restriction. Chapter 17.196 of the Zoning Ordinance describes the basis, application process, public hearing process, conditions, uses, and revocation of variances. Variances from the terms of Title 17 Zoning may be granted when, because of special circumstances applicable to a parcel of property, including size, shape, topography, location, or surroundings, the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity that is under the same zoning classification (URS 2007b). It should be noted that the proposed transmission line would be sited in an area dominated by several high voltage transmission line corridors with structures taller than 115 feet in height. For example, the Devers-Palo Verde No. 1 500-kV transmission line and the Devers-Valley No. 1 500-kV transmission line structures range in heights from 185 to 250 feet. Both of these lines and numerous other 220-kV transmission lines connect to the adjacent SCE Devers Substation. Therefore, given the predominance of existing high-voltage transmission structures in the immediate vicinity of the proposed project, it is reasonable to assume that Riverside County would issue a variance to CPV Sentinel for siting of the transmission structures but for the Energy Commission's exclusive authority to permit the proposed project and its associated facilities. Staff is unaware of any conditions on project construction or operation that would be associated with such a variance. The applicant has indicated that it will obtain written confirmation from the county regarding

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
			<p>this issue (URS 2007b). It should be noted that as of the writing of this analysis, Riverside County has not responded to the applicant's or Energy Commission staff's requests for information regarding this issue. In addition, on November 7, 2007, CPV Sentinel submitted an application for a Public Use Permit to the County of Riverside Planning Department (CPVS 2007c) in an effort to comply with the zoning designation requirements, including height limits. As of the writing of this analysis, Riverside County has not provided its findings related to the Public Use Permit application. Upon Riverside County's issuance of a Public Use Permit to CPV Sentinel for the proposed project), the <u>Therefore</u>, the proposed project would be consistent with this section of the zoning ordinance.</p> <p>In addition, the applicant has indicated that SCE will seek a Certificate of Public Convenience and Necessity (CPCN) from the CPUC for the proposed transmission line and its connection to SCE's Devers Substation (CPVS 2007a). Pursuant to CEQA, the CPUC will need to consider the environmental undergo environmental review pursuant to CEQA by the CPUC as the lead agency, wherein the impacts of the transmission line will be analyzed in deciding whether to grant the application for a CPCN. The CPUC will be able to rely on this FSA in considering those effects, as the transmission line is addressed in each technical area.</p>
	FSA pages 4.5-21 and 4.5-22		
<p><u>Riverside County Zoning Ordinance 348</u> Article VI: R-1 Zone (One-Family Dwellings)</p>	<p>Section 6.1. Uses Permitted. (1) One-family dwellings; (2) Field crops, flower and vegetable gardening,...; (3) The noncommercial keeping of horses...; (4) Home Occupations; (5) Keeping/raising of not more than four mature female crowing fowl...; (6) Planned residential developments...; (7) The noncommercial raising of not more than 1 pig...; (8) FFA or 4H projects...; (9) The outside storage of materials...</p>	<p>YES (Upon Riverside County's issuance of a Public Use Permit to CPV Energy for the proposed project)</p>	<p>Portions of the gas pipeline route east of Melissa Lane are within unincorporated Riverside County. One parcel adjacent to the east of the gas pipeline is zoned R-1 (One-Family Dwelling). But for the Energy Commissions exclusive authority to permit the proposed project and its associated facilities, installation of a gas pipeline would require a Public Use Permit from Riverside County in the R-1 zoning district. On November 7, 2007, CPV Energy submitted an application for a Public Use Permit to the County of Riverside Planning Department (CPVS 2007c) in an effort to comply with the R-1 zoning designation requirements. As of the writing of this analysis, Riverside County has not provided its findings related to the applicant's Public Use Permit application for the proposed project. <u>Upon completion of pipeline construction, the right-of-way would be returned to its original state. Therefore, because pipeline construction is a temporary activity within an existing right-of-way, it is likely that the county (but for the exclusive permitting authority of the Energy Commission) would find this project component to be consistent with this portion of the zoning code, and not impose any conditions associated with the Public Use Permit.</u></p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
			Therefore, staff concludes that the proposed project is consistent with the zoning code.
	FSA pages 4.5-22 and 4.5-23		
<p>City of Palm Springs General Plan – Land Use Element (Palm Springs 2007a)</p>	<p>LU1.1 Ensure that development meets or exceeds requirements and standards specified within each land use designation.</p>	<p>YES (Upon the City of Palm Spring's provision of conditions that would normally be included in the Conditional Use Permit to allow for development of energy uses such as the proposed project)</p>	<p>The western 1/3 portion of the construction laydown area is located within the boundaries of the City of Palm Springs. The temporary storage of vehicles, and construction equipment and materials is the proposed use for the construction laydown area. The western 1/3 portion of the construction laydown area has a Palm Springs General Plan land use designation of I (Industrial) with a "Wind Energy Overlay." Industrial uses typically include research and development parks, light manufacturing, laboratories, and industrial services (Palm Springs 2007a). Wind Energy Conversion Systems (WECS) are permitted in areas designated with the Wind Energy Overlay classification. These areas are predominantly located within areas designated as Desert, Industrial, or Open Space-Water on the Palm Springs General Plan Land Use map (Palm Springs 2007a). The portion of the construction laydown located within the City of Palm Springs has a zoning designation of E-I (Energy Industrial). Storage of materials, machinery, trucks, and other vehicles are permitted uses in this zoning district (see below for a discussion of consistency with the city's zoning code). Portions of the gas pipeline route (east of Melissa Lane) are adjacent to areas primarily designated by Palm Springs as Industrial (I) with Wind Energy Overlay and zoned Energy Industrial (E-I) and Manufacturing (M-2). The E-I zone allows energy uses with a Conditional Use Permit and industrial uses are permitted in the M-2 zoning district (Palm Springs 2007b). The proposed recycled water pipeline right-of-way is designated Very Low Residential or Medium Density Residential by the Palm Springs General Plan, and is included in the R-1-C (Single Family Residential) or the R-2 (Limited Multiple) zoning districts. Development of portions of the construction laydown area and portions of the gas pipeline in the E-I zone would normally require a Conditional Use Permit, if the city were the permitting authority for the project. However, given the Energy Commission's exclusive authority to permit the project and its associated facilities, Energy Commission staff requested that the City of Palm Springs provide the conditions that they would normally include into the Conditional Use Permit for incorporation into this Staff Assessment. However, as of the writing of this analysis, the city has not responded to staff's requests for conditions.</p> <p>It should be noted that the activities associated with the construction laydown area, the gas pipeline, and recycled water pipeline would be</p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
			<p>temporary construction-related activities. Upon completion of construction, the construction laydown area would not be used for project-related storage of construction equipment and materials. In addition, upon completion of the construction of the gas pipeline and recycled water pipeline, no permanent land use changes would occur, because both pipelines would be underground and therefore would not be incompatible with existing land uses. The proposed recycled water pipeline would be placed underground, and is intended to reduce freshwater pumping by Palm Springs National Golf Course. Therefore, given these factors it is reasonable to assume that the city would likely issue a Conditional Use Permit for development of the proposed project components within Palm Springs' boundaries <u>without any conditions but for the Energy Commission's exclusive authority to permit the project. As such, staff concludes that the proposed project is consistent with this policy.</u></p>
	FSA page 4.5-23 and 4.5-24		
<p><u>City of Palm Springs</u> Zoning Ordinance, Chapter 92.00 Zoning Regulations (Palm Springs 2007b)</p>	<p>Section 92.17.2.00, "E-I" energy industrial zone. The "E-I" energy industrial zone is intended to provide areas for alternative energy development and limited industrial uses in those areas which by virtue of strong prevailing winds are ideally suited for large-scale development of wind energy. Alternative energy development is intended as the principal land use, with the permitted industrial uses serviced directly, and primarily, by alternative energy for electrical needs. The retention of open space is encouraged. No industrial use shall be permitted which, by the nature of its development or operation, will in any way adversely affect the resort environment of the city. (Ord. 1447 (part), 1993):</p> <ul style="list-style-type: none"> • § 92.17.2.01 Uses permitted, Subsection C (Uses Permitted 	<p>YES (Upon the City of Palm Springs' provision of conditions that would normally be included in the Conditional Use Permit to allow for development of energy uses such as the proposed project)</p>	<p>The portion of the construction laydown area located within the City of Palm Springs has a zoning designation of E-I (Energy Industrial). In addition, portions of the gas pipeline route (east of Melissa Lane) are adjacent to areas zoned E-I (Energy Industrial). The E-I zone allows energy uses with a Conditional Use Permit (Palm Springs 2007b).</p> <p>As discussed above under the city's General Plan Policy LU1.1, development of portions of the construction laydown area and portions of the gas pipeline in the E-I zone would normally require a Conditional Use Permit, if the city were the permitting authority for the project. However, given that Energy Commission's exclusive authority to permit the project and its associated facilities, Energy Commission staff requested that the City of Palm Springs provide the conditions that they would normally include in the Conditional Use Permit for incorporation into this Staff Assessment. However, as of the writing of this analysis, the city has not responded to staff's requests for conditions.</p> <p>It should be noted that the activities associated with the construction laydown area and the gas pipeline would be temporary construction-related activities. Upon completion of construction, the construction laydown area would not be used for project-related storage of construction equipment and materials. In addition, upon completion of the construction of the gas pipeline, no permanent land use changes would occur, because the pipelines would be underground in existing road and utility rights-of-way, and therefore would not be incompatible with existing land uses. Therefore, absent input from the City of Palm Springs regarding specific conditions, it is</p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
	<p>by Land Use Permit.). The following uses may be permitted subject to approval of a conditional use permit, as provided in Section 94.02.00: Acid and abrasives manufacturing; Animal hospitals, shelters or kennels; Brewery, distillery or winery; Chemical plating shop; Concrete batch plants and asphalt plants; Disposal service operations; Energy Use.</p>		<p>reasonable to assume that the city would likely issue a Conditional Use Permit for development of the proposed project components within Palm Springs' boundaries, <u>without any conditions, but for the Energy Commission's exclusive licensing jurisdiction. Therefore, staff concludes that the project is consistent with the city's zoning ordinance.</u></p>
	<p>FSA page 4.5-27 and 4.5-28</p>		
<p>Coachella Valley Multiple Species Habitat Conservation Plan and Natural Community Plan¹</p>	<p>The Coachella Valley Multiple Species Habitat Conservation Plan and Natural Community Plan (MSHCP/NCP) is a comprehensive, multi-jurisdictional plan focusing on the conservation of federal and State-listed species, other rare and sensitive species, and their habitats. The MSHCP/NCP satisfies the legal requirements for the issuance of permits that will allow the take of species covered by the plan in the course of otherwise lawful activities.</p>	<p>YES</p>	<p>The LORS consistency analysis in the Biological Resources section provides a detailed discussion of the proposed CVP Sentinel's compliance with the MSHCP/NCP. The proposed project would be in compliance with the MSHCP/NCP requirements with implementation of Condition of Certification BIO-13. <u>As discussed in the Biological Resources section, conditions of certification have been developed assuming that the MSHCP/NCP may not be permitted before project initiation. As such, the Conditions of Certification presented in the Biological Resources section are intended to eliminate impacts to sensitive species and habitats covered under the MSHCP/NCP.</u></p>

¹ The **Biological Resources** section addresses consistency with the MSHCP/NCP.

SOIL AND WATER RESOURCES – EXHIBIT 206 –

TESTIMONY OF JOHN FIO, CHRITOPHER DENNIS AND JOHN KESSLER

Pages 4.9-70 through 4.9-78

Conditions of Certification

PROJECT GROUNDWATER USE

SOIL&WATER-8: The CPV Sentinel project shall use groundwater produced by the on-site wells identified in **SOIL&WATER-3** for all non-potable plant construction and process uses during operation including cooling and landscape irrigation.

- a. Prior to the use of groundwater for commercial operation, the project owner shall install and maintain metering devices as part of the water supply and distribution system to document project process water use as required to monitor and record in hundreds of cubic feet per month the total volume(s) of water supplied to the CPV Sentinel project from this water source. The metering devices shall be operational for the life of the project. Each of the five wells well to be constructed will be metered separately or provisions will be made to ensure water use from each well can be identified and documented.
- b. The amount of groundwater that can be used for project process needs shall be limited as follows:
 1. No more than 1,100 acre-feet may be consumed in any calendar year; and
 2. In any given month, the amount of water that may be consumed is the total amount of water that has been recharged (pursuant to **SOIL&WATER-10**) ~~25~~ 16 months or more prior to that month, minus the cumulative amount of water previously pumped for project process needs since the commercial operation date.
- c. The project owner shall submit to the CPM an annual summary of daily groundwater use for project process needs, including monthly subtotals and an accumulation of all project groundwater use since the commercial operation date, and the accumulation of groundwater recharged in accordance with **SOIL&WATER-10**.

- d. If insufficient water has been recharged for project process needs pursuant to **SOIL&WATER-10**, the project shall not operate, unless the CPM determines that:
1. circumstances beyond the project owner's control have temporarily prevented delivery of water purchased for project process needs to Desert Water Agency's spreading grounds; and
 2. the quantity of water conserved through implementation of conservation measures in the Mission Creek Sub-basin pursuant to SOIL&WATER-15, together with the any residual water recharged pursuant to SOIL&WATER-10 16 months or more previously that has not yet been used, has resulted in conservation of water in an amount equal to or greater than that proposed to be used for project process needs 16 months or more in advance of the month in which it is to be used for project process needs.

The period of time during which conserved water may be used to meet the requirements of this condition is limited to the duration of when water delivery was precluded by circumstances beyond the project owner's control.

Verification: The project owner shall prepare an annual summary, which will include identification of the well or wells used, daily groundwater usage in gallons per day, maximum and minimum daily usage in for each month, and annually, and total volume of groundwater used on a monthly and annual basis in acre-feet. For years subsequent to the initial year of operation, the annual summary will also include the yearly maximum and minimum and yearly average water use by source. Calculations shall be performed on a calendar year basis.

At least sixty (60) days prior to commercial operation of the CPV Sentinel project, the project owner shall submit to the CPM evidence that metering devices have been installed and are operational for process water supply and distribution.

SOIL&WATER-9: (Omitted)

~~TRANSMISSIVITY INVESTIGATION – EVALUATION OF HYDROGEOLOGIC CONDITIONS IN THE MESQUITE HUMMOCKS CONSERVATION AREA~~

SOIL&WATER-9: ~~The project owner may complete an investigation that determines subsurface geology, groundwater levels, and aquifer~~

properties (i.e., transmissivity and storage properties) in the Mesquite Hummocks Conservation Area located in the Mission Creek Groundwater Sub-basin. This investigation shall consist of the following:

- ~~1. Submit a scope of work (the Work Plan) to the CPM. This Work Plan shall contain a detailed discussion proposing the approach, methods, and timeframe for the hydrogeologic investigation.~~
- ~~2. Obtain CPM approval of the Work Plan prior to starting the investigation.~~
- ~~3. Complete the investigation as described in the approved Work Plan.~~
- ~~4. Submit a report of results that documents the methods used, data collected, analyses conducted and study conclusions regarding hydrogeologic conditions in the Mesquite Hummocks Conservation Area.~~

~~If the report demonstrates that hydrogeologic conditions and aquifer properties in the Mesquite Hummocks Conservation Area support the hypothesis that transmissivity is greater than mapped by Tyley (1974), the project owner may, upon receipt of written CPM approval, request use this transmissivity value in the calculation of the pre-charge schedule and in the calculation of potential well interference at private wells.~~

Verification: ~~The project owner shall:~~

- ~~1. At least 60 days before conducting the investigation, the project owner shall submit to the CPM, for approval, a Work Plan describing in detail the scope of work proposed for the hydrogeologic study.~~
- ~~2. At least 12 months before project operation, the project owner shall submit to the CPM a report of results documenting the aquifer properties in the Mesquite Hummocks Conservation Area, and if the transmissivity value is greater than that mapped by Tyley (1974), obtain CPM approval, if desired, to use this transmissivity value in calculating the pre-charge schedule and potential well interference at private wells.~~

GROUNDWATER RECHARGE

SOIL&WATER-10: The project owner shall ensure that its recharge of groundwater complies with the following:

1. Recharge shall occur at the Desert Water Agency's (DWA's) Mission Creek Spreading Grounds;

2. Water purchased by the project owner for recharge shall be in addition to State Water Project (SWP) supplies acquired by DWA under its entitlements as a State Water Project contractor (including DWA's Table A allocation and any surplus SWP purchases) for its groundwater replenishment program;
3. The initial water used for recharge shall be the 8,350 acre-feet of Exchanged North Kern water (hereafter referred to as North Kern water) water secured from North Kern Water Storage District pursuant to the Water Supply Agreement between CPV Sentinel and DWA, dated August 19, 2008. Recharge of additional water must comply with subdivisions a) and b) of this condition and must be approved pursuant to **SOIL&WATER-11**; and
4. The applicant shall provide to the CPM an annual accounting of cumulative water recharged on a monthly basis throughout the operating life of the project as part of the Annual Compliance Report, and in coordination with the annual reporting requirements in **SOIL&WATER-16**.

Verification: If recharge of other water is approved by the CPM pursuant to **SOIL&WATER-11**, the project owner shall, within 60 days of that approval, submit to the CPM copies of final agreements between the purchaser it and the seller of the other water, between it and DWA, and between DWA and MWD (if water is to be delivered through an exchange with MWD) that ensure that the other water will be delivered to the DWA Mission Creek spreading grounds.

APPROVAL OF NEW RECHARGE WATER SOURCES

SOIL&WATER-11:

1. The project owner shall submit a Water Supply Plan identifying additional water for recharge to the CPM for review and approval when, following delivery of 6,700 acre-feet of North Kern water, the amount of water available for project process needs is reduced to 1,650 acre-feet as calculated in **SOIL&WATER-8**.
2. Any Water Supply Plan submitted pursuant to this Condition shall include the following:
 - A. Identification of the water source;
 - B. Demonstration of the project owner's legal entitlement to the water;
 - C. Demonstration of CEQA compliance; and

- D. An estimated schedule for delivery to the DWA's Mission Creek Spreading Grounds, including applicable agreements with water supply, transfer and conveyance entities.
3. The project shall not utilize water other than North Kern water unless the CPM has approved the Water Supply Plan submitted pursuant to this Condition.

Verification: The project owner shall submit a Water Supply Plan that meets the requirements of this condition.

WATER SUPPLY CONVERSION OF PALM SPRINGS NATIONAL GOLF COURSE

SOIL&WATER-14: In accordance with the Water Conservation Funding Agreement, dated July 15, 2008, the project owner will fund construction of the water supply conversion of the PSNGC from groundwater use to recycled water use, and comply with the following requirements:

1. The project owner shall pay \$1,000,000 to the DWA for enhancements and improvements to DWA's reclaimed water system intended to maximize the availability of reclaimed water to DWA costumers;
2. The project owner shall pay \$300,000 to DWA for fees and construction costs to enable delivery of the recycled water from DWA's South Murray Canyon Drive service main to the PSNGC.
3. The project owner shall, in each calendar year following the start of commercial operation, ensure that the maximum available supply of DWA's recycled water that can be beneficially used by PSNGC will be delivered and used by PSNGC. ~~At least 1,100 AFY of recycled water supply must be made available to PSNGC for irrigation.~~
4. The project owner shall obtain records from DWA showing the volume of recycled water used and report, in acre-feet, daily the monthly and annual water use ~~in gallons per day, and monthly and annual totals in acre-feet~~ in the Annual Compliance Report. If any groundwater is used for irrigation of PSNGC, the project owner shall also obtain records showing the ~~daily water use in gallons per day, and~~ monthly and annual totals in acre-feet in the Annual Compliance Report and provide an explanation of why irrigation with groundwater was necessary.

5. In the event the PSNGC no longer requires recycled water service, the project owner shall notify the CPM within 10 days and shall comply with the requirements of **SOIL&WATER-16**.

Verification: The project owner shall do all of the following:

No later than 60 days prior to the start of the PSNGC water supply conversion project construction the project owner will provide the CPM with an agreement and schedule demonstrating the PSNGC conversion project will be constructed and operational prior to pumping groundwater for use on the CPV Sentinel project. ~~The conversion project agreement and schedule must be reviewed and approved by the CPM prior to conversion project construction. The CPV Sentinel project may not operate until the PSNGC conversion project is operational.~~

No later than ~~90~~ 60 days prior to the start of conversion project operation, the project owner will provide to the CPM a copy of the agreement between DWA and PSNGC that ensures they will take delivery of recycled water for all their irrigation needs as soon as it is available. The CPV Sentinel project may not operate until the PSNGC conversion project is operational.

The project owner shall prepare an annual summary to be included in the annual compliance report, which will include the ~~monthly~~ range and ~~monthly~~ average of monthly ~~daily~~ recycled and groundwater use in acre-feet~~gallons per day~~, and total water used on a monthly and annual basis in acre-feet. For years subsequent to the initial year of operation, the annual summary will also include the yearly range and yearly average water use by source. Calculations shall be on a calendar year basis.

IRRIGATION CONTROLLER PROGRAM

SOIL&WATER-15: In accordance with the WSP, the project owner will fund installation by DWA of irrigation controllers in existing residences and businesses in DWA's service area to achieve fresh water conservation consistent with the WSP. ~~The program will include provisions for education and outreach, demonstration programs, and installation of the controllers by DWA.~~ The project owner shall:

1. Contribute funding sufficient for DWA's installation of 4,800 irrigation controllers in its services area at existing businesses or residences to conserve between an estimated 480 to 706 acre-feet of groundwater per year. ~~Installation shall be completed no later than the end of the 7th year following the start of construction; and~~
2. ~~Contribute funding for DWA to provide long term maintenance or periodic replacement of the irrigation controllers to ensure that they are effective for a minimum of 30 years;~~

3. Cause DWA to complete an evaluation of the effectiveness of the irrigation controller program using methods similar to those used by CVWD in their Final Report dated June 21, 2007 or other methods to be approved by the CPM.; ~~and~~

~~If the installation of irrigation controllers does not result in fresh water conservation of at least 480 acre-feet each year, the project owner shall comply with **SOIL&WATER-16**.~~

Verification: The project owner shall do all of the following:

1. ~~No later than thirty (30) days after the CPV Sentinel project certification, the project owner will provide to the CPM an executed agreement with DWA to fund an irrigation controller management program to with the following elements included: purchasing and installing at least 4,800 irrigation controllers for water conservation to DWA's existing residential and business customers. The agreement will include a commitment from DWA showing they will conduct the necessary education and outreach, and demonstration projects to ensure that 4,800 controllers are installed within 7 years following start of CPV Sentinel construction~~
2. No later than one year after funding implementation of the irrigation controller program the project owner shall develop and submit to the CPM for approval a methodology and outline for a report to evaluate the effectiveness of the irrigation controller program and estimate the water savings in the Upper Coachella Valley Groundwater Basin. The methodology shall address how to account for the number of controllers that remain in use over time as well as the amount of savings per controller installed.
3. Each year after initiating the irrigation controller program, and annually thereafter, for the life of the project, the project owner shall analyze the effectiveness of the irrigation controller program using the approved methods and report on the total water conservation achieved. The report should be included in the Annual Compliance Report for approval by the CPM.
4. Submit to the CPM, as part of the Annual Compliance Report documentation, the following:
 - The annual invoice paid to the DWA, in accordance with the Water Conservation Funding Agreement dated July 15, 2008. This shall include proof of invoice payment to the DWA;
 - The estimated total and average water conservation achieved based on the number of controllers; and
 - The accounting of the project owner's contributions to DWA's Irrigation controller Program over the life of the program.; ~~and~~

- ~~A plan for maintaining and replacing as necessary the irrigation controllers over 30 years starting with CPV Sentinel's first year of commercial operation;~~

Calculations shall be on a calendar year basis.

REPORTING AND VERIFYING THE FRESH WATER CONSERVATION PROGRAM BENEFITS

SOIL&WATER-16: The project owner shall perform the following:

1. Provide annual reporting to ~~ensure that~~ assess whether the fresh water conservation benefits ~~to be~~ achieved by implementation of **SOIL&WATER-14** and **SOIL&WATER-15** ~~shall meet~~ have met the following requirements:
 - A. Achieve 1,000 AFY in fresh water conservation benefits by the end of the first full calendar year following the project commercial operation date, increasing by 100 AFY annually over the subsequent 5 years to 1,500 AFY by the end of the 6th full calendar year following the commercial operation date.
 - B. Achieve minimum cumulative water conservation benefits of 1,500 AFY for each year following the 6th full calendar year following the commercial operation date for the life of the project.
2. If the fresh water conservation benefits of the water supply conversion of the PSNGC and the irrigation program projects identified in 1.A and B above cannot be sustained for any reason ~~according to 1) and 2) above~~, the project owner shall submit a revised Water Conservation Plan within 6 months of the annual report, obtain CPM approval of the revised plan, and implement additional fresh water conservation projects on the schedule identified in the approved plan that will achieve fresh water conservation that will include the makeup of any deficits in meeting the water conservation requirements of 1.A and B ~~1) and 2)~~ of this condition.

Verification: For each year following the commercial operation date, the project owner shall provide an Annual Compliance Report, an accounting of fresh water conservation benefits for the previous calendar year, and a summary of annual fresh water conservation quantities since inception. If the water conservation benefits are not in conformance with the fresh water performance measures included in this condition, the project owner shall submit:

1. A revised Water Conservation Plan within 6 months of the annual report;
2. Obtain CPM approval of the revised plan; and
3. Implement additional fresh water conservation projects on the schedule identified in the approved plan that will achieve fresh water conservation

that will include the makeup of any deficits in meeting the water conservation requirements of 1.A and B 1) and 2) of this condition.

Supplemental Testimony by John Fio

Transmissivity values employed in the groundwater-flow model and estimated project pre-charge

The project applicant recently provided two documents describing the transmissivity distribution in the Mission Creek Groundwater Subbasin (Krieger and Stewart, October 2008) and modeling results to assess the sensitivity of simulated water level changes to modeled transmissivity beneath the Mesquite Hummocks Conservation Area (URS, October 2008).

Krieger and Stewart (October, 2008) reportedly employed the same procedure as Tyley (1974) to estimate transmissivity in the Mission Creek Subbasin using specific capacity data collected from wells during the period 1970 to 2007. A large amount of the data they considered was not available to Tyley (1974), and when considered suggests that transmissivity within the Mission Creek Subbasin is 1.5 to 2 times greater than estimated by Tyley (1974). Their conclusion is consistent with model calibration results reported by PSOMAS (2007) and transmissivity data reported by URS (July, 2008) that indicate transmissivity within significant portions of the Subbasin may be on the average about double the values reported by Tyley (1974). However, the Krieger and Stewart (October, 2008) analysis, as with all previous analyses submitted, are limited due to general spatial variability in the basin-wide transmissivity distribution and the lack of observed subsurface geology, groundwater levels, and aquifer properties beneath the Mesquite Hummocks Conservation Area (herein referred to as the "Conservation Area").

URS (October, 2008) conducted several model runs to assess the relationships between spatially varying transmissivity and simulated water level declines beneath the Conservation Area. Specifically, they simulated three transmissivity distributions to assess the sensitivity of the pre-charge schedule to uncertainty in Conservation Area transmissivity; "pre-charge" refers to the recharge schedule necessary to prevent a water level decline beneath the Conservation Area due to project related groundwater use.

The URS (October, 2008) modeling approach was reportedly consistent with the methodology employed by CEC Staff and described in the Soil and Water Resources section of the Final Staff Assessment. The transmissivity distributions URS (October, 2008) considered are as follows.

Scenario	Central Basin	Conservation Area
1	Krieger T	Krieger T
2	Krieger T	Tyley T
3	Krieger T	½ Tyley T

Notes:

Krieger T is the transmissivity distribution reported by Krieger and Stewart, October 2008.

Tyley T is the transmissivity distribution reported by Tyley (1974).

½ Tyley T is 50-percent of the transmissivity distribution reported by Tyley (1974).

URS' (October, 2008) model results suggest that percolating recharge needs to reach the water table 10 to 11 months prior to project pumping to prevent a water level decline beneath the Conservation Area. The time required for the applied water to percolate through the unsaturated zone and reach the underlying water table is approximately 5 months². Therefore, the recommended pre-charge values range from 15 to 16 months prior to project related pumping.

Model results indicate that the simulated water level decline and estimated pre-charge schedule is relatively insensitive to the transmissivity specified beneath the Conservation Area. A reasonable, conservative estimate for project pre-charge is therefore 16-months and assumes: (1) in the central portions of the subbasin, which include the Desert Water Authority's recharge facility and the project pumping wells, transmissivity is about double that reported by Tyley (1974); and, (2) the transmissivity distribution beneath the Conservation Area is the same as reported by Tyley (1974).

Because model results indicate the pre-charge schedule is relatively insensitive to the transmissivity specified beneath the Conservation Area, additional data beneath the Conservation Area is not likely to provide new model input useful toward managing project-specific groundwater level declines beneath the Conservation Area.

References Cited

Krieger and Stewart, October 7, 2008, "CPV Sentinel, LLC Energy Project (07-AFC-3), Mission Creek Groundwater Subbasin".

² URS (October, 2008) estimated 4 months are required for the applied surface water to percolate through the unsaturated zone and reach the water table. However, the depth to the water table (550 feet) is about 100 feet greater than assumed by URS (450 feet). Accordingly, the estimated travel-time for percolating water to reach the water table increases to 5 months, and the corresponding pre-charge estimates increase from 14-15 months, as reported by URS, to 15-16 months.

PSOMAS, April 2007: "Groundwater Flow Model of the Mission Creek Subbasin, Desert Hot Springs, California".

Tyley, S. J., 1974: "Analog Model Study of the Ground-Water Basin of the Upper Coachella Valley, California", Geological Survey Water-Supply Paper 2027.

URS, July 2008, "Responses to Groundwater Workshop Additional July 3, 2008 Data Requests, Application for Certification (07-AFC-3) for CPV Sentinel Energy Project, Riverside County, California".

URS, October 16, 2008, "Analysis of Pre-charge Time to Avoid Negative Impact (Project-specific Drawdown) to the Mesquite Hummocks Vegetative Community".

VISUAL RESOURCES – EXHIBIT 207 –

TESTIMONY OF MARTHA GOODAVISH

page 4.12-12, first paragraph:

~~The proposed project site is located 1.8 miles east of SR 62, a state-designated scenic highway. According to Caltran's *Scenic Highway Guidelines* (Caltrans 2007, section 1, Scenic Highway Program History) the corridor of a scenic highway is defined as the "...land that is visible from, adjacent to, and outside the highway right-of-way, and is comprised primarily of scenic and natural features. Topography, vegetation, viewing distance, and/or jurisdictional lines determine the corridor boundaries." Based on this definition, the proposed project could be within the scenic corridor of SR 62, as is the Devers Substation and the numerous wind turbines surrounding it. However, more scenic views of the Santa Rosa and San Bernardino Mountains exist to the south and west.~~

~~Assuming the proposed project lies within the scenic corridor of SR 62 (no evidence was obtained by staff that showed a defined scenic corridor boundary for this route), the visual impact of the project on the landscape would not result in a significant and adverse impact to the existing scenic corridor of SR 62. Existing industrial development associated with wind turbine generation and electrical transmission development dominate the flat desert landscape of this corner of the Western Coachella Valley. While the project would contribute to the existing industrial character, and introduce solid forms and cylindrical towers, the scale of the power plant with maximum stack heights of 90 feet, would appear somewhat dwarfed relative to the tall wind turbines that dot the landscape with maximum heights of 200 to 300 feet. Therefore, in the context of the existing level of scenic quality, the project would result in an adverse visual impact on the scenic corridor of SR 62. However, this impact on the scenic resources of SR 62 would not be significant due to the poor existing visual condition.~~

The proposed project site is located 1.8 miles east of SR 62, a state-designated scenic highway since 1972. According to the Caltran's *Scenic Highway Guidelines* (Caltrans 2007, section 1, Scenic Highway Program History) the corridor of a scenic highway is defined as the "...land that is visible from, adjacent to, and outside the highway right-of-way, and is comprised primarily of scenic and natural features. Topography, vegetation, viewing distance, and/or jurisdictional lines determine the corridor boundaries." Based on the first part of this scenic highway definition, the proposed project would be within the scenic corridor of SR 62 since it would be visible from SR 62. At the time of designation (1972), it is likely that the project landscape did meet the second part of the

definition: “comprised primarily of scenic and natural features” since most of the existing wind turbine, transmission and substation development did not exist. The third part of the definition defines the boundary of the SR 62 scenic corridor through topography and viewing distance. SR 62 does not have a formally defined or mapped scenic corridor, which is most often the case in more recently designated scenic highway corridors.

The visual impact of the proposed project, including the transmission line and poles, on the existing scenic resources of the SR 62 scenic highway corridor would not be significantly adverse because the landscape surrounding the project site currently exhibits low visual quality and no longer is “comprised primarily of scenic and natural features” as called for by the Caltrans scenic highway definition (Caltrans 2007). The introduction of wind turbines, transmission towers and poles, and the Devers Substation into the scenic highway corridor over time has substantially degraded the visual quality of the desert landscape surrounding the project site. If SR 62 were being designated today, the eastern viewshed of SR 62 near the proposed project would not meet two of the four Caltrans criteria for designation (Caltrans 2007):

- “The State or county highway consists of a scenic corridor that is comprised of a memorable landscape that showcases the natural and scenic beauty or agriculture of California ...”
- Existing visual intrusions do not significantly impact the scenic corridor ...”

As discussed in more detail under KOP 4 below, the project would contribute to the existing industrial character that currently dominates the landscape surrounding the project site. The introduction of the most visually prominent project features: the solid forms of the eight generators, 90 foot-high exhaust stacks, and the 2,300-foot long transmission line and poles would be noticeable from SR 62. The project would be co-dominant with the adjacent Devers Substation and wind turbines that dot the landscape with maximum heights of 200 to 300 feet.

In conclusion, the introduction of the project would contribute to the already low visual quality and therefore would result in an adverse visual impact. However, as seen in the context of the existing industrial landscape that dominates the project landscape, the visual impact of the project, including the transmission line and poles, would not be significant due to the low existing visual condition.

WASTE MANAGEMENT – EXHIBIT 208 –

TESTIMONY OF CHRISTOPHER DENNIS

Conditions of Certification

WASTE-6 The project owner shall ensure that spills or releases of hazardous substances, hazardous materials, or hazardous wastes associated with the construction or operation of the project are reported, delineated, cleaned-up, and remediated as necessary, under the supervision of a California Professional Geologist or Engineer and in accordance with the requirements of the Riverside County Department of Environmental Health. This responsibility excludes construction, operation, and maintenance of the transmission lines, which will be installed, operated, and maintained by Southern California Edison.

Verification: The project owner shall document unauthorized spills or releases of hazardous substances, materials, or wastes that occur on the project property or related pipeline ~~and transmission~~ corridors. The documentation shall include, at a minimum, the following information: location of release; date and time of release; reason for release; volume released; amount of contaminated soil/material generated; how release was managed and material cleaned-up; if the release was reported; to whom the release was reported; release corrective action and cleanup requirements placed by regulating agencies; level of cleanup achieved and actions taken to prevent a similar release or spill; and disposition of any hazardous wastes and/or contaminated soils and materials that may have been generated by the release. Copies of the unauthorized spill documentation shall be provided to the CPM within 30 days of the date the release was discovered.

WASTE-8 The construction contractor or project owner shall obtain a hazardous waste generator identification number from the U.S. EPA prior to generating any hazardous waste during construction and operations in accordance with CCR Title 22, Division 4.5.

Verification: The construction contractor or project owner shall keep a copy of the identification number on file at the project site and provide the number to the CPM in all compliance reports.

TRANSMISSION SYSTEM ENGINEERING – EXHIBIT 209 – TESTIMONY OF MARK HESTERS AND AJOY GUHA

Page 5.5-2

CALIFORNIA ISO'S ROLE

The California ISO is responsible for ensuring electric system reliability for all participating transmission owners and is also responsible for developing the standards necessary to achieve system reliability. The California ISO will review the studies of the SCE system to ensure adequacy of the proposed transmission interconnection. The California ISO will determine the reliability impacts of the proposed transmission modifications on the SCE transmission system in accordance with all applicable reliability criteria. According to the California ISO Tariffs, the California ISO will determine the “Need” for transmission additions or upgrades downstream from the interconnection point to insure reliability of the transmission grid. The California ISO has reviewed the System Impact Study (SIS) performed by SCE and has provided its approval for the proposed project to interconnect to the grid (CPVS 2007a, Appendix H). ~~On satisfactory completion of the SCE Facility study and in accordance with the Large Generator Interconnection Procedure (LGIP) as in the California ISO Tariff, the California ISO instead of issuing a final approval letter, would perform an Operational study examining the impacts of the project on the grid based on 2010 in-service date after the execution of the Large Generator Interconnection Agreement (LGIA) between the California ISO and the project owner. Pursuant to the June 6, 2008 Large Generator Interconnection Agreement (LGIA) between CPV Sentinel, SCE and the California ISO, SCE will complete an operational study examining the impact of adding the proposed project as of the in-service date.~~ The California ISO may also provide written and verbal testimony on their findings at the Energy Commission hearings, if necessary.

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SWITCHYARD AND INTERCONNECTION FACILITIES

Paragraph 2

The new CPV Sentinel 230 kV switchyard would be interconnected to the SCE Devers Substation 230 kV bus by building a new approximately 2,300-foot long 230 kV single circuit overhead transmission line with a bundled 1590 kcmil steel reinforced aluminum conductor (ACSR) on nine 85-foot to 115-foot high tubular steel poles. About 1,800 feet of the line would be outside of the CPV Sentinel plant or Devers substation boundaries and this portion of the line would follow the

right of way of existing SCE 230 kV and 115 kV lines adjacent to Powerline Road.

Paragraph 3

To accommodate termination of the interconnecting line at the SCE Devers substation 230 kV bus, the existing Devers-Coachella 230 kV line and Devers-Vista #1 line outlets and their terminations would be relocated to adjacent switch bays with installation of five new 230 kV circuit breakers with 3,000-ampere continuous rating and 50 kA interrupting rating, and the new interconnection line from the CPV Sentinel switchyard would be terminated to the switch bay previously occupied by the Devers-Vista #1 230 kV line through a 3,000-ampere circuit breaker. SCE would build, own and operate the new 230 kV transmission tie line and interconnecting facilities between the CPV Sentinel switchyard and Devers substation (CPVS2007a, AFC Sections 2 & 4).

Page 5.5-8

CALIFORNIA ISO REVIEW

Paragraph 1

The California ISO letter of August 8, 2007 addressed the April 6, 2005 SIS and the January 6, 2006 FS reports for interconnection of the project with 2008 summer peak and spring system conditions based on May, 2008 on-line date, ~~which is inconsistent with the May, 2010 on-line date as stated in the Application For Certification (AFC).~~ In their letter the California ISO stated that they would shortly complete a ~~Large Generator Interconnection Agreement (LGIA)~~ with the CPV Sentinel. The LGIA was completed in June of 2008 and pursuant to Section 12.2.4 of the ~~Large Generator Interconnection Procedures (LGIP)~~ in the California ISO Tariff, after the execution of the LGIA the California ISO or SCE would perform an Operational study examining the impacts of the proposed project ~~as of the on the grid base on the 2010 in-service date.~~ The applicant in their November 5, 2007 data response indicated they would provide the ~~required information~~ operational study and Condition of Certification TSE-5 requires the operational study be filed prior to the start of construction of transmission facilities. (LW2007c; CPVS 2007b).

Page 5.5-10

LORS AND CEQA REVIEW

(Paragraph 1) The SIS demonstrates that there would be an adverse impact in the SCE system for the addition of the CPV Sentinel to the Devers substation. However the identified impact would be mitigated by installing a SPS and a network upgrade that SCE has identified as needed with or without the CPV Sentinel project. The applicant's submission of a California ISO or SCE

operational study would ensure system reliability in the California ISO grid and conformance with the reliability LORS.

Page 5.5-11

CONCLUSIONS AND RECOMMENDATIONS

1. The proposed interconnecting facilities including the CPV Sentinel 230 kV switchyard, the single circuit 230 kV line to the Devers substation and its termination are adequate in accordance with good utility practices and acceptable to staff according to engineering LORS.
2. The current April 6, 2005 SIS and January 9, 2006 FS were performed by SCE to evaluate the system impact of the 850 MW CPV Sentinel generation output with 2008 system conditions based on May, 2008 estimated commercial operation date (COD) of the project, ~~which is inconsistent with the May, 2010 COD as stated in the AFC.~~ The California ISO in their August 8 letter stated that they would shortly complete a Large Generator Interconnection Agreement (LGIA) with the CPV Sentinel. And pursuant to Section 12.2.4 of the LGIP in the California ISO Tariff, after the execution of the LGIA the California ISO ~~or SCE~~, would perform an ~~Operational~~ study examining the impacts of the proposed project on the grid based on the ~~2010~~ in-service date. ~~The applicant indicated in their November 5, 2007 data response that they would provide the required information.~~ Condition of Certification TSE-5 requires the operational study be filed prior to the start of construction of transmission facilities.
4. The current SCE SIS and FS demonstrate that the addition of the CPV Sentinel would have an adverse overload impact on the Devers-San Bernardino No.1 230 kV line under certain single and double contingencies. The interim mitigation for installing a SPS to trip the CPV sentinel generation may be replaced by follow-up reconductoring of the affected line as a part of the proposed SCE 2008 Transmission Expansion Plan. The mitigation measures would eliminate the adverse impact and are acceptable to staff. The applicant's submission of a California ISO ~~Operational~~ Study report as stated in item 2 above would ensure compliance with the reliability LORS.
7. The CPV Sentinel has an existing long term Power Purchase Agreement with SCE for the ~~five~~ new generating units. The new CPV sentinel 850 MW peaking units would supplement the local wind generation in the Palm Springs area and import of power to the SCE system, and would help to meet the increasing high load demands in the Riverside County and Coachella Valley. The new generation would also provide additional reactive power supply, improved voltage in the network and would enhance reliability in the electric grid.

CONDITIONS OF CERTIFICATIONS

TSE-1 The project owner shall ensure that ~~furnish to the CPM and to the CBO~~ a schedule of transmission facility design submittals, a Master Drawing List, a Master Specifications List, and a Major Equipment and Structure List are furnished to the CPM and to the CBO. The schedule shall contain a description and list of proposed submittal packages for design, calculations, and specifications for major structures and equipment. To facilitate audits by Energy Commission staff, the project owner shall ensure that ~~provide~~ designated packages are provided to the CPM when requested.

Verification: At least 60 days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of construction, the project owner shall ensure that ~~submit~~ the schedule, a Master Drawing List, and a Master Specifications List are submitted to the CBO and to the CPM. The schedule shall contain a description and list of proposed submittal packages for design, calculations, and specifications for major structures and equipment (see a list of major equipment in **Table 1: Major Equipment List** below). Additions and deletions shall be made to the table only with CPM and CBO approval. The project owner shall ensure that ~~provide~~ schedule updates are provided in the Monthly Compliance Report.

Table 1: Major Equipment List
Breakers
Step-up Transformer
Switchyard
Busses
Surge Arrestors
Disconnects and Wave-traps
Take off facilities
Electrical Control Building
Switchyard Control Building
Transmission Pole/Tower
Insulators and Conductors
Grounding System

TSE-2 Prior to the start of construction the project owner shall ensure that ~~assign~~ an electrical engineer and at least one of each of the following are assigned to the project: A) a civil engineer; B) a geotechnical engineer or a civil engineer experienced and knowledgeable in the practice of soils engineering; C) a design engineer, who is either a structural engineer or a civil engineer fully competent and proficient in the design of power plant structures and equipment supports; or D) a mechanical engineer. (Business and Professions Code Sections 6704 et seq., require state registration to practice as a civil engineer or structural engineer in California.)

The tasks performed by the civil, mechanical, electrical or design engineers may be divided between two or more engineers, as long as each engineer is responsible for a particular segment of the project (e.g., proposed earthwork, civil structures, power plant structures, equipment support). No segment of the project shall have more than one responsible engineer. The transmission line may be the responsibility of a separate California registered electrical engineer. The civil, geotechnical or civil and design engineer assigned in conformance with Facility Design condition **GEN-5**, may be responsible for design and review of the TSE facilities.

The project owner shall ensure that ~~submit to the CBO for review and approval~~, the names, qualifications and registration numbers of all engineers assigned to the project are submitted to the CBO for review and approval. If any one of the designated engineers is subsequently reassigned or replaced, the project owner shall ensure that ~~submit~~ the name, qualifications and registration number of the newly assigned engineer are submitted to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer. This engineer shall be authorized to halt earthwork and to require changes if site conditions are unsafe or do not conform with predicted conditions used as a basis for design of earthwork or foundations.

The electrical engineer shall:

1. Be responsible for the electrical design of the power plant switchyard, outlet and termination facilities; and
2. Sign and stamp electrical design drawings, plans, specifications, and calculations.

Verification: At least 30 days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of rough grading, the project owner shall ensure that ~~submit to the CBO for review and approval~~, the names, qualifications and registration numbers of all the responsible engineers assigned to the project are submitted to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approvals of the engineers within five days of the approval.

If the designated responsible engineer is subsequently reassigned or replaced, the project owner has five days in which to ~~submit~~ ensure that the name, qualifications, and registration number of the newly assigned engineer to the is submitted to the CBO for review and approval. The project owner shall ensure that ~~notify the CPM~~ is notified of the CBO's approval of the new engineer within five days of the approval.

TSE-3 If any discrepancy in design and/or construction is discovered in any engineering work that has undergone CBO design review and approval, the project owner shall ensure that document the discrepancy is documented and ~~recommend~~ corrective action is recommended. (1998 CBC, Chapter 1, Section 108.4, Approval Required; Chapter 17, Section 1701.3, Duties and Responsibilities of the Special Inspector; Appendix Chapter 33, Section 3317.7, Notification of Noncompliance). The project owner shall ensure that the discrepancy documentation shall become a controlled document and ~~shall be~~ is submitted to the CBO for review and approval and ~~shall~~ reference this condition of certification.

Verification: The project owner shall ensure that submit a copy of the CBO's approval or disapproval of any corrective action taken to resolve a discrepancy is submitted to the CPM within 15 days of receipt. If disapproved, the project owner shall ensure that advise the CPM is advised, within five days, the reason for disapproval, and the revised corrective action required to obtain the CBO's approval.

TSE-4 For the power plant switchyard, outlet line and termination, the project owner shall ensure that not begin any increment of construction until plans for that increment have been approved by the CBO construction does not begin any increment. These plans, together with design changes and design change notices, shall remain on the site for one year after completion of construction. The project owner shall ensure that request that the CBO is requested to inspect the installation to ensure compliance with the requirements of applicable LORS. The following activities shall be reported in the Monthly Compliance Report:

- a) receipt or delay of major electrical equipment;
- b) testing or energization of major electrical equipment; and
- c) the number of electrical drawings approved, submitted for approval, and still to be submitted.

Verification: At least 30 days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of each increment of construction, the project owner shall ensure that ~~submit to the CBO for review and approval~~ the final design plans, specifications and calculations for equipment and systems of the power plant switchyard, outlet line and termination, including a copy of the signed and stamped statement from the responsible electrical engineer attesting to compliance with the applicable LORS, are submitted to the CBO for review and approval and that ~~send the CPM~~ a copy of the transmittal letter is sent to the CPM in the next Monthly Compliance Report.

TSE-5 The project owner shall ensure that the design, construction and operation of the proposed transmission facilities will conform to all applicable LORS, including the requirements listed below. The project

owner shall ensure that submit the required number of copies of the design drawings and calculations are submitted to the CBO as determined by the CBO.

- a) The power plant switchyard and outlet line shall meet or exceed the electrical, mechanical, civil and structural requirements of CPUC General Order 95 or National Electric Safety Code (NESC), Title 8 of the California Code and Regulations (Title 8), Articles 35, 36 and 37 of the “High Voltage Electric Safety Orders”, California ISO standards, National Electric Code (NEC) and related industry standards.
- b) Breakers and busses in the power plant switchyard and other switchyards, where applicable, shall be sized to accommodate full output from the project and to comply with a short-circuit analysis.
- c) Outlet line crossings and line parallels with transmission and distribution facilities shall be coordinated with the transmission line owner and comply with the owner’s standards.
- d) The project conductors shall be sized to accommodate the full output from the project.
- e) Termination facilities shall comply with applicable PG&E interconnection standards.
- f) The project owner shall ensure that the following items are provided to the CPM:
 - i) A line route drawing after selecting one of the alternate route options for the generator interconnection 230 kV tie line.
 - ii) The Special Protection System (SPS) sequencing and timing if applicable,
 - iii) A letter stating that the mitigation measures or projects selected by the transmission owners for each criteria violation are acceptable,
 - iv) The operational study report based on the in-service date 2010 or current Commercial Operation Date (COD) system conditions (including operational mitigation measures) from the California ISO and/or SCE.

Verification: At least 60 days prior to the start of construction of transmission facilities (or a lesser number of days mutually agree to by the project owner and CBO), the project owner shall ensure that the following are submitted to the CBO for approval:

- a) Design drawings, specifications and calculations conforming with CPUC General Order 95 or NESC, Title 8, Articles 35, 36 and 37 of the “High Voltage Electric Safety Orders”, NEC, applicable interconnection standards and related industry standards, for the poles/towers, foundations, anchor bolts, conductors, grounding systems and major switchyard equipment.
- b) For each element of the transmission facilities identified above, the submittal package to the CBO shall contain the design criteria, a discussion of the calculation method(s), a sample calculation based on “worst case conditions”³ and a statement signed and sealed by the registered engineer in responsible charge, or other acceptable alternative verification, that the transmission element(s) will conform with CPUC General Order 95 or NESC, Title 8, California Code of Regulations, Articles 35, 36 and 37 of them, “High Voltage Electric Safety Orders”, NEC, applicable interconnection standards, and related industry standards.
- c) Electrical one-line diagrams signed and sealed by the registered professional electrical engineer in responsible charge, a route map, and an engineering description of equipment and the configurations covered by requirements **TSE-5** a) through f) above.
- d) A line route drawing after selecting one of the alternate route options for the generator interconnection 230 kV tie line.
- e) The Special Protection Scheme (SPS) sequencing and timing if applicable shall be provided concurrently to the CPM.
- f) A letter stating that the mitigation measures or projects selected by the transmission owners for each criteria violation are acceptable.
- g) The Operational study report based on 2010 or current COD system conditions (including operational mitigation measures) from the California ISO and/or SCE.

TSE-6 The project owner shall ensure that ~~inform~~ the CPM and CBO are informed of any impending changes that may not conform to requirements **TSE-5** a) through f), and have not received CPM and CBO approval, and request approval to implement such changes. A detailed description of the proposed change and complete engineering, environmental, and economic rationale for the change shall accompany the request. Construction involving changed equipment or substation configurations shall not begin without prior written approval of the changes by the CBO and the CPM.

³ Worst case conditions for the foundations would include for instance, a dead-end or angle pole.

Verification: At least 60 days prior to the construction of transmission facilities, the project owner shall ensure that ~~inform~~ the CBO and the CPM are informed of any impending changes that may not conform to requirements of **TSE-5** and request approval to implement such changes.

- TSE-7** The project owner shall provide the following Notice to the California Independent System Operator (California -ISO) prior to synchronizing the facility with the California Transmission system:
1. At least one week prior to synchronizing the facility with the grid for testing, provide the California ISO a letter stating the proposed date of synchronization; and
 2. At least one business day prior to synchronizing the facility with the grid for testing, provide telephone notification to the California ISO Outage Coordination Department.

Verification: The project owner shall provide copies of the California ISO letter to the CPM when it is sent to the California ISO one week prior to initial synchronization with the grid. The project owner shall contact the California ISO Outage Coordination Department, Monday through Friday, between the hours of 0700 and 1530 at (916) 351-2300 at least one business day prior to synchronizing the facility with the grid for testing. A report of conversation with the California ISO shall be provided electronically to the CPM one day before synchronizing the facility with the California transmission system for the first time.

- TSE-8** The project owner shall be responsible for the inspection of the transmission facilities during and after project construction, and any subsequent CPM and CBO approved changes thereto, to ensure conformance with CPUC GO-95 or NESC, Title 8, CCR, Articles 35, 36 and 37 of them, “High Voltage Electric Safety Orders”, applicable interconnection standards, NEC and related industry standards. In case of non-conformance, the project owner shall ensure that ~~inform~~ the CPM and CBO are informed in writing, within 10 days of discovering such non-conformance and describe the corrective actions to be taken.

Verification: Within 60 days after first synchronization of the project, the project owner shall ensure that the following is transmitted to the CPM and CBO:

- a) “As built” engineering description(s) and one-line drawings of the electrical portion of the facilities signed and sealed by the registered electrical engineer in responsible charge. A statement attesting to conformance with CPUC GO-95 or NESC, Title 8, California Code of Regulations, Articles 35, 36 and 37 of the, “High Voltage Electric Safety Orders”, and applicable interconnection standards, NEC, related industry standards, and these conditions shall be provided concurrently.

- b) An “as built” engineering description of the mechanical, structural, and civil portion of the transmission facilities signed and sealed by the registered engineer in responsible charge or acceptable alternative verification. “As built” drawings of the electrical, mechanical, structural, and civil portion of the transmission facilities shall be maintained at the power plant and made available, if requested, for CPM audit as set forth in the “Compliance Monitoring Plan”.
- c) A summary of inspections of the completed transmission facilities, and identification of any nonconforming work and corrective actions taken, signed and sealed by the registered engineer in charge.

TRANSMISSION LINE SAFETY AND NUISANCE – EXHIBIT 210 – TESTIMONY OF OBED ODOEMELAN

Pages 4.11-9 and 10

CUMULATIVE IMPACTS and MITIGATION

When field intensities are measured or estimated for a specific location, they reflect the interactive, and therefore, cumulative effects of fields from all contributing conductors. This interaction could be additive, or subtractive depending on prevailing conditions. Since the proposed project transmission line and switchyard would be designed according to applicable field-reducing SCE guidelines (as currently required by the CPUC for effective field management), any contribution to cumulative area exposures should be at levels expected for SCE lines of similar voltage and current-carrying capacity. It is this similarity in intensity that constitutes compliance with current CPUC requirements on EMF management. The actual field strengths and contribution levels for the proposed line design would be measured by an individual experienced in measuring EMF according to the American National Standard Institute/Institute of Electrical and Electronic Engineers (ANSI/IEEE) standard procedures ~~assessed from the results of the field strength measurements specified in Condition of Certification TLSN-3.~~ Even though low-income and minority populations exist in the immediate project area, staff has not identified any significant unmitigated adverse transmission line safety and nuisance impacts with the proposed project or cumulative impacts; therefore, no significant adverse impacts to minority or low-income populations are expected to occur.

Page 4.11-11

PROPOSED CONDITIONS OF CERTIFICATION

TLSN-1 The project owner shall ensure that ~~construct~~ the proposed transmission lines are constructed according to the requirements of California Public Utility Commission's GO-95, GO-52, GO-131-D, Title 8, and Group 2. High Voltage Electrical Safety Orders, Sections 2700 through 2974 of the California Code of Regulations, and Southern California Edison's EMF-reduction guidelines.

A. At least thirty days before starting construction of the transmission line or related structures and facilities, the project owner shall submit to the Compliance Project Manager (CPM) a letter signed by a California registered electrical engineer affirming that the lines will be constructed according to the requirements stated in the condition.

TLSN-3 The project owner shall use a ~~qualified individual~~ an individual experienced in measuring EMF according to the American National Standard Institute/Institute of Electrical and Electronic Engineers (ANSI/IEEE) standard procedures to measure the strengths of the electric and magnetic fields from the line at the points of maximum intensity for which intensity estimates were provided by the applicant. The measurements shall be made before and after energization according to the American National Standard Institute/Institute of Electrical and Electronic Engineers (ANSI/IEEE) standard procedures. These measurements shall be completed not later than six months after the start of operations.

B. The project owner shall file copies of the pre-and post-energization measurements with the CPM within 60 days after completion of the measurements.

TRAFFIC AND TRANSPORTATION – EXHIBIT 211 –

TESTIMONY OF MARK HAMBLIN

PROPOSED CONDITIONS OF CERTIFICATION

Improvement to Melissa Lane and Dedication of Roadway

TRANS-5 Prior to the start of commercial operation, the project owner shall dedicate, and complete improvement of Melissa Lane from Dillon Road to ~~the north boundary of the CPV Sentinel Energy facility site~~ 16th Avenue according to the eCounty of Riverside standard for a collector rural road – Riverside County Standard No. 136. The project owner shall ~~improved~~ improve this portion of Melissa Lane with 28 feet of asphalt concrete pavement within a 60-foot full-width dedicated right-of-way including standard corner cutback in accordance to county standards.

The project owner shall also dedicate and complete improvement of roadway from 16th Avenue north to the project site to the County of Riverside standard for a commercial driveway – Riverside County Standard No. 207A, or improved to a standard agreed to by the Director of the County of Riverside Transportation and Land Management.

Verification: Not later than a 180 days prior to the estimated start of commercial operation, the project owner shall submit to the Director of the county of Riverside Transportation and Land Management Agency, Planning Department for review, the required improvement plan(s) for Melissa Lane, and the roadway north of 16th Avenue to the project site, and the completed forms for the dedication of the roadway segments.

The project owner shall provide to the CPM a copy of the transmittal letter submitted to the county of Riverside Department of Transportation and Land Management Agency, Planning Department requesting their review of the improvement plans and dedication of roadway submitted for Melissa Lane and the roadway north of 16th Avenue to the project site.

The project owner shall allow the Director of the county of Riverside Transportation and Land Management Agency, Planning Department 30 days to provide comment on the improvement plans and roadway dedication.

The project owner shall provide a copy of the Director of the county of Riverside Transportation and Land Management Agency, Planning Department comments to the CPM prior to the start of construction of the improvements to Melissa Lane and the roadway north of 16th Avenue to the project site, and roadway dedication.

If the CPM determines that the improvement plans and/or the roadway dedication requires revision, the project owner shall provide to the CPM and the Director of the county of Riverside Transportation and Land Management Agency, Planning Department a plan and/or roadway dedication request with the specified revision(s) for review and approval by the CPM before the improvement plan is implemented.

The project owner shall simultaneously notify the CPM and the Director of the county of Riverside Transportation and Land Management Agency, Planning Department that the improvement to Melissa Lane and the roadway north of 16th Avenue to the project site is completed and ready for final inspection.

WORKER SAFETY AND FIRE PROTECTION – EXHIBIT 212 – TESTIMONY OF RICK TYLER

Pages 4.14-10 and 4.14-11

Operation

The information in the AFC indicates that the project intends to meet the fire protection and suppression requirements of the California Fire Code, all applicable recommended National Fire Protection Association (NFPA) standards (including Standard 850 addressing fire protection at electric generating plants), and all Cal/OSHA requirements ~~with one exception (see below)~~. Fire suppression elements in the proposed plant would include both fixed and portable fire extinguishing systems. The fire water would be ~~potable~~ raw water ~~supplied pumped from on-site wells the Sweetwater Authority to the project's raw water storage tanks~~ (CPV Sentinel 2007a).

DECLARATION OF
John S. Kessler

I, John S. Kessler, declare as follows:

1. I am presently a consultant to the California Energy Commission for the Siting Office of the Energy Facilities Siting Division as a Project Manager.
2. A copy of my professional qualifications and experience were included in the FSA, and is incorporated by reference herein.
3. I helped prepare the Additional Staff Testimony on **Executive Summary, Project Description and Soil and Water Resources** for the CPV Sentinel Energy Project based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: October 22, 2008

Signed: _____

John S. Kessler

At: Sacramento, California

**DECLARATION OF
Joseph M. Loyer**

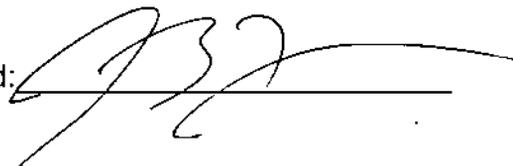
I, Joseph M. Loyer declare as follows:

1. I am presently employed by the California Energy Commission in the Environmental Office of the Siting, Transmission and Environmental Protection Division as an Associate Mechanical Engineer.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the staff testimony on Air Quality, for the CPV Sentinel Energy Project based on my independent analysis of the Application for Certification and supplement hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 10/27/08

Signed: _____



At: Sacramento, California

DECLARATION OF
Heather V. Blair

I, Heather V. Blair, declare as follows:

1. I am presently a consultant to the California Energy Commission for the Environmental Protection Office of the Energy Facilities Siting Division.
2. My professional qualifications and experience were included in the FSA, and are incorporated by reference herein.
3. I helped prepare the Additional Staff Testimony on **Biological Resources** for the CPV Sentinel Energy Project based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: October 24, 2008

Signed: _____



At: Sacramento, California

DECLARATION OF

Rick Tyler

I, **Rick A. Tyler**, declare as follows:

1. I am presently employed by the California Energy Commission in the Siting Office of the Energy Facilities Siting Division as a Senior Mechanical Engineer.
2. A copy of my professional qualifications and experience were included in the FSA, and is incorporated by reference herein.
3. I prepared the Additional Staff Testimony on Hazardous Materials Management and Worker Safety / Fire Protection for the CPV Sentinel Energy Project based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: October 22, 2008

Signed:

A handwritten signature in black ink, appearing to read 'RT', is written over a horizontal line.

At: Sacramento, California

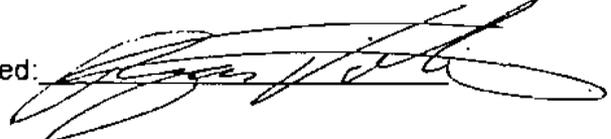
DECLARATION OF
Negar Vahidi

I, Negar Vahidi, declare as follows:

1. I am presently a consultant to the California Energy Commission for the Siting Office of the Energy Facilities Siting Division as a Senior Land Use Technical Specialist.
2. A copy of my professional qualifications and experience were included in the FSA, and is incorporated by reference herein.
3. I helped prepare the Additional Staff Testimony on Land Use for the CPV Sentinel Energy Project based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: October 27, 2008

Signed: 

At: Agoura Hills, California

DECLARATION OF
John L. Fio

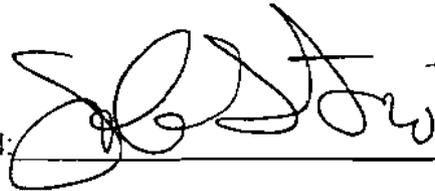
I, John L. Fio, declare as follows:

1. I am presently a consultant to the California Energy Commission for the Siting Office of the Energy Facilities Siting Division as a Hydrogeologic Consultant through Aspen Environmental Group.
2. A copy of my professional qualifications and experience were included with the Final Staff Assessment and are incorporated by reference herein.
3. I helped prepare Additional Staff Testimony on **Soil and Water Resources** for the CPV Sentinel Energy Project based on my independent analysis of the Application for Certification and the supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: October 23, 2008

Signed: _____



At: Dixon, California

**DECLARATION OF
Christopher B. Dennis, P.G.**

I, **Christopher B. Dennis**, declare as follows:

1. I am presently employed by the California Energy Commission for the in the Environmental Office of the Siting, Transmission and Environmental Protection Division as an Engineering Geologist.
2. ~~A copy of m~~ My professional qualifications and experience were included in the FSA, and are is attached hereto and incorporated by reference herein.
3. I helped prepare the Additional Staff Testimony on **Soil and Water Resources** for the CPV Sentinel Energy Project based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: October 22, 2008

Signed: _____

C.B.D.

At: Sacramento, California

**DECLARATION OF
Christopher B. Dennis, P.G.**

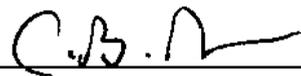
I, **Christopher B. Dennis**, declare as follows:

1. I am presently employed by the California Energy Commission for the in the Environmental Office of the Siting, Transmission and Environmental Protection Division as an Engineering Geologist.
2. ~~A copy of~~ My professional qualifications and experience were included in the FSA, and are is attached hereto and incorporated by reference herein.
3. I helped prepare the Additional Staff Testimony on **Waste Management** for the CPV Sentinel Energy Project based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: October 22, 2008

Signed: _____



At: Sacramento, California

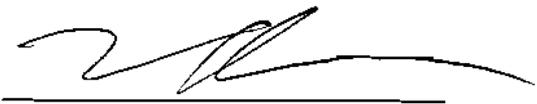
**DECLARATION OF
Mark Hesters**

I, **Mark Hesters** declare as follows:

1. I am presently employed by the California Energy Commission in the **Strategic Transmission Planning Office** of the Siting, Transmission and Environmental Protection Division as a **Senior Electrical Engineer**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the Additional staff testimony on **Transmission System Engineering**, for the **CPV Sentinel Energy Project** based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 10/23/08

Signed: 

At: Sacramento, California

DECLARATION OF
Ajoy Guha

I, **Ajoy Guha** declare as follows:

1. I am presently employed by the California Energy Commission in the **Strategic Transmission Planning Office** of the Siting, Transmission and Environmental Protection Division as an **Associate Electrical Engineer**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the Additional staff testimony on **Transmission System Engineering**, for the **CPV Sentinel Energy Project** based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 10-25-08 Signed: 

At: Sacramento, California

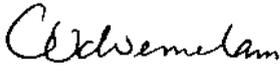
DECLARATION OF

Dr. Obed Odoemelam

I, **Obed Odoemelam** declare as follows:

1. I am presently employed by the California Energy Commission in the Facilities Siting Division as a Staff Toxicologist.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare the staff testimony on **Transmission Line Safety and Nuisance** for the CPV Sentinel Energy Project based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 10/24/08 Signed: 

At: Sacramento, California

**DECLARATION OF
Mark R. Hamblin**

I, Mark R. Hamblin declare as follows:

I am presently employed by the California Energy Commission in the Environmental Protection Office of the Siting, Transmission, Environmental Protection Division as a Planner II.

My professional qualifications and experience were included in the FSA, and are incorporated by reference herein.

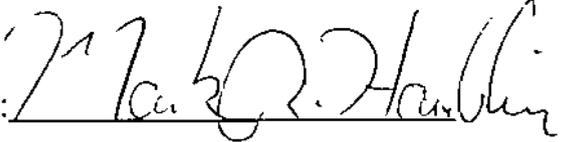
I prepared the additional staff testimony for the Traffic and Transportation section for the proposed CPV Sentinel Energy Project based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.

It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.

I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: October 22, 2008

Signed: 

At: Sacramento, California



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION FOR THE
CPV SENTINEL ENERGY PROJECT
BY THE CPV SENTINEL, L.L.C

DOCKET No. 07-AFC-3
PROOF OF SERVICE
(Revised 10/24/2008)

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-3
1516 Ninth Street, MS-15
Sacramento, CA 95814-5512
doCKET@energy.state.ca.us

APPLICANT

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APPLICANT'S CONSULTANT

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COUNSEL FOR APPLICANT

Michael J. Carroll
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michael.carroll@lw.com

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INTERVENORS

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ENERGY COMMISSION

John Kessler, Project Manager
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Caryn Holmes, Staff Counsel
cholmes@energy.state.ca.us

JACKALYNE PFANNENSTIEL
Chair and Associate Committee Member
jpfannen@energy.state.ca.us

***Elena Miller**
Public Adviser
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Hilarie Anderson, declare that on October 27, 2008, I deposited copies of the attached Additional Testimony and Addendum to Final Staff Assessment Filed by Energy Commission Staff, in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

Original signature in Dockets
Hilarie Anderson