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MIDWAY SUNSET COGENERATION PROJECT (85-AFC-03C)

CONDITIONS OF CERTIFICATION

As Amended

(Updated November 16, 2021)

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MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
AIR QUALITY CONDITIONS OF CERTIFICATION

These Conditions of Certification were changed per the following Energy Commission Approval(s) or Order(s):

Type of Approval	Approval Date or Order #	Docket Transaction Number (TN)	Changed Conditions of Certification
Commission Order	89-0215-05a		AQ-13
Commission Order	89-0510-06a		AQ-33 thru 43
Commission Order	90-0606-23b		AQ-14
Commission Order	91-1023-03d		AQ-36, 37, 38, 42, 43
Commission Order	95-0920-01a	2657	AQ-1 thru 47
Commission Order	99-0317-01b	19784	AQ-5, 9
Commission Order	99-1117-03		AQ-5, 7, 12, 18, 23, 25, 32
Commission Order	00-1011-10	16680	AQ-18
Commission Order	03-0909-02	29922	AQ-18, 48 thru 54
Commission Order	06-1030-03	38292	AQ-18
Commission Order	07-0926-02	42576	AQ-48
Commission Order	11-0406-02	60289	AQ-18
Commission Order	14-0514-03	202346	Most AQ Conditions
Commission Order	21-0317-1a	237232	AQ-15
Staff Approval	11-16-2021		AQ-18, 26, 31, 36, 55, and 56

AQ-1 Before implementing any major change in the Air Emissions Control Systems (AECS), Emissions Monitoring System (EMS), the Computer Control System (CCS), or the emission offsets of Requirement **AQ-26**, the project owner shall submit the proposed change for approval. Examples of major changes are the use of an alternative AECS, EMS, or CCS, or a major change to the emissions offset package.

Verification: Sixty days before implementing any major change identified above, the project owner shall submit to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) and the California Energy Commission the design details of the proposed change and a discussion of the potential change in air emissions from the project or the changes to the proposed offsets for the project. The project owner shall receive written approval from the SJVUAPCD and the Energy Commission prior to implementing any major change.

AQ-2 The project owner shall obtain from the U.S. Environmental Protection Agency (EPA) a Prevention of Significant Deterioration (PSD) permit or exemption.

Verification: Within 30 days of receipt of the PSD permit or PSD exemption notification from the EPA, the project owner shall submit a copy of the PSD permit or exemption notification to the Energy Commission and the SJVUAPCD.

AQ-3 All areas disturbed by construction in the immediate vicinity, and under the project owner responsibility during the construction phase, shall be properly and routinely treated for dust control by water application or paving (for access roads and construction sites), with the intent of meeting the requirements of SJVUAPCD nuisance rule.

Verification: The project owner shall make the construction site available to the SJVUAPCD and the Energy Commission for inspection and monitoring. If any dust suppressant other than water is proposed, the project owner shall obtain approval from the SJVUAPCD.

AQ-4 The SJVUAPCD shall monitor compliance of the site preparation, construction, and operation of the Midway-Sunset Project cogeneration plant with the Conditions for Certification contained in the Energy Commission Decision on the Midway-Sunset Cogeneration Project, as they relate to air quality laws. The SJVUAPCD shall perform all duties and functions normally conducted by the SJVUAPCD and shall have the authority to issue a Permit to Operate. The conditions of the Permit to Operate shall be consistent with the Energy Commission Certification Conditions.

Verification: The SJVUAPCD and the Energy Commission staff will, at the request of either party, meet to review the status of project Compliance. The Energy Commission staff shall be allowed to review the SJVUAPCD's enforcement and project files except for "trade secrets" which will be managed as set forth in SJVUAPCD rules.

AQ-5 The project owner shall design the Midway-Sunset project using the following design Conditions:

a. Each CTG shall have the following instrumentation: 1) fuel consumption monitor/recorder accurate to +- 3 percent;

b. Continuous emission monitoring systems for SOx (as SO2), NOx (as NO2) and CO shall serve each CTG flue gas stream and shall conform to SJVUAPCD Rules.

c. Each exhaust stack shall be equipped with permanent stack sampling provisions adequate to facilitate testing consistent with Environmental Protection Agency (EPA) Reference Methods.

d. Flue gas ducting from CTG's through the stacks to the atmosphere shall have no provisions for introduction of dilution air.

e. Lube oil cooler/accumulator vent(s) shall be equipped with control device(s) approved by the Air Pollution Control Officer (APCO) sufficient to prevent emissions.

Verification: The project owner shall maintain and make available for inspection the "Approved for Construction Drawings" to the SJVUAPCD, the California Air Resources Board (ARB), and the Energy Commission upon reasonable notice (1 hour for weekdays, 8 hours for weekends and holidays). The project owner shall make the site available for inspection by the SJVUAPCD, ARB, and the Energy Commission during both construction and operation upon reasonable notice (1 hour for weekdays, 8 hours for weekends and holidays).

AQ-6 Natural gas sulfur content shall not exceed 0.31 grains/100 standard cubic foot.

Verification: The project owner shall maintain an operational log on site for inspection by the SJVUAPCD, ARB and the Energy Commission. The log shall contain records of the fuel purchased, lower heating value (LHV), sulfur content, and daily fuel consumed.

AQ-7 Fuel natural gas sulfur content shall not exceed 0.017% by weight.

Verification: The project owner shall maintain a fuel purchase and consumption log on-site for inspection by SJVUAPCD, ARB and Energy Commission. The log shall contain records of the fuel purchased, lower heating value (LHV), sulfur content, API gravity specification, and daily fuel consumed.

AQ-8 Deleted

AQ-9 Deleted

AQ-10 All tank welds, seams, gauge hatches, sampling ports, pressure relief valves, etc. shall be gas-tight and shall have no detectable emissions.

Verification: The project owner shall provide access to the SJVUAPCD to inspect tank welds seams, gauge hatches, sampling ports, and pressure relief valves.

AQ-11 Tankage water draw offs, if any, shall consist of closed piping to the existing water treatment plant.

Verification: The project owner shall provide access to the SJVUAPCD to inspect the tankage water system.

AQ-12 Deleted

AQ-13 All new or existing wells producing from zones newly steamed or new wells producing from a currently steamed zone shall be served by an APCO-approved wellhead casing vent vapor recovery system or alternatively, well casing vents may be shut in. As an alternative, well casing vents may be shut in.

Verification: MSCC shall ensure the following: Six months prior to the anticipated startup date of the cogeneration facility, Sun E&P shall prepare a technical analysis of the well head casing vent vapor recovery and disposal systems that will be used to mitigate hydrocarbon emissions from the Midway-Sunset cogeneration project. This analysis shall be provided to SJVUAPCD and Energy Commission for of certification.

Sun E&P shall maintain and make available for inspection the "Approved for Construction Drawings" of the well head casing vent vapor recovery system to the SJVUAPCD, ARB, and the Energy Commission upon reasonable notice (1 hour for weekdays, 8 hours for weekends and holidays). Sun E&P shall make the site available for inspection by the SJVUAPCD, ARB, and the Energy Commission during both construction and operation upon reasonable notice (1 hour for weekdays, 8 hours for weekends and holidays).

MSCC shall provide SJVUAPCD and the Energy Commission with well numbers and Verification that the vessels receiving produced fluids from the wells are pressure vessels. Otherwise, all vessels receiving produced fluids from these wells must be vented to a SJVUAPCD-approved vapor control system.

AQ-14 Steam produced by this project shall only be utilized by an APCO approved recipient unless prior APCO approval is granted.

Verification: Prior to selling steam to steam users other than the APCO approved steam recipient, MSCC shall make application to the SJVUAPCD for a revised permit naming the new steam users. MSCC shall provide the Energy Commission with copies of such requests.

AQ-15 Deleted

AQ-16 The project owner may increase emissions from approved emission limits upon approval of additional offsets in an amount sufficient to offset the increased levels, provided that in no case shall the facility be operated at any emission rate which would exceed any limits contained in SJVUAPCD regulations. Future revisions resulting in emission decreases will be approvable pursuant to the requirements of SJVUAPCD Rules.

Verification: Sixty days before implementing any changes to the emission sampling limits (Requirement **AQ-18**), the project owner shall submit to the SJVUAPCD and the Energy Commission the design details of the proposed emission sampling limits changes and the rationale and justification for those changes.

The project owner shall receive written approval from the SJVUAPCD and the Energy Commission prior to operating the turbines at emission levels greater than those indicated in Requirement **AQ-18**.

AQ-17 Lube oil cooler/accumulator vent(s) shall not have detectable emissions.

Verification: As part of the performance test plan required by Requirement-Verification **AQ-18a**, the project owner shall provide provisions for source testing the lube oil cooler/accumulator vent(s). Source testing of the lube oil cooler/accumulator vent(s)

shall take place according to the requirements of Requirement-Verification **AQ-18b, c,** and **d**.

AQ-18 Pollutant emissions from the Stack of each combustion turbine shall not exceed the following limits (in pounds mass per hour, lbm/hr) except during times of start-up or shutdown (as described in Condition of Certification **AQ-44**):

Particulate	9.98	lbm/hr
Sulfur Compounds	0.92	lbm/hr as SO2
Oxides of Nitrogen	17.66	lbm/hr as NO2
Hydrocarbons (nonmethane)	9.00	lbm/hr
Carbon Monoxide	54.91	lbm/hr

Verification: To demonstrate compliance with the emission limits provided, the owner/operator shall provide initial and on-going performance tests as follows:

a. Source testing shall be conducted using the methods and procedures approved by the District. The District and the Energy Commission must be notified 30 days prior to any compliance source test, and a source test plan must be submitted for approval 15 days prior to testing.

b. Deleted.

c. Compliance with NOx and CO emission limits shall be demonstrated by a District-witnessed sample collection by an independent testing laboratory on an annual basis. Compliance with NOx, CO and ammonia emissions limits shall be demonstrated by District-witnessed sample collection by independent testing laboratory within 60 days of any use of the SCR system, unless compliance with emissions limitations has been demonstrated with the SCR system in operation within the preceding 12-month period.

d. The owners shall submit the results of the compliance test within 60 days of completion of the tests. The owners shall submit to the SJVUAPCD, its application for a Permit to Operate via registered mail. The owners shall submit a copy of the application to the Energy Commission within 10 days of its submittal to the SJVUAPCD. The SJVUAPCD shall approve or disapprove the application as prescribed in the SJVUAPCD rules.

e. The owners shall include all Excursions in the Quarterly Emissions Report as a separate section (such as “breakdowns” or “excess emissions”) as well as including them in all daily and annual emission calculations.

AQ-19 Nonparallel flow in the exhaust stacks shall be verified immediately prior to compliance testing, or APCO-approved testing methods for nonparallel flow shall be utilized.

Verification: As part of the performance test plan as required by Requirement-Verification **AQ-18a**, the project owner shall evaluate any non- parallel cyclonic) flow problem in the emission stacks and provide recommendations of EPA-approved testing methods for cyclonic flow circumstances that will be used at the Midway-Sunset project.

AQ-20 All continuous emission monitoring systems shall be calibrated and operated according to EPA guidelines as specified in Title 40, CFR, Part 60, Appendix B.

Verification: The project owner shall submit to the SJVUAPCD and the Energy Commission, 120 days before the startup of the facility, a continuous emission monitoring plan. The plan shall describe the monitoring equipment, monitoring locations, calibration techniques as specified by Title 40, CFR, Part 60, Appendix B, and reporting format, procedures, and schedules. Within 60 days of receipt of the plan, the SJVUAPCD shall advise the project owner and the Energy Commission of the acceptability of the plan.

AQ-21 Quarterly continuous monitoring reports shall be submitted to the APCO as required by EPA regulations as specified in Title 40, CFR, Part 60, Appendix B.

Verification: Reports shall be submitted to the SJVUAPCD and the Energy Commission on a quarterly basis per the above Requirement.

AQ-22 Audits of all monitors shall be conducted by an independent laboratory in accordance with EPA guidelines, witnessed by the SJVUAPCD, and reports shall be submitted to the SJVUAPCD within 60 days of such audit.

Verification: The audits for all continuous monitors shall be funded by the project owner and performed by an independent laboratory in accordance with EPA monitoring guidelines. The SJVUAPCD, ARB, and Energy Commission staff shall be allowed to witness the audit testing. The audit reports shall be submitted to the SJVUAPCD within 30 days of each audit.

AQ-23 Deleted

AQ-24 All notification, record keeping, performance tests, reporting requirements, and compliance test requirements of SJVUAPCD Rules shall be satisfied.

Verification: The annual compliance report to the Energy Commission shall contain a statement on the status of applicable compliance with SJVUAPCD Rules.

AQ-25 Design details, as they relate to air contaminant generation or emission control potential, CTG combustion systems; NOx control systems; and lube oil vent controls shall be submitted to and approved by the APCO prior to installation.

Verification: The project owner shall provide the above information to the SJVUAPCD and the Energy Commission 60 days before installation of the equipment identified in Requirement **AQ-25**.

AQ-26 Deleted.

AQ-27 Operational records including fuel type, fuel characteristics, and consumption shall be maintained and shall be made immediately available to SJVUAPCD staff upon request.

Verification: The project owner shall maintain a fuel purchase and consumption log on site for inspection by the SJVUAPCD, ARB, and the Energy Commission. The log shall contain records of the fuel purchased, lower heating value (LHV), sulfur content, and daily fuel consumed.

AQ-28 Accurate records of SOx (as SO2). NOx (as NO2), and CO flue gas concentrations corrected to 15 percent O2 and CTG fuel sulfur content shall be maintained as described by applicable SJVUAPCD Rules and shall be reported upon request.

Verification: The project owner shall make the continuous emission monitors and recorded measurements as well as fuel consumption records available to the SJVUAPCD, ARB, and the Energy Commission upon request.

AQ-29 The project owner shall receive, prior to installation of this equipment, APCO approval of a comprehensive plan detailing how compliance with emission limits and offset requirements will be achieved and documented at all turbine operating conditions (including operation of one or two turbines).

Verification: As per Verifications for Requirements **AQ-18** and **AQ-26**.

AQ-30 Before commencement of construction, the project owner shall receive APCO approval of a comprehensive plan detailing how compliance with the will be achieved, continuously documented and continuously reported. At a minimum, the plan shall include the use of continuous emissions monitors serving the whole plant; fuel In consumption data; and a micro-computer system to continuously determine emission rates, compare measured emission rates to emission sampling limits, provide instantaneous display and demonstration of compliance, and, record and report results. Compliance with individual turbine limits (as opposed to whole facility limits) would preclude the necessity of this plan.

Verification: Six months prior to the commencement of construction of the cogeneration facility (or a lesser period mutually agreeable to the SJVUAPCD and the Energy Commission), the project owner shall provide the above-mentioned emission limit compliance plan to the SJVUAPCD and the Energy Commission for approval. The plan shall include, but not be limited to, equipment specifications, "Approved for Construction" drawings, manufacturers' literature, and any other supporting documentation necessary to verify the accuracy and reliability of the selected equipment.

AQ-31 Deleted.

AQ-32 Deleted.

AQ-33 Rock bed gravel shall completely cover steam exhaust manifold of the Steam Pit-Rock Muffler unit.

Verification: The project owner shall make the site available for inspection by the APCO, ARB, and the Energy Commission during both construction and operation upon reasonable notice (1 hour for weekdays, 8 hours for weekends and holidays).

AQ-34 The Steam Pit-Rock Muffler Permit unit shall be equipped with sampling provisions consistent with EPA and SJVUAPCD requirements.

Verification: MSCC shall submit to the SJVUAPCD and the Energy Commission CPM, 20 days after commencement of operation of the Steam Pit-Rock Muffler unit, an emissions sampling plan. The plan shall describe the sampling equipment, sampling locations, sampling techniques, and reporting format, procedures and schedules. Within 20 days of receipt of the plan, the SJVUAPCD shall advise MSCC and Energy Commission CPM of the acceptability of the plan.

AQ-35 The Steam Pit-Rock Muffler unit shall receive steam only from MSCC cogeneration units SJVUAPCD permit numbers S-1135-224, -225, -226.

Verification: MSCC shall make the site available for inspection by the SJVUAPCD, ARB, and the Energy Commission during both construction and operation upon reasonable notice (1 hour for weekdays, 8 hours for weekends and holidays).

AQ-36 Deleted.

AQ-37 The Steam Pit-Rock Muffler unit shall not be used for more than six hours in any one day.

Verification: See Condition **AQ-38**.

AQ-38 The project owner shall keep accurate daily records indicating hours of Steam Pit-Rock Muffler unit usage.

Verification: Records shall be available for District and Energy Commission staff review on request. The records shall provide data for no less than one year from the date of request.

AQ-39 Emissions from this Steam Pit-Rock Muffler unit operation shall not constitute a nuisance.

Verification: In their quarterly compliance report, MSCC shall provide a copy of any reports of nuisance resulting from the operation of the rock muffler that have been filed by or with the SJVUAPCD.

AQ-40 H2S emissions from the Steam Pit-Rock Muffler unit shall not exceed 19 lbm/hr.

Verification: Compliance with sampling limits shall be demonstrated by SJVUAPCD witnessed sample collection by independent testing laboratory within 60 days after startup, and official test results and field data submitted within 30 days after collection.

AQ-41 Only treated water shall be used as steam generator feed water.

Verification: MSCC shall submit annual compliance reports detailing the quantities of reclaimed produced water used and the quantities of fresh water purchased from the West Kern Water District for the use at the Midway-Sunset Cogeneration facility (Same as the verification for **Water Resources Condition 2**).

AQ-42 Pollutant emissions from the Steam Pit-Rock Muffler shall not exceed the following limits (in pounds mass per hour, lbm/hr):

Particulate matter	8.40 lbm/hr
Sulfur Compounds	64.00 lbm/hr (as SO4)
Hydrocarbons	1.00 lbm/hr

Verification: Compliance with sampling limits shall be demonstrated by SJVUAPCD witnessed sample collection by independent testing laboratory within 60 days after startup, and official test results and field data submitted within 30 days after collection.

AQ-43 No more than one turbine at a time shall discharge into the Steam Pit-Rock Muffler. This discharge shall not exceed 30 minutes in any one hour.

Verification: Same as Air Quality Condition Verification **AQ-38**.

AQ-44 Start-ups/Shutdowns at the Midway-Sunset Cogeneration Facility shall not exceed more than 2 hours in duration and are not subject to the operational hourly emission limits stated in Condition **AQ-18**.

Verification: See the Verification for Condition **AQ-45**

AQ-45 During periods of start-up or shutdown at the Midway-Sunset Cogeneration Facility, the following emission limits will apply averaged over the two hour permitted duration (see Condition **AQ-44**).

Gas-fired case: per turbine train	
Oxides of Nitrogen	140 lbm/hr averaged over 2 hours as NO2
Carbon Monoxide	94 lbm/hr averaged over 2 hours

Verification: The owner/operator shall include in the annual and quarterly reports a balance of emissions for periods of start-up or shutdown from the CEM system demonstrating compliance.

AQ-46 Periods of reduced load are defined as the time duration which the gas turbines at the Midway-Sunset Cogeneration Facility is operated at less than rated capacity in order to change the position of the exhaust gas diverter gate and is not to exceed one hour in duration.

Verification: See Verification for Condition **AQ-47**.

AQ-47 During periods of reduced loads as defined by Condition **AQ-46**, only the following emission limits will apply.

Gas-fired case: per turbine train	
Oxides of Nitrogen	140 lbm/hr as NO2
Carbon Monoxide	94 lbm/hr

Verification: The owner/operator shall include in the annual and quarterly reports a balance of emissions for periods of reduced load from the CEM system demonstrating compliance.

AQ-48 The emission of unreacted ammonia slip from any exhaust stack shall not exceed the following limits:

10 ppm	@ 15% O2	averaged over 24 hours

Verification: The owner shall monitor and record the ammonia slip from each exhaust stack as required in Conditions of Certification **AQ-49** through **AQ-54**.

The owner shall report the ammonia slip as part of the quarterly emission report required by Condition of Certification **AQ-21**.

AQ-49 Each CTG shall be equipped with a continuously recording emission monitor preceding the SCR module measuring NOx concentration for the purpose of calculating ammonia slip. The owner shall check, record and quantify the calibration drift (CD) at two concentration values at least once daily (approximately 24 hours) when the SCR is operated. The calibration shall be adjusted whenever the daily zero or high-level CD exceeds 5 percent. If either the zero or high-level CD exceeds 5 percent for five consecutive daily periods, the analyzer shall be deemed out-of-control. If either the zero or high-level CD exceeds 10 percent during any CD check, the analyzer shall be deemed out-of-control. If the analyzer is out-of-control, the owner shall take appropriate corrective action and then repeat the CD check.

Verification: The owner shall report the CD checks for each day as part of the quarterly emission report required by Condition of Certification **AQ-21**.

AQ-50 Each ammonia injection grid shall be equipped with an operational ammonia flow-meter and injection pressure indicator.

Verification: The owner shall make the site available for inspection by the SJVUAPCD, ARB and the Energy Commission during construction and operation with reasonable notice.

AQ-51 Each heat recovery steam generator design shall provide for additional selective catalytic reduction and oxidation catalyst if required to meet NOx and CO emission limits.

Verification: The owner shall make the site available for inspection by the SJVUAPCD, ARB and the Energy Commission during construction and operation with reasonable notice.

AQ-52 When SCR is operated, the owner shall monitor and record the exhaust gas temperature at the selective catalytic reduction and oxidation catalyst inlets.

Verification: The owner shall report the inlet temperature as recorded as part of the quarterly emission report required by Condition of Certification **AQ-21**.

AQ-53 When SCR is operated, ammonia shall be injected whenever the selective catalytic reduction system catalyst exceeds the minimum ammonia injection temperature recommended by the manufacturer.

Verification: The owner shall report the ammonia injection rate as part of the quarterly emission report required by Condition of Certification **AQ-21**.

AQ-54 Compliance with the ammonia slip limits (Condition of Certification **AQ-48**) shall be demonstrated by using the following calculation procedure:

$A_s = ((a-(bxc/1,000,000)) \times 1,000,000 / b) \times d$

where: A_s= ammonia slip (ppmv @15 percent O2)

a = ammonia injection rate (lbs/hr)/17(lbs/lb. mol)

b = dry exhaust gas flow rate (lbs/hr)/(29(lbs/lb. mol)

c = change in measured NOx concentration across the catalyst (ppmv @ 15 percent O2), and

d = correction factor. The correction factor shall be derived annually during compliance testing by comparing the measured and calculated ammonia slip.

Verification: The owner shall report ammonia slip required in Condition of Certification **AQ-48** via the indicated calculation procedure. The owner shall submit for approval the ammonia source testing protocols no later than 30 days prior to the annual ammonia slip source-testing date.

The owner shall notify the Energy Commission and the SJVUAPCD no later than 10 days prior to the date of the annual ammonia source test. The owner shall submit for approval the results of the annual ammonia source test including any changes to the correction factor “d” above within 90 days of the completion of the annual ammonia source test.

AQ-55 Annual fuel consumption of Unit C shall not exceed 1,617 MMscf on a twelve-consecutive month rolling basis.

Verification: The project owner shall include records of Unit C fuel use as part of the quarterly emission report required by Condition of Certification **AQ-21** and annual compliance report.

AQ-56 The project owner shall comply with the following emission limit at all times except during periods of start-up, shutdown, or reduced load: NOx (as NO2): 5.0 ppmv, and CO: 25 ppmv, dry @ 15% O2 corrected to ISO conditions.

Verification: The project owner shall demonstrate compliance with the condition as part of the quarterly emission report required by Condition of Certification **AQ-21**.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
BIOLOGICAL RESOURCES CONDITIONS OF CERTIFICATION

These Conditions of Certification were changed per the following Energy Commission Approval(s) or Order(s):

Type of Approval	Approval Date or Order #	Docket Transaction Number (TN)	Changed Conditions of Certification
Commission Order	88-0406		BIO-5
Commission Order	89-0628-23b		BIO-2p
Commission Order	90-0606-23b		BIO-14
Commission Order	91-1120-04a		BIO-15 thru 37
Commission Order	98-1014-10	9533	Three extra conditions added pertaining to CNLM habitat/fencing for SJKF

BIO-1 A qualified biologist shall be designated by Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) to advise the Midway-Sunset Cogeneration Project supervisory construction engineer of details concerning required biological surveys and mitigation. A qualified biologist is defined as meeting the minimum requirements of having a bachelor's degree in biological science, zoology, botany, ecology, or a closely related field, plus three years of working experience in field biology or as being certified by or meeting certification requirements of a nationally recognized biological society, such as the Ecological Society for America or the Wildlife Society. The appropriate experience must be demonstrated for the specific tasks to be conducted by the biologist. The supervising construction engineer will act on the advice of the biologist to ensure conformance with the Biological Resources Mitigation Implementation Plan (BRMIP) and the terms and conditions of the certification.

Verification: At least 30 days prior to the start of site preparation, SCC/SSEC will provide the California Energy Commission (CEC) with the name, telephone number, and qualifications of the designated biologist. The qualifications of the designated biologist will be submitted to the CEC staff for review. If there is a change in the designated biologist, SCC/SSEC will submit new information to the CEC for review.

BIO-2 SCC/SSEC shall submit a detailed Biological Resource Mitigation Implementation Plan (BRMIP) to the CEC. The BRMIP shall include the following specific measures:

a. To minimize impact to sensitive plant species along the transmission line route,[1] SCC/SSEC's qualified biologist shall perform site-specific surveys during the appropriate season after locations of transmission poles, pulling sites, access roads and spur roads, and associated work areas have been staked in the field. If a proposed location lies within a population of any sensitive plant species, the location shall be moved to the greatest extent feasible to avoid the sensitive species. If a CNPS List 4 species cannot be avoided without moving the location onto a population of a more sensitive plant species (CNPS List 1 or USFWS candidate species), the location shall be placed in the population of the CNPS List 4 species. In areas where a Kern mallow population cannot be avoided, construction activity shall be restricted to July 1 through September 30, unless otherwise approved by CEC staff. In all areas where sensitive plant populations cannot be avoided, soil disturbance shall be minimized to the greatest extent feasible. Mitigation measures to minimize disturbance during construction shall be employed throughout the length of the transmission line route as described in 2.o, below. If sensitive plant species are found near construction areas other than along the transmission line, disturbance of these populations shall be avoided or minimized to the greatest extent feasible

b. Cut and fill slopes and any other heavily disturbed construction areas of the Midway-Sunset Cogeneration Plant and switchyard shall be revegetated in the fall following completion of construction. Revegetation success shall be monitored and revegetation repeated, if required, to obtain a minimum of 95 percent of normal coverage characteristic of the surrounding undisturbed area. As determined in consultation with CEC staff, species to be used for revegetation shall consist of plant species supportive of wildlife and found in the local area.

c. All lightly disturbed areas will be allowed to revegetate naturally. If revegetation does not proceed at a reasonable rate by the end of the second year after completion of construction activities, SCC/SSEC shall revegetate the areas as described in 2.b, above.

d. An ongoing, regularly scheduled education program shall be developed for the Midway-Sunset Cogeneration Project workers. This program shall inform construction and operation personnel about the need to avoid accidental or intentional disturbance to the San Joaquin kit fox, blunt-nosed leopard lizard, **San Joaquin antelope squirrel**, giant kangaroo rat, sensitive plant species, and the habitats of these species. An outline of the education program including the scope and

[1] Sensitive plant species identified along the transmission line route are gypsum-loving larkspur, Kern mallow, cottony buckwheat, Hoover's eriastrum, many-flowered eriastrum, Kern tarplant, Lost Hills sagebrush, and San Joaquin bluecurls.

information regarding the program's timing, implementation and administration shall be included in the BRMIP.

e. A monitoring program shall be established to record worker interactions with the kit fox, blunt-nosed leopard lizard, **San Joaquin antelope squirrel**, and giant kangaroo rat during construction and operation of the cogeneration plant and related facilities to ensure that significant impacts to these species do not develop. Worker interaction shall include all sightings within the main power plant area, steam and gas pipeline rights-of-way west of the W&S Lease, transmission line right-of-way, access roads, fuel storage area, and any other area directly associated with the Midway-Sunset Cogeneration Project. Any adverse impacts to these species or other rare, threatened, or endangered species reported to or observed by Midway-Sunset Cogeneration Project personnel shall be promptly reported within two working days to CEC biology staff. An outline of the monitoring program's scope and information regarding its implementation and administration shall be included in the BRMIP.

f. If blunt-nosed leopard lizards or San **Joaquin antelope squirrels** are encountered at the cogeneration site, transmission line corridor, or pipeline corridors, SCC/SSEC's qualified biologist shall remove all lizards and **squirrels** within areas that may be subject to direct disturbance during construction using approved live-capture techniques. Permits or other required approval from appropriate agencies (USFWS and CDFG) shall be obtained prior to the removal effort. Blunt-nosed leopard lizard burrows shall be excavated when a lizard is known to occupy a burrow that may be disturbed or destroyed by project-related activity. The burrow shall be dug out carefully by hand under the direction of the SCC/SSEC qualified biologist as described for kit fox dens in 2.j, below. Construction exclusion zones of 25-foot radius shall be established around burrows that have been observed to be used by a **San Joaquin antelope squirrel** which lie within the area surveyed prior to construction described in 2.h, and are within 100 feet of areas that will be disturbed during construction. Exclusion zones shall be staked-off with wooden stakes and cord, marked with signs, and maintained until completion of construction of nearby facilities. If construction activity within the exclusion zone is unavoidable, CEC and CDFG staffs shall be contacted to determine appropriate measures to protect the species. CEC and CDFG staffs shall inform SCC/SSEC of approved measures within three working days following contact. Lizards or **squirrels** shall not be moved more than 1/4 mile from the capture site. CEC staff shall be notified of any permit applications and of any removal activities prior to their occurrence.

g. If the giant kangaroo rat is found in areas surveyed prior to commencement of construction, or in areas subsequently surveyed

during the life of the project, CEC staff shall be contacted to determine appropriate measures to protect the species.

h. No sooner than 30 days prior to the commencement of any project construction, the area within 200 feet of the cogeneration plant and related facilities, including the transmission line, existing access roads and fuel storage area, and the area within 100 feet of pipelines, shall be surveyed for sensitive biological resources. Surveys shall be repeated annually for the above areas exclusive of the transmission line and its associated access roads and areas not owned or leased by Sun E&P. The surveys shall include 100 percent coverage of the area and shall be conducted by or under the direction of the SCC/SSEC qualified biologist. Construction exclusion zones shall be established during all surveys within 50 and 25 feet of multiple- and single-opening kit fox dens, respectively, within the survey area. Exclusion zones shall be established regardless of whether the den appears active or inactive. Along the transmission line and on land not owned or leased by Sun E&P adjacent to the cogeneration plant site, the exclusion zones shall be marked with signs and staked-off with wooden stakes connected by cord. In all other areas exclusion areas shall be marked with signs and staked off by metal poles and cable. If the dens are less than the designated distance from currently existing oil field activities (i.e., roads, pumping units, oil field equipment, etc.), the zones shall be marked with signs and staked-off so as not to interfere with those activities. Exclusion zones along the transmission line and on land not owned or leased by Sun E&P shall be maintained until construction is completed, after which time SCC/SSEC shall promptly remove all markings. Exclusion zones in all other areas shall be maintained for the life of the project, or until the den becomes naturally unusable by kit fox and CEC staff approves removal of markers. Construction within a 150-foot radius of an active or recently active natal kit fox den shall be restricted to July through November, unless otherwise permitted by CEC staff. No San Joaquin kit fox dens shall be destroyed without prior consultation and approval by CEC staff. Following completion of transmission line construction, construction activity along the transmission line other than emergency construction shall be subject to approval by CEC staff.

i. If Midway-Sunset construction or operation activities cannot be avoided within established exclusion zones for any kit fox dens, SCC/SSEC shall notify and consult with CEC staff to develop alternate measures and obtain approval prior to any activity within the zone. The SCC/SSEC qualified biologist shall monitor and document all activities within the exclusion zone. To avoid potential impact to kit fox, use of the dens by the animals shall be discouraged over the course of several nights as described in 2.j, below. Construction or operation activities may proceed once the entrance is plugged and no kit fox activity at the den is noted. If an animal returns to a plugged den during

construction activity, the construction activity within the exclusion zone shall cease until the animal can be safely excluded from the construction site. Dirt plugs shall be removed upon completion of the construction activity.

j. If the destruction of a kit fox den is unavoidable, the following methods shall be used to exclude the animal from the den. Prior to the construction activity near the den, the entrance of the den shall be partially blocked with loose dirt for several days to discourage the use of the den while allowing potentially trapped animals to escape. Then the den shall be carefully dug out under the direction of the SCC/SSEC's qualified biologist, by hand and with a shovel, to ensure that no animals are trapped within a pocket of the den. If this procedure is deemed unsafe by SCC/SSEC, CEC staff shall be consulted to determine alternative measures. Excavated dens shall be completely destroyed to ensure that the animal cannot reenter the den during the construction period. Den destruction shall be monitored on site and documented by SCC/SSEC's qualified biologist. Documentation shall include preparation of a map detailing the den size and configuration for all destroyed kit fox dens.

k. Any kit fox den that must be destroyed shall be replaced with an artificial den. Design, construction, and placement of artificial dens shall be done with the consultation of the CEC, CDFG, and USFWS staffs prior to destruction of any kit fox den.

l. SCC/SSEC shall improve the foraging habitat available to the **San Joaquin antelope squirrel**, blunt-nosed leopard lizard, and kit fox prey, providing potential benefit to these species. Prey habitat improvement shall include revegetation of areas heavily disturbed during construction, including the revegetation and irrigation of all cut and fill slopes associated with the cogeneration site. Revegetation techniques shall be approved by the CEC biology staff and shall include the use of plants characteristic of the region with food value to kit fox prey, leopard lizard prey, and the **antelope squirrel**. SCC/SSEC shall protect the biological resources within the confines of Crocker Canyon owned or leased by Sun E&P west of burrow site number 53 as identified in SCC/SSEC's Figure 1 (SCC/SSEC 1986b) by closing the area to disturbance, including vehicular activity (except for existing road), grazing, and future development.

m. No more than 30 days prior to initial project construction, SCC/SSEC's qualified biologist shall survey the areas owned or leased by Sun E&P within a 1/2-mile radius of the cogeneration plant site to locate kit fox dens. This survey area overlaps portions of the survey area described in Condition 2.h. These surveys shall be repeated annually. Exclusion zones of 50-foot radius for multiple-opening kit fox dens and 25-foot radius for single-opening kit fox dens shall be established for all identified dens during all surveys. Exclusion zones shall be marked as

described in 2.h, above. New construction and other activities physically affecting the habitat within the exclusion zones shall only be allowed with the approval of the CEC staff. The exclusion zones shall be maintained for the life of the Midway-Sunset Cogeneration Project, or until the den naturally becomes unusable by kit fox and CEC staff approves removal of markings.

n. SCC/SSEC shall report to CEC staff all San Joaquin kit fox, **San Joaquin antelope squirrel**, giant kangaroo rat, and blunt-nosed leopard lizard road kills within the area of the cogeneration plant and related facilities, including access roads and roads traveled by cogeneration workers and cogeneration plant operators within the oil field areas owned or leased by Sun E&P. Road kills within the steam service area shall be included in the reports if they are discovered by or reported to a cogeneration construction worker, plant operator or SCC/SSEC biologist.

o. In addition to the above mitigation measures, the following measures shall be implemented to minimize impacts to all sensitive species during installation of the transmission line. The area of disturbance at each transmission line tower site and pulling site shall be minimized. In addition, the length of routes of overland travel shall be minimized. Wherever possible, vegetation shall not be cleared for access roads, spur roads, routes of overland travel, tower sites, and pulling sites. Instead, vehicles shall be driven over vegetation. Installation of the transmission line shall be accomplished with rubber-tired vehicles. The SCC/SSEC qualified biologist shall assist in the selection of tower sites, pulling sites, work areas, access and spur roads and routes of overland travel, as described in 2.a, above, to avoid sensitive biological resources. All work areas and routes of travel by vehicles shall be clearly marked in the field during construction. Construction activities and vehicular movement shall be restricted to these designated areas. A 20-mph speed limit shall be established for all new and existing access and spur roads, and routes of overland travel, associated with the project. This speed limit shall be posted in all vehicles that potentially may be used in areas associated with the project. Immediately prior to construction (i.e., ground disturbance activities) of the transmission line, the SCC/SSEC qualified biologist, or an equally qualified biologist working under the SCC/SSEC qualified biologist's direction, shall survey the area for the presence of blunt-nosed leopard lizards or **antelope squirrels**. If any are found, they shall be removed as specified in 2f, above. Throughout the transmission line route, SCC/SSEC shall restrict construction activity to between May 1 and September 30, unless otherwise approved by CEC staff. In areas where Kern mallow cannot be avoided, construction activity shall be restricted to between July 1 and September 30, unless otherwise approved by CEC staff.

p. No sooner than 30 days prior to the commencement of any project construction, the area within 100 feet of pipelines shall be surveyed for sensitive biological resources. Surveys shall be repeated annually for the above areas exclusive of areas not owned or leased by Sun E&P. The surveys shall include 100 percent coverage of the area and shall be conducted by or under the direction of the MSCC qualified biologist. Construction exclusion zones shall be established during all surveys within 50 or 25 feet of multiple-and single-opening kit fox dens, respectively, within the survey area. Exclusion zones shall be established regardless of whether the den appears active or inactive. Exclusion areas shall be marked with signs and staked off by metal poles and cable or yellow nylon rope. If the dens are less than the designated distance from currently existing oil field activities (i.e., roads, pumping units, oil field equipment, etc.), the zones shall be marked with signs and staked-off so as not to interfere with those activities. Exclusion zones shall be maintained for the life of the project, or until the den becomes naturally unusable by kit fox and CEC staff approves removal of markers. Construction within a 150-foot radius of an active or recently active natal kit fox den shall be restricted to July through November, unless otherwise permitted by CEC staff. No San Joaquin kit fox dens shall be destroyed without prior consultation and approval by CEC staff.

Verification: At least 90 days prior to commencement of site preparation activities, SCC/SSEC shall submit the draft BRMIP to the CEC, CDFG and USFWS biology staffs for review and approval. The CEC, CDFG and USFWS biology staffs will review and comment on the draft BRMIP within 45 days of receipt. Site preparation shall not begin until the final BRMIP is approved by CEC staff.

MSCC shall document the implementation of the measures cited above and provide an annual summary report to the CEC. This report can initially be incorporated into the first annual report scheduled for the cogeneration project after approval of the proposed amendment.

BIO-3 SCC/SSEC shall implement the mitigation measures and monitoring identified in the BRMIP as set forth in Condition 2 above, and Condition 6 below.

Verification: The BRMIP shall be submitted to the CEC biology staff prior to beginning site preparation. SCC/SSEC shall notify CEC staff, in writing, within 10 days of successfully satisfying each condition of the BRMIP. If any conditions of the plan are not successfully satisfied, SCC/SSEC shall submit proposed corrective actions within 30 days to the CEC staff for comment and approval.

The SCC/SSEC qualified biologist shall submit to the CEC semiannual compliance statements verifying compliance and status of the requirements with the BRMIP and the California Energy Commission Decision for the portions relevant to biological resources. These statements shall be submitted beginning six months after the start of site preparation and continuing until one year after the start of commercial operation.

Thereafter, annual compliance statements and interim reports on studies in progress shall be submitted for the life of the project. SCC/SSEC shall report any significant adverse impacts to rare, threatened or endangered species by telephone to the CEC Compliance Project Manager within two working days during the normal work week or by the end of the next working day following a weekend or holiday, and shall submit a follow-up written report within 10 days following contact with CEC.

BIO-4 SCC/SSEC shall, in a timely manner, arrange for CEC access to inspect biological resource impacts, mitigation measures, and study areas during pre-construction, construction and operation activities of the cogeneration plant and related facilities. The access shall be provided upon request and at times necessary to conduct biological field observations.

Verification: SCC/SSEC shall provide documentation to the CEC that arrangements have been made for the above access.

BIO-5 SCC/SSEC shall propose and, after review and approval by CEC staff, shall do one of the following:

a. Purchase and donate to a third party acceptable to CEC staff, sufficient habitat for restoration and preservation to compensate for the otherwise unmitigated impacts associated with the project, within 120 days after project certification, or the start of construction, whichever comes first. Simultaneously, attending funds shall also be donated to the third party to cover related costs of administration, site improvement, and site protection. Prior to land acquisition, SCC/SSEC shall submit a written request to acquire the proposed site, including relevant supporting information to CEC staff for review. The site proposed by SCC/SSEC must be in an area and of a size acceptable to representatives of CEC, CDFG, and USFWS, and the amount of attending funds must also be acceptable to these agencies. In the event that the proposed site is not acceptable, SCC/SSEC shall seek an alternate location and repeat the agency review process.

b. Provide the sum of $500,000 to purchase habitat for restoration and preservation to compensate for the otherwise unmitigated impacts associated with the project. SCC/SSEC shall deposit $500,000 into an interest-bearing Special Deposit Fund account within 120 days after project certification, or the start of construction, whichever comes first. SCC/SSEC shall deposit funds into the account for the purchase and donation of land by a third party acceptable to CEC staff, to be used as habitat compensation for all otherwise unmitigated impacts of the Midway-Sunset Project. The sum in the Special Deposit Fund account shall be used as a fund for the purchase of suitable acreage for San Joaquin kit fox, blunt-nosed leopard lizard, and San Joaquin antelope squirrel habitat preservation, and to cover related costs of administration, site improvement, and site protection.

Verification: Within 120 days after project certification or at the start of construction, whichever comes first, SCC/SSEC shall submit to the CEC verification of the acreage purchase or shall transfer the $500,000 to the CEC for deposit to the Special Deposit Fund account. Land to be purchased through the Special Deposit Fund account shall be acquired within 12 months following establishment of the Special Deposit Fund account. This time limit may be extended with the written consent of the CDFG and the USFWS.

BIO-6 SCC/SSEC shall maintain a map, updated annually, based on annual surveys showing the locations of all marked sensitive biological resource areas (i.e., kit fox dens described in 2.h and 2.m, above) within 1/2 mile of the cogeneration site and within 100 feet of the centerline of pipeline corridors on land owned or leased by Sun E&P. The map shall have an aerial photographic base, also updated annually. The signs located at the sensitive biological resource areas shall contain a telephone number to call to obtain authorization for any activity within the protected zone or to report any accidental disturbance in the zone. SCC/SSEC's qualified biologist shall be notified of all requests or disturbances and consulted to ensure conformance with the BRMIP and the biological terms and conditions of certification. The marked sensitive biological resource areas shall be maintained for the life of the Midway-Sunset Cogeneration Project, or until the dens naturally become unusable by kit fox and CEC staff approves removal of markers.

Verification: Upon completion of the biological surveys, SCC/SSEC shall submit two copies of the map to CEC. Additional up-to-date maps shall be submitted annually. SCC/SSEC shall provide the CEC with the telephone number that will be shown on the signs.

A summary of each of the requests and disturbances and the actions taken shall be included in the periodic compliance statement to the CEC.

BIO-7 SCC/SSEC shall implement and/or fund a monitoring program designed to: a) monitor the effect of the project on sensitive biological resources, and b) monitor the effectiveness of biological resource mitigation measures implemented as conditions for certification. The monitoring program shall be designed and implemented in consultation with the approval of CEC biology staff. Monitoring shall be initiated a minimum of one year prior to project construction or immediately upon certification if construction will commence less than one year following certification. Monitoring shall continue during construction and for a minimum of five years after the project commences operation. Five years after the project begins operation, CEC staff shall evaluate the monitoring program results and may extend the program for an additional specified period of time. The monitoring program design shall, at a minimum, address project effects on blunt-nosed leopard lizards, San Joaquin kit fox, San Joaquin antelope squirrels, and other sensitive species, the effectiveness of artificial San Joaquin kit fox dens if any are constructed as a result of the project; and, the effectiveness of enhancement measures.

Verification: At least 90 days prior to the commencement of monitoring activities, SCC/SSEC shall provide a draft monitoring program to the CEC biology staff for review and approval. CEC staff will review and comment on the draft monitoring program within 45 days of receipt. No site preparation will begin until the monitoring program has been approved by CEC staff.

Alternately, SCC/SSEC shall submit verification to the CEC that funds required to implement a CEC approved monitoring program have been deposited to an escrow account established for such a program.

BIO-8 SCC/SSEC shall not construct new access or spurs roads for the steam, gas and water pipelines and transmission lines associated with the Midway-Sunset Cogeneration Project without adequate mitigation and prior approval of the CEC biology staff. Maintenance of existing access roads, including grading, shall be minimized.

Verification: At least 60 days prior to construction of any new project-related access or spur roads, SCC/SSEC shall provide CEC biology staff with pertinent information about the roads, including: an estimate of the acreage to be disturbed; a map at a minimum scale of 1 inch = 200 feet showing the location of the existing or proposed access roads and the location of all sensitive biological resources within 200 feet of the roads; a copy of biological resource surveys of the access road areas; and proposed mitigation. CEC staff shall review and comment on the placement of roads and proposed mitigation within 45 days of receipt. No construction of access or spur roads shall commence until approved by the CEC biology staff.

BIO-9 SCC/SSEC shall submit, for informational purposes, annual reports of Sun E&P's Endangered Species Compliance Program as described in Fred Armijo's testimony dated 12/1/86. (Dec. 12, 1986 RT 54-61). The annual report shall include a summary cover letter. The first annual report shall be submitted one year after the start of commercial operation of the cogeneration facility.

Verification: Beginning one year after the start of commercial operation of the cogeneration facility, SCC/SSEC shall submit the first annual report for CEC staff review.

BIO-10 For informational purposes, SCC/SSEC shall submit aerial photographs of the Midway-Sunset Cogeneration site and steam service area. The photographs shall be false color infrared, at a scale of 1-inch equals 200 feet, and taken each April after the start of commercial operation for the life of the project. The first set of aerial photographs shall be submitted within one year after the start of commercial operation of the cogeneration facility.

Verification: Within one year after the start of commercial operation of the cogeneration facility, SCC/SSEC shall submit the first set of aerial photographs for CEC staff review.

BIO-11 One year before the cogeneration plant and one year before the transmission line are due to be deactivated, SCC/SSEC shall prepare a decommissioning plan which includes biological resource elements.

Verification: One year prior to decommissioning of the cogeneration facility, transmission line, and associated appurtenances, SCC/SSEC shall submit the decommissioning plan to the CEC for a determination of adequacy and acceptability.

BIO-12 MSCC shall deposit $42,318.00 into the CEC established special deposit fund account (#942-0JB-3360-45-506) designated as the "Midway-sunset Special Wildlife Habitat Preservation Fund" to mitigate project related sensitive species habitat loss for the Dickenson Trust steam Line Extension.

Verification: Within 30 days of amendment approval, MSCC shall submit a check for the required amount to the CEC Compliance Project Manager (CPM) for deposit into the special deposit fund account.

BIO-13 For the proposed steam line extension into the Dickenson leasehold and in the Section 15 leasehold as appropriate, MSCC shall implement the following conditions that were adopted in the decision on the Midway-sunset Cogeneration Project: No. 1, all sub-parts of No. 2 [except a., h., o. and with the addition of p. (shown above)], No. 4., No. 6., No. 7., No. 8., No. 9., and No. 10.

Verification: MSCC shall document the implementation of the measures cited above and provide an annual summary report to the CEC. This report can initially be incorporated into the first annual report scheduled for the cogeneration project after approval of the proposed amendment.

BIO-14 In the event that MSCC enters into contracts to sell available steam to third parties (other than Oryx Energy Co.), MSCC shall notify the CEC of such intentions at least 120 days prior to the commencement of proposed construction. At that time, MSCC shall submit, for review and approval by CEC staff, a plan detailing the proposal, its location, its size, the planned start of construction, and the steps required to avoid impacts to endangered species. This plan shall, at a minimum, address, provide, and/or make provision for:

a. The name and qualifications of the designated biologist, if different from MSCC's qualified biologist, in accordance with existing Biological Resource Condition 1, and

b. Pre-construction surveys to insure that no impact to endangered species occurs as a result of construction or operation of necessary steam lines, which should be performed no less than 30 days prior to the start of construction, and

c. The establishment of temporary exclusion zones in accordance with existing Biological Resource Condition 2.h. for the duration of

construction to insure that no impact occurs to active or inactive, or potential kit fox dens, and

d. A worker education program in accordance with existing Biological Resource Condition 2.d. which shall include a means of documenting worker interactions with endangered species, and

e. A map (scale of 1”=500' or larger) and a copy of an aerial photo (scale of 1"=200' or larger) detailing the project area and specific route of the access steam line, and

f. An analysis of the route and other alternatives considered, and

g. Any other information pertinent to the review of the Proposal.

Verification: MSCC shall submit, for CEC review and approval, a plan which addresses each of the above items at least 120 days prior to the planned start of construction. Item (b), the preconstruction survey, shall be submitted to CEC staff, the USFWS and CDFG within ten days of completion of the survey.

MSCC shall keep adequate records documenting the implementation of items (c) and (d) in accordance with the practices established in Biological Resource Conditions 2h, 2d, and 2e respectively.

On completion of construction, MSCC shall submit a final report describing the success of the mitigation efforts and any adverse impacts that occurred during or as a result of construction.

BIO-15 A qualified biologist designated by MSCC shall be present or readily available during all phases of the Midway/Mojave pipeline construction and shall advise MSCC's construction supervisor of details concerning required conditions and mitigation. The biologist shall also ensure that all endangered species are properly protected during construction activities.

The designated biologist for the Midway/Mojave pipeline project is defined as meeting the minimum requirements of having a bachelor's degree in biological science, zoology, botany, ecology or closely related field, plus one year experience working with biological resources found in the Southern San Joaquin Valley. The designated biologist shall submit to the CEC CPM for review and approval, resumes of all other biologists who will work on this project. Resumes shall be delivered to the CEC CPM at least 10 calendar days before said biologist is scheduled to begin work.

Construction related activities at the site shall be prohibited in areas deemed appropriate and specifically identified by the CEC CPM or designee until MSCC has submitted necessary resumes that allow CEC CPM review and approval within the prescribed time.

Verification: The CEC CPM will review resumes and notify MSCC of approval or rejection of the proposed biologists within 5 working days of receiving resumes.

If MSCC has not complied with this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC submits the necessary

resumes and they are approved, the CEC CPM will prohibit construction related activities from taking place at the site as deemed appropriate in specifically identified areas.

For any necessary corrective action taken by MSCC, a determination of success or failure of such action will be made by the CEC CPM within five working days after receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

BIO-16 No sooner than 30 calendar days prior to the start of construction, the designated biologist or other qualified biologist approved by the. CEC CPM to represent the designated biologist shall conduct a preconstruction survey of the Midway/Mojave gas pipeline route to identify sensitive biological resources.

MSCC shall provide the CEC Compliance Project Manager (CPM) a written survey schedule at least 10 calendar days prior to the start of the survey.

This survey shall be conducted in a 100 foot-wide corridor centered on the pipeline route and 200 feet around any area outside of the corridor that will be impacted during construction, e.g., staging areas, access roads. The location of important biological resources recorded during the March - May 1991 surveys of the pipeline shall be confirmed and any previously unidentified important resources shall be mapped and recorded. Important biological resources include known or potential San Joaquin kit fox dens, San Joaquin antelope squirrel or blunt-nosed leopard lizard activity areas, giant kangaroo rat precincts, or any other recognized important biological resource(s) that the designated biologist or other qualified biologist approved by the CEC CPM to represent the designated biologist determines will be adversely impacted by MSCC pipeline construction.

Construction related activities at the site shall not begin until all aspects of this condition are completed to the satisfaction of the CEC CPM.

Verification: Based on the preconstruction survey schedule, the CEC CPM or designee will determine through visits to the project site in the company of the MSCC designated biologist or other qualified biologist approved by the CEC CPM to represent the designated biologist, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC has not complied with any aspect of this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, construction will, not be allowed to commence.

For any necessary corrective action taken by MSCC in response to CEO CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days , upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that

coordination with other agencies will require additional time before a determination can be reached.

BIO-17 Kit fox use of dens in the project area shall be evaluated during the preconstruction surveys. The biologist conducting the surveys shall place a layer of dust-like or other suitable tracking material at the entrance(s) to any potential dens for three consecutive nights. The dusted areas shall be inspected for tracks on three consecutive mornings. Any suitably sized opening in or in association with man-made structures shall be examined with the aid of a high intensity portable spotlight to determine if they are occupied by kit fox. In order to minimize the disturbance of any kit fox found, the light beam shall only be held on the animal just long enough to verify presence.

Kit fox dens shall be classified according to the following USFWS definitions.

- Known den: Any existing natural den or man-made structure for which conclusive evidence or strong circumstantial evidence can be shown that the den is used or has been used at any time in the past by San Joaquin kit fox.
- Potential den: Any natural den or burrow within the species range that has entrances of appropriate dimensions to accommodate San Joaquin kit foxes for which however, there is little bf np evidence of kit fox use.
- Pupping den: Any known San Joaquin kit fox den as defined above used by kit foxes to whelp and or rear their pups.
- Atypical Den: Any known San Joaquin kit fox den that has been established in or in association with a man-made structure.

Known kit fox dens in the project area as well as any potential den with multiple entrances shall be protected with 50 foot radius exclusion zones;

Potential kit fox dens with single entrances shall be protected with 25 foot radius exclusion zones. Exclusion zones shall be constructed using metal posts and cable or strengthened nylon cord. Each exclusion zone shall display a sign stating that the area contains important biological resources arid listing the telephone number to call if it is necessary to conduct construction activities inside the zone. Exclusion zones shall be maintained until the construction is completed and shall only be removed under the direction of the designated biologist or other qualified biologist approved by the CEC CPM to represent the designated biologist. The installation of exclusion zones shall not be omitted and/or any reduction in their size made without prior approval of the CEC CPM. In addition, the most current USFWS standardized recommendations for the Protection of the San Joaqiiin Kit Fox shall be followed throughout construction of the pipeline.

The information gathered in this preconstruction effort shall be included in the report required for Condition 21 below.

Construction related activities at the site shall not begin until all aspects of this condition are completed to the satisfaction of the CEC CPM.

Verification: During preconstruction surveys, the CEC CPM or designee will determine through visits to the project site in the company of the MSCC designated biologist or other qualified biologist approved by the CEC CPM to represent the designated biologist, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC has not complied with any aspect of this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, construction will be prohibited in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be reached.

BIO-18 MSCC's designated biologist shall assure that a qualified biologist conducts a preconstruction survey for giant kangaroo rats in any sections of the proposed route containing suitable giant kangaroo rat habitat. The locations of any giant kangaroo rat sightings shall be recorded and mapped. Any giant kangaroo rat precinct shall be protected with a 25-foot radius exclusion zone before construction activities begin at the project site.

Results of the preconstruction survey regarding these species of kangaroo rats shall be included in the report required for Condition 21 below.

Construction related activities at the site shall not begin after the preconstruction phase or continue during the construction phase until all appropriate aspects of this condition have been completed to the satisfaction of the CEC CPM.

Verification: Upon notification by MSCC that any giant , kangaroo rat precincts discovered in preconstruction surveys have been protected, the CEC CPM or designee will determine through visits \to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC has not complied with any aspect of this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, construction will be prohibited in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be reached.

BIO-19 MSCC's designated biologist shall assure that a qualified biologist conducts a preconstruction survey for blunt-nosed leopard lizards in the sections of the proposed route containing suitable blunt-nosed leopard lizard habitat. The locations of any leopard lizard sightings shall be recorded and mapped.

The results of this preconstruction effort shall be included in the report required for Condition 21 below.

Subsequent to the preconstruction survey, if any blunt-nosed leopard Lizards are observed entering a burrow that will be impacted by construction activity, the qualified biologist shall excavate the burrow using hand tools and allow the animal to escape unharmed.

Construction related activities at the site shall not begin after the preconstruction phase or continue during the construction phase until all appropriate aspects of this condition have been completed to the satisfaction of the CEC CPM.

Verification: During preconstruction and construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC has not complied with any aspect of this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, construction will be prohibited in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be reached.

BIO-20 MSCC's designated biologist shall assure that a qualified biologist conducts a preconstruction survey for San Joaquin antelope squirrels in the sections of the proposed route containing suitable antelope squirrel habitat. The locations of any antelope squirrel sightings shall be recorded and mapped.

The results of this preconstruction effort shall be included in the report required for Condition 21 below.

Subsequent to the preconstruction survey, if any San Joaquin antelope squirrels are observed entering a burrow that will be impacted by construction Activity, the qualified biologist shall excavate the burrow using hand tools and allow the animal to escape unharmed.

Construction related activities at the site shall not begin after the preconstruction phase or continue during the construction phase until all appropriate aspects of this condition have been completed to the satisfaction of the CEC CPM.

Verification: During preconstruction and construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC has not complied with any aspect of this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, construction will be prohibited in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be reached.

BIO-21 A written report detailing the results of the preconstruction survey(s) shall be submitted to the California Department of Fish and Game (CDFG) , the U. S. Fish and Wildlife Service (USFWS) and the CEC CPM within ten working days of completing the surveys. This report shall contain maps showing the locations of all important biological resources recorded during the preconstruction survey(s). The maps shall have a 1:12,000 scale topographic base. Updated maps shall be given to the construction contractor.

No construction activity shall begin at the project site until the CEC CPM has notified MSCC that ^the report is satisfactory.

Verification: Within 10 working days after receiving the report, the CEC CPM will complete review of the preconstruction, survey report and determine if preconstruction mitigation requirements have been met.

If the report is satisfactory, the CEC CPM will notify MSCC that this condition has been satisfactorily completed and construction activity at the project site can begin.

If the report is not satisfactory, the CEC CPM will provide MSCC with written questions or comments by facsimile or overnight mail and allow MSCC five working days in which to respond.

In the event that the CEC finds that the report as submitted is substantially incomplete, MSCC may be required to revise and resubmit the report.

BIO-22 MSCC's designated biologist or other qualified biologist approved by the CEC CPM to represent the designated biologist shall be present or readily available during all phases of construction. The biologist^ shall monitor construction by making at least one unannounced site visit per week to ensure that no adverse impacts to biological resources occur and that all endangered species protection and mitigation measures are properly implemented. Additionally, full-time biological monitoring shall be done as follows:

- during pipeline construction when trenching and pips installation activities are within 200 feet of the kit fox dens (den nos. 2-6, 2-12, 2-47, 2-68, and 2-94) identified in the 1991 CEC kit fox field study;
- during the construction of the pipeline between mile markers 0.5 and 1.0, if the pipeline route here is moved more than five feet north of its currently planned location; and,
- during the construction of the pipeline east of Highway 33.

The CEC CPM shall be notified at least five working days before construction work on the pipeline is to take place within a tenth of a mile of the kit fox dens identified above.

The designated biologist shall make a record of all site visits and note any deficient areas. The biologist shall provide MSCC with a written notification of the deficiency. MSCC shall contact the CEC CPM within 24 hours of receiving any such notification and describe the corrective action recommended or taken.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC has not complied with this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, construction will be prohibited in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

BIO-23 Surface disturbing activities shall be minimized. Construction activity shall be maintained in a 100-foot construction corridor. Where a wider than 100-foot construction corridor is required, MSCC shall obtain CEC CPM approval before increasing the disturbance zone.

In the area east of Highway 33 characterized by valley saltbush scrub and ruderal vegetation, the construction corridor between the highway and mile marker 0.1 shall be reduced to 50 feet.

The designated biologist or other qualified biologist approved by the CEC CPM to represent the designated biologist shall recommend that the construction corridor be reduced at any other point along the planned construction route where surveys immediately prior or during construction indicate that significant impacts to biological resources may occur.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC has not complied with this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, construction will be prohibited in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

BIO-24 Wherever practical, existing roads shall be used for access to construction sites. MSCC shall notify the CEC CPM prior to creating any new roads that may be required for construction access.

If MSCC fails to comply with this condition to the satisfaction of the CEC CPM, MSCC shall, upon notice by the CEC CPM, immediately discontinue construction activities in areas specifically identified by the CEC CPM or designee.

CEC CPM notice requiring MSCC to suspend construction activities, MSCC shall not resume construction until authorized by the CEC CPM.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC has not complied with this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until, MSCC corrects the noncompliance as determined by the CEC CPM, construction will be prohibited in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified buy the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

BIO-25 To the extent possible, adjustments in the pipeline route and disturbance zone within the CEC approved right-of-way shall be implemented to avoid important biological resources identified by the designated biologist or other qualified biologist approved by the CEC CPM to represent the designated biologist during preconstruction surveys.

If MSCC fails to comply with this condition to the satisfaction of the CEC CPM, MSCC shall, upon notice by the CEC CPM, immediately discontinue

construction activities in areas specifically identified by the CEC CPM or designee.

For any CEC CPM notice requiring MSCC to suspend construction activities, MSCC shall not resume construction until authorized by the CEC CPM.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC has not complied with this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, construction will be prohibited in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

BIO-26 If construction staging areas are necessary, MSCC shall, to the extent possible, locate them in previously disturbed areas. The designated biologist or other qualified biologist approved by the CEC CPM to represent the designated biologist shall survey staging areas for important biological resources. The location and configuration of staging areas shall be adjusted to avoid impacts to important biological resources and the boundaries shall be clearly marked for construction personnel.

In configuring a staging area, any provision made for protecting against the threat of wild fire shall be inside rather than outside the boundary of the staging area. This pertains to the use of firebreaks or vegetation clearing.

MSCC shall provide advance written notice including site preparation details to the CEC CPM, for any necessary staging area, and request approval to proceed at least 5 working days before /site preparation for any proposed staging area(s) is scheduled to begin. In case a proposed staging area requires no site preparation, MSCC shall notify the CEC CPM, provide staging, area details, and request approval to proceed at least 3 working days before placing material within the staging area.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

If site preparation is necessary for a proposed staging area, the CEC CPM will examine MSCC's request for approval, determine its acceptability, and notify MSCC of its determination within 4 working days after receipt.

If site preparation is not necessary for a proposed staging area, the CEC CPM will examine MSCC's request for approval, determine its acceptability, and notify MSCC of its determination within 3 working days after receipt.

BIO-27 Construction shall take place from no earlier than one hour after sunrise to no later than one hour before sunset. Exceptions may be permitted if MSCC. contacts the CEC CPM, and the CEC CPM or designee agrees, prior to working an extended schedule. A qualified biologist may be required to be on site.

If MSCC fails to comply with this condition to the satisfaction of the CEC CPM, MSCC shall, upon notice by the CEC CPM, immediately discontinue construction activities in areas specifically identified by the CEC CPM or designee.

For any CEC CPM notice requiring MSCC to suspend construction activities, MSCC shall not resume construction until authorized by the CEC CPM.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC has not complied with this condition, the CEC CPM will notify MSCC within three working days oi making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, construction will be prohibited in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

BIO-28 Provisions for animal escape, including, but not limited to ramps or earth fill, shall be provided in all open segments of the MSCC pipeline trench. An MSCC representative shall inspect open trenches for entrapped animals immediately before back-filling is begun by the construction contractor.

If MSCC fails to comply with this condition to the satisfaction of the CEC CPM, MSCC shall, upon notice by the CEC CPM, immediately discontinue construction activities in areas specifically identified by the CEC CPM or designee.

For any CEC CPM notice requiring MSCC to suspend construction activities, MSCC shall not resume construction until authorized by the CEC CPM.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC has not complied with this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, construction will be prohibited in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

BIO-29 Pipes that have been welded together shall be end-covered at the close of each day to prevent wildlife from entering. Pipe sections awaiting installation at the work site shall be visually checked at the start of each work day^ before being moved to ensure that no animals have entered them. If animals have entered any pipe section, the animals shall be gently removed and allowed to escape. All such incidents shall be documented and, if not witnessed by the designated biologist, the designated biologist or other qualified biologist approved by the CEC CPM to represent the designated biologist shall be notified within 24 hours by the construction supervisor responsible for the area in which the incident occurred.

If MSCC fails to comply with this condition to the satisfaction of the CEC CPM, MSCC shall, upon notice by the CEC CPM, immediately discontinue construction activities in areas specifically identified by the CEC CPM or designee.

For any CEC CPM notice requiring MSCC to suspend construction activities, MSCC shall not resume construction until authorized by the CEC CPM.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC has not complied with this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, construction will ,be prohibited in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

BIO-30 Where welding activities are to take place, the adjacent area shall be protected from potential wild fire ignition by using means other than creating fire breaks through vegetation clearing. If MSCC fails to comply with this condition to the satisfaction of the CEC CPM, MSCC shall, upon notice by the CEC CPM, immediately discontinue construction activities in areas specifically identified by the CEC CPM or designee.

For any CEC CPM notice requiring MSCC to suspend construction activities, MSCC shall not resume construction until authorized by the CEC CPM.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC has not complied with this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, construction will be prohibited in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

BIO-31 All food-related trash shall be collected daily and removed from construction sites. If MSCC fails to comply with this condition to the satisfaction of the CEC CPM, MSCC shall, upon notice by the CEC CPM, immediately discontinue construction activities in areas specifically identified by the CEC CPM or designee.

For any CEC CPM notice requiring MSCC to suspend construction activities, MSCC shall not resume construction until authorized by the CEC CPM.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC has not complied with this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, construction will be prohibited in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

BIO-32 Areas disturbed by Midway/Mojave pipeline construction shall be recontoured to approximate preconstruction contours except where engineered slopes are required in place of originally steep slopes to minimize sloughing of fill. MSCC shall notify the CEC CPM within 10 calendar days when recontouring is completed and ready for inspection.

If MSCC fails to comply with this condition to the satisfaction of the CEC CPM, MSCC shall, upon notice by the CEC CPM, repeat the recontouring work in specific locations identified by the CEC CPM or designee.

Verification: After recontouring actions have been completed, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC Has not complied with this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, required work must be repeated in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

BIO-33 Areas disturbed by pipeline construction shall be treated to achieve revegetation during the Winter of 1991-1992 or as soon as possible after construction as agreed to by MSCC and the CEC CPM. The designated biologist or other qualified biologist approved by the CEC CPM to represent the designated biologist shall, in consultation with the land restoration contractor, develop revegetation prescriptions for individual areas based on species composition of adjacent similar habitat. The revegetation prescriptions shall be submitted to CEC staff for review and approval within 3 0 days of the completion of construction on the Midway/Mojave gas pipeline and at least 30 days prior to the scheduled start date of revegetation. Revegetation shall not commence without CEC concurrence on the scheduled start date and seed mix selections.

Revegetation success shall be evaluated during annual spring surveys. Within 30 working days after the annual surveys, MSCC shall submit a report on the revegetation evaluation.

Revegetation will be considered successful if 95% of' normal coverage characteristic for annual plants of adjacent habitat and 50% survival' of perennial shrubs is achieved at the end of two growing seasons, given average rainfall during the preceding two years. Impacts from unavoidable oil field traffic beyond MSCC's control may be taken into account in determining revegetation success.

Remedial prescriptions shall be prepared for any areas where revegetation has been determined unsuccessful by the CEC CPM. The remedial prescription shall be prepared for CEC CPM, review and approval and submitted within 20 working days of the determination made by the CEC CPM.

Verification: The CEC CPM or designee will determine through site visits in the company of the designated biologist or other qualified biologist approved by the CEC CPM to represent the designated biologist whether or not MSCC has complied with this condition. If this condition is not complied with, the CEC CPM will notify MSCC within

three working days of making this determination. MSCC will correct any problems through remedial revegetation efforts.

BIO-34 MSCC and the construction contractor shall, on the advice of the designated biologist or other qualified biologist approved by the CEC CPM to represent the designated biologist, minimize disturbance to sensitive species and their habitat to the extent practicable by making every reasonable effort to do so.

Reasonable efforts include, but are not limited to, minor pipeline re-routing and minimizing the width of construction disturbance.

For purposes of this condition, "sensitive species" are threatened or endangered species, candidate threatened or endangered species, endangered and rare plant species recognized by the California Native Plant Society, and "species of special concern" as identified by the California Department of Fish and Game.

If after the biologist makes a recommendation, and the contractor does not alter or stop construction as appropriate, the biologist shall immediately refer the matter to MSCC for resolution.

The biologist shall document, in writing, any instance where he/she makes a recommendation to minimize disturbance to sensitive species and their habitat(s) and that recommendation is not implemented by MSCC or its contractor, and the biologist believes that probable harm will occur as a result. The biologist shall provide a written report to MSCC within 24 hours. Written documentation of such incidents shall include the time and date, the specific location of the incident, and a brief description of the occurrence. MSCC shall, upon referral of an incident by the biologist, immediately notify the CEC CPM and within 10 calendar days, provide a written report of this incident, including a description of any measures taken to avoid or reduce potential impacts to sensitive species and/or their habitat(s).

If for any reason, MSCC is unable to implement measures based on advice of the biologist or otherwise comply with this condition, MSCC shall immediately stop work at the location and notify the CEC CPM of the circumstances and identify actions taken to correct the problem. At any location where construction has been halted, construction shall not resume at the identified location(s) until approval is given by the CEC CPM or designee.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

If MSCC has not complied with this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, construction will be prohibited in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will

be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

BIO-35 The endangered species educational video that was prepared for construction worker education for the transmission line shall be used to educate Midway/Mojave gas pipeline construction workers on the need to avoid important biological resources. All workers, before they are allowed to begin work on the pipeline, shall be required to view the video. They shall sign a written statement indicating that they understand the information presented on the video tape and that they agree to comply with all the measures designed for protection of important wildlife and biological resources along the Midway/Mojave gas pipeline facility so long as they are employed on the project. These measures include observing a 20 mph speed limit in all project areas except on State and County highways or roads as well as complying with other measures recommended by the designated biologist or other qualified biologist approved by the CEC CPM to represent the designated biologist in the field.

All pipeline construction personnel shall be informed that no construction activity, including vehicle movement, is to take place inside important biological resource exclusion zones or outside designated construction areas without consulting with the designated biologist or other qualified biologist approved by the CEC CPM to represent the designated biologist. If activity inside an exclusion a zone cannot be avoided, then the CEG CPM shall be contacted and consulted with prior to the proposed activity.

MSCC shall maintain the construction workers' signed statements for CEC CPM inspection at MSCC construction headquarters or any other location agreed to by MSCC and the CEC CPM. The statements shall be maintained for not less than three years after construction on the Midway/Mojave pipeline is completed.

During the construction phase, workers who do not comply with all the guidelines established in this condition shall, at MSCC's discretion, be let go or retrained by MSCC and required to sign a new statement committing themselves to abide by the MSCC work guidelines before being allowed to resume work on the project.

If MSCC fails to comply with this condition to the satisfaction of the CEC CPM, MSCC shall, upon notice by the CEC CPM, immediately discontinue construction activities in areas specifically identified by the CEC CPM or designee.

For any CEC CPM notice requiring MSCC to suspend construction activities, MSCC shall not resume construction until authorized by the CEC CPM.

Verification: At his/her discretion, the CEC CPM or designee will visit MSCC and view the video tape and inspect the workers' signed statements.

If MSCC has not complied with this condition, the CEC CPM will notify MSCC within three working days of making this determination. Until MSCC corrects the noncompliance as determined by the CEC CPM, construction will be prohibited in those areas deemed appropriate and specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by MSCC in response to CEC CPM notification of noncompliance, a determination of success or failure of such action will be made by the CEC CPM within five working days upon receipt of notice that corrective action is completed, or MSCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

BIO-36 No later than 30 days following completion of the project, the designated biologist shall survey the new gas pipeline route to confirm that the objectives of biological resource protection requirements were met. A prime objective of the designated biologist's survey shall be to evaluate any habitat disturbance outside the CEC approved construction corridor. The report shall be specific as to measurements and location. The results of the survey shall be documented in a post construction survey report and submitted to MSCC for forwarding to the CEC CPM for review within 10 working days of the survey.

If disturbance outside the authorized corridor is found to have occurred, MSCC shall provide habitat, compensation at an acreage ratio of 1.1:1.0. If the disturbance outside the authorized corridor equals or exceeds three acres, 1.8 acres shall be added to that acreage amount before applying the 1.1:1.0 ratio. MSCC shall provide the CEC $1000.00 per acre of the final, acreage amount acceptable to the CEC CPM.

Verification: The CEC CPM will review the habitat disturbance estimate, determine its acceptability, and notify MSCC within 30 days if habitat compensation will be required.

The CEC CPM will receive a check from MSCC for the required amount and deposit it into the Special Deposit Fund Account known as the Midway-Sunset Special Wildlife Habitat Preservation Fund (Account # 942-035-3360-45-506).

BIO-37 No terms of any construction contract or right-of-way agreement that MSCC enters into for constructing or operating the Midway/Mojave gas pipeline shall preclude MSCC from complying with any biological resources condition of approval.

MSCC shall notify the CEC CPM if any contract or right-of-way agreement that it has entered into for constructing or operating the Midway/Mojave gas pipeline has the potential for preventing MSCC from meeting this condition.

Verification: The CEC CPM will not accept as valid, any claims by MSCC that noncompliance of any biological resources condition of approval is due to contractual or right-of-way agreement. The CEC CPM will pursue appropriate means to bring MSCC into compliance.

Biological Resources conditions of certification added but numbered 1-3 for the addition of a warehouse approved per Order 98-1014-10. These conditions pertain to CNLM habitat acquisition and fencing for the San Joaquin kit fox.

SJKF-1 MSCC shall provide funds in the form of a check or money order to the Center for Natural Lands Management (CNLM) in the amount of $585.00 for the acquisition of habitat suitable for San Joaquin kit fox. The funds delivered to the CNLM shall be accompanied with a written statement specifying that of the total funds delivered in excess of the estimated $300.00 land cost, 30 percent is for stewardship costs, 55 percent is for endowment costs for long term management, and 10 percent is for closing and/or administrative costs.

Verification: Within 15 working days, MSCC shall submit to the CPM a copy of the check or money order and written statement delivered to the **CNLM.**

SJKF-2 MSCC shall design the fence extending to the north from the northeast corner of the warehouse/asphalt storage yard across the drainage ditch to the power plant fence so that ingress and egress of San Joaquin kit fox and predators such as coyotes and bobcats will be prevented. This measure shall be maintained for as long as determined necessary by the CPM, based on the legal status of San Joaquin kit fox and their presence in the area around the project.

Verification: MSCC will document the implementation of this measure and include a description of it in the next scheduled Biological Resources Annual Compliance Report.

SJKF-3 MSCC shall employ a cultural resources specialist to monitor excavations for the presence of cultural artifacts. If cultural artifacts are found, the specialist shall stop work in the area of the find long enough to determine whether the find is significant and to take appropriate action. The specialist shall prepare a written report describing any finds and the actions taken.

Verification: MSCC shall report any finds, and the actions taken, to the CPM within 48 hours of discovery of any artifacts. Any written reports of finds shall be submitted to the CPM within 60 days of discovery of the materials.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
CIVIL ENGINEERING CONDITIONS OF CERTIFICATION

CIVIL-1 Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) shall assign to the project a qualified civil engineer, registered in California who shall: a) be responsible for design of the proposed earthwork and related civil works including, but not limited to, drains, ditches, and buried utilities; and b) who shall prepare (or directly supervise preparation of) and sign plans, specifications, and calculations for grading, erosion, and sediment control, as well as related civil works for plant site facilities [Business and Professions Code, Div. 3, Chptr. 7, § 6704, UBC (1982)].

Verification: At least ten days prior to submittal of proposed plans, specifications, and calculations for grading, erosion and sediment control, and related civil works, SCC/SSEC shall submit to the California Energy Commission (CEC) and the CBO, the name and registration number of the responsible civil engineer.

If the civil engineer is subsequently reassigned or replaced, SCC/SSEC shall submit the information required above for the newly assigned individual in the following monthly construction report.

CIVIL-2 SCC/SSEC shall assign to the project a qualified civil engineer, registered in California and fully competent and proficient in soil mechanics, who shall:

a. prepare the soils engineering reports required by UBC (1982), Chapter 70;

b. be present during site grading and earthwork to provide consultation and to monitor compliance with the requirements of the Commission's Decision;

c. recommend field changes to the responsible civil and construction engineers; and

d. prepare soil grading reports.

The soils engineer shall be authorized to halt earthwork and to require changes if site conditions are unsafe or not in conformance with predicted conditions used as a basis for design of earthwork or foundations.

Verification: At least 10 days prior to the start of site preparation, SCC/SSEC shall set forth to the CEC and the CBO the name and registration number of the soils engineer. If the soils engineer is subsequently reassigned, SCC/SSEC shall submit the information required above for the newly assigned engineer in the following monthly construction report.

CIVIL-3 Prior to the start of site grading, SCC/SSEC shall submit to the CBO the following for plant site facilities:

a. three sets of the proposed Grading Plan combined with the Erosion and Sediment Control Plan (combined grading plan), two sets each of the specifications and calculations signed by the responsible design engineer;

b. a Soils Engineering Report and Engineering Geology Report;

c. a statement signed by the responsible design engineer that the proposed combined grading plan, drainage structures, specifications, and calculations comply with applicable laws, ordinances, regulations and standards, and the criteria and requirements set forth in the "Civil Engineering" portion of Appendix A of this Decision, including Attachment A. (UBC 1982, Chapter 70: Excavation and Grading).

Verification: At least 90 days (or a lesser number of days mutually agreeable to the CBO and CEC) prior to start of the site grading, SCC /SSEC shall submit to the CBO the above described documents. When the work described in the combined grading plan conforms with all applicable requirements, SCC/SSEC shall obtain from the CBO one complete set of the submitted plans stamped and signed with the CBO's approval. SCC/SSEC shall submit written notice to the CEC that the documents conform to said requirements and have been approved.

CIVIL-4 SCC/SSEC shall pay the fees required by the CB0 for plan checking at the time of submittal of the plans (UBC 1982, Chapter 70, 7007, Kern County Resolution No. 82-298).

Verification: SCC/SSEC shall make payment to the CBO with a copy of the transmittal letter sent to the CEC.

CIVIL-5 SCC/SSEC shall assign to the site a qualified civil engineer licensed in California who shall be available at the site as required and shall:

a. be directly responsible for construction of all project earthwork and related civil work;

b. prepare (or directly supervise preparation of) and sign any necessary amendments to an approved combined grading plan, specifications, and /or calculations; and

c. be responsible for conformance of all earthwork and related civil work with approved plans and specifications (Bus. and Professions Code. Div.3, Chptr. 7, § 6704).

Verification: At least ten-days prior to the start of any project earthwork, SCC/SSEC shall submit to the CEC and the CBOthe name and registration number of the responsible civil engineer. If the civil engineer is subsequently reassigned or replaced, SCC/SSEC shall submit the information required above for the newly assigned individual in the following monthly construction report.

CIVIL-6 SCC/SSEC shall prepare and submit a monthly construction progress reports to the CBO and the CEC.

Verification: SCC/SSEC shall prepare and submit monthly construction progress reports to the CBO and the CEC.

CIVIL-7 All plant site grading operations shall be subject to inspection by the CBO and audit by the CEC.

Verification: If SCC/SSEC's inspector finds that the work is not being done in accordance with the approved plans, the discrepancies shall be reported immediately to SCC/SSEC's responsible civil engineer, the CBO, and the CEC. The inspector shall prepare a subsequent written report sending copies to SCC/SSEC's responsible design engineers the CBO, and the CEC. If the CBO delegates inspections to the SCC/SSEC, SCC/SSEC's inspectors shall file a monthly report of their inspections with the CBO and the CEC.

CIVIL-8 During and after completion of the plant site engineered grading (grading in excess of 5,000 cubic yards), SCC/SSEC's soil engineer and engineering geologist shall prepare and submit all necessary reports, compaction data, and recommendations to the responsible construction engineer and to the CBO (UBC 1982, Chapter 70).

Verification: SCC/SSEC shall notify the CEC in the following monthly construction report when the documents are submitted to the CBO. SCC /SSEC shall seek approval of all such submittals from the CBO and shall submit a copy of the CBO's comments and approvals to the CEC.

CIVIL-9 SCC/SSEC's responsible engineering geologist for plant site activities shall immediately report to the responsible civil engineer, the CBO, and to the CEC any geologic conditions which so deviate from those specified in the Application for Certification (AFC) and its supporting documents as to warrant substantial changes in design of site earthwork, power plant facilities, or site viability. SCC/SSEC's responsible civil engineer for plant site activities shall stop all earthwork and construction in the affected area (unless safety requires continuing work). SCC/SSEC shall prepare and submit modified Plans, specifications, and calculations to the CBO.

Verification: Within ten days after receipt of the design changes the CBO, in consultation with the CEC, shall approve or disapprove the changes. Upon approval of the revised design, the CB0 shall authorize SCC/SSEC to resume earthwork and construction in the affected area and provide a copy of such approval to the CEC.

CIVIL-10 After completion of rough grading, SCC/SSEC's responsible civil engineer shall submit the following documents to the CBO:

a. the Soil Grading and Geologic Grading Reports;

b. as-graded Grading Plan;

c. a summary of the Soil Compaction Tests; and

d. signed statements by the responsible civil engineer that the work was done in accordance with the final approved combined grading plan and by both the soils engineer and engineering geologist that the site is adequate for its intended use (UBC 1982, Chapter 70).

Verification: Within 180 days after completion of rough grading, SCC/SSEC's responsible civil engineer shall submit the above documents to the CBO for review and approval. SCC/SSEC shall file with the CEC a copy of such review comments and approvals.

CIVIL-11 Prior to final foundation excavation or preparation, SCC/SSEC's responsible civil engineer for plant site activities shall submit to the CEC and the CBO:

a. any necessary report of foundation investigations in accordance with UBC (1982), Chapter 29, Subsections 2905(b), (c), and (d);

b. three sets of proposed foundation plans including soil classification and design bearing capacity, and calculations of soil bearing pressure and settlement for the foundations of HRSG feedwater storage tank and oil fuel storage tank; and

c. a signed statement that the proposed plans comply with the criteria and requirements set forth on pages 9-15 through 9-20 under the Adequacy of Civil Site Work Criteria (Dec. 8,1 987 RT 33-39, also Appendix A of this Decision, Civil Engineering Section, Attachment A) and in the Commission's Decision and in applicable laws and ordinances (UBC 1982).

Verification: At least 90 days (or a lesser number of days mutually agreeable to the CBO and CEC) prior to final foundation excavation or preparation, SCC/SSEC's responsible civil engineer shall submit the above documents to the CEC and the CBO. When the CBO finds the work described in the proposed foundation plan conforms with said criteria and requirements, the SCC/SSEC shall submit written notice to the CEC that the plans conform with said requirements and have been approved.

CIVIL-12 After completing foundation excavations for plant site activities or preparations, SCC'/SSEC's responsible civil engineer for plant site activities shall submit to the CBO supplementary soil grading and geological grading reports, as graded grading plans, and a signed statement that any modifications in foundation design required by site geotechnical conditions shall be incorporated in the modified foundation plans approved by the CB0.

Verification: When the CBO approves the above-mentioned reports, as-graded grading plans, and revised foundation plans, SCC/SSEC shall provide the CEC with such review comments and approvals.

CIVIL-13 After completion of finish grading and erosion and sedimentation control facilities, SCC/SSEC's responsible civil engineer for plant site activities shall:

a. submit to the CBO a final as-graded grading plan, final erosion and sedimentation control plans, a signed statement that these documents conform with the final approved combined grading plan and, if required by the CBO, supplementary soil grading and geologic grading reports.

b. notify the CBO in writing that the work is ready for final inspection (UBC 1982, Chanter 70).

Verification: Within 180 days after completion of finish grading and erosion and sedimentation control facilities, SCC/SSEC's responsible civil engineer for plan site activities shall submit the above document to the CBO for review and approval and shall submit transmittal letters to the CEC. SCC/SSEC shall seek final approval from the CBO only after all work including installation of all drainage facilities and their protective devices and all erosion control measures have been completed in accordance with the final approved combined grading plan. SCC/SSEC shall notify the CEC when final approval has been obtained.

CIVIL-14 SCC/SSEC shall submit to the CBO for review three sets of plans and two sets each of calculations and specifications for the spill containment facilities around the chemical storage area, the fuel oil storage tanks, and acid and caustic storage tanks. The design plans and calculations should be signed and stamped by the responsible civil engineer.

Verification: At least 60 days (or lesser number of days mutually agreeable to the CBO and CEC) prior to the start of construction of the spill containment facilities, SCC/SSEC shall submit the above documents to the CBO for review. When the CBO finds said documents conform to the requirements listed under the Adequacy of Civil Work Mitigation Criteria section (pages 19-20 through 19-22) (Dec. 8, 51 1986 RT 39-41), SCC/SSEC shall obtain one complete set of the submitted plans, stamped and signed with the CBO's approval. SCC/SSEC shall submit written notice to CEC that the spill containment facilities have been approved and conform to the applicable requirements.

CIVIL-15 After construction of the spill containment facilities, SCC/SSEC shall submit the as-built plans and a signed statement by the responsible civil engineer that the work was done in accordance with the final approved plans and that the spill containment facilities are adequate for their intended use.

Verification: Within 90 days after construction of the spill containment facilities, SCC/SSEC shall submit said documents to the CBO for review. SCC/SSEC shall file with CEC a copy of such review, comments, and approvals.

CIVIL-16 SCC/SSEC shall submit to the CEC two sets of preliminary design criteria for the civil engineering aspects of the transmission line route. The criteria shall include the transmission line foundation plan, soil report along the routes,

design criteria for the transmission tower foundations and access roads to tower locations, and appropriate biological mitigation per Condition for certification 2a of the Biological Resources portion of this Decision. (CPUC General Order No. 95; CAC, Title 8, 340 and 341; CalTrans standard specifications, 1984 edition.)

Verification: At least 60 days before the start of final design of the transmission line foundations, guy anchors, and tower access roads and crossings, SCC/SSEC shall submit the above documents to the CEC for review and approval.

CIVIL-17 SCC/SSEC shall design and construct the transmission line foundations, tower access roads, and pulling site to comply with the design and construction criteria.

Verification: At least 60 days (or alesser number of days mutually agreeable to the CBO and the CEC) prior to construction, SCC/SSEC's responsible civil engineer shall submit three sets of plans, and two sets each of specifications and calculations of the transmission line foundations and tower access roads by the responsible design engineer to the CBO with one copy of the complete transmittal package to the CEC.

SCC/SSEC shall obtain from the CBO one complete set of the submitted plans stamped and signed with the CBO's approval. SCC/SSEC shall submit written notice to the CEC that the documents conform to said requirements and have been approved.

Within 90 days after completion of the transmission line foundations and tower access roads, SCC/SSEC's responsible engineer shall obtain approval from the CBO and send the CEC the CBO's signed statement that the transmission line foundations and tower access roads, as built, complies with the applicable requirements.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
CULTURAL RESOURCES CONDITIONS OF CERTIFICATION

These Conditions of Certification were changed per the following Energy Commission Approval(s) or Order(s):

Type of Approval	Approval Date or Order #	Docket Transaction Number (TN)	Changed Conditions of Certification
Commission Decision	91-1120-04a		CUL-3 thru 14

CUL-1 Sun Cogeneration Company and Southern Sierra Energy Company shall designate a qualified paleontologist who will, prior to the start of construction:

a. Conduct a records search at the University of California Museum of Paleontology and the Academy of Sciences for identification of additional fossil resources that may be affected by the project.

b. Conduct a field survey of the proposed project. All vertebrate fossil remains encountered during the survey will be collected and invertebrate fossil remains will be sampled.

c. Develop, based upon the results of a and b above, a mitigation and monitoring plan. The monitoring plan will apply to those areas where the paleontologist feels there is a reasonable potential fossil bearing deposits will be encountered. If, during monitoring of construction activities, the paleontologist feels the likelihood of encountering fossil resources is slight, monitoring can be halted in that locality. If significant fossil resources are encountered during the field survey-identified above, a mitigation plan shall be developed to minimize impacts to these resources. Avoidance of impacts should be the preferred mitigation measure. If fossil resources are encountered during construction activities, work in the immediate vicinity of the find shall be halted until the paleontologist can determine whether the find is significant and if so, implement appropriate mitigation measures.

Verification: SCC/SSEC shall provide the California Energy Commission (CEC) with the name and telephone number of their designated paleontologist at least 60 days prior to the start of any project-related site preparation or construction activities.

In addition, SCC/SSEC shall provide the CEC for review and comment the results of the paleontologist's record and field surveys and proposed monitoring and mitigation plans 30 days prior to the start of any project-related site preparation or construction activities. SCC/SSEC shall also notify the CEC in a periodic compliance report of the progress of the monitoring program. If monitoring is discontinued in specific areas, the report shall specify the reason for the discontinuance.

CUL-2 SCC/SSEC shall designate a qualified archaeologist who will, prior to the start of construction:

a. Develop a monitoring plan for all aspects of the project during project construction. If the archaeologist determines that monitoring in any portion of the project is not necessary, monitoring in that locality may be halted. If during construction any cultural resources are encountered, work in the immediate vicinity of the find shall be halted until the archaeologist determines the significance of the find. This condition does not apply to the discovery of isolates.

   SCC/SSEC shall promptly notify the CEC staff of the find, the work stoppage and suggested mitigation measures which will be employed to protect the significant resources before work resumes. If the appropriate staff members are not available by telephone, and if the archaeologist determines the find to be significant, the archaeologist shall act in accordance with mitigation procedures which have been approved by the staff prior to the start of construction. If such procedures are not in place, the archaeologist shall implement mitigation measures based on his/her professional judgement before work resumes.

   Representatives of SCC/SSEC and the CEC staff shall meet within seven days of notification to review the status of the disposition of the find and the mitigation measures employed. If human remains are encountered, work in the immediate vicinity shall stop until the county coroner and the CEC have been notified. If the remains are of Native American origin, the Native American Heritage Commission shall be notified. Work in the vicinity of the find shall remain halted until the agreed upon mitigation measures are implemented.

b. Develop a mitigation plan for all identified sites that may be affected by the project. Avoidance of all Cultural Resources is the preferred mitigation measure. If these resources cannot be avoided then, as part of the mitigation plan, the archaeologist shall conduct the literature review of the sheep v camp and conduct archaeological testing for this site and the others found along the selected transmission line route. Based upon the results of these tests, the archaeologist shall determine the significance of these sites and the appropriate mitigation measures.

Verification: SCC/SSEC shall provide the CEC with the name and telephone number of the archaeologist 60 days prior to the start of site preparation activities.

The monitoring and mitigation plan shall be submitted to the CEC for review and comment 30 days prior to the start of site preparation. If Cultural Resources will be impacted by the proposed project then the mitigation plan shall include the results of the literature survey and site tests and the recommended mitigation measures.

SCC/SSEC shall inform the CEC in a periodic compliance report of the progress of the construction monitoring. If monitoring is discontinued in any area, the compliance report shall explain the reason for the discontinuation.

PALEONTOLOGICAL

CUL-3 The Midway Sunset Cogeneration Company (MSCC) shall designate a qualified paleontologist who will conduct pre-construction literature review, record search, and assessment surveys; monitoring and mitigation during construction activities; analysis and identification of any recovered fossil materials, and preparation of specimens for curation into an established collection which meets the Society for Vertebrate Paleontology (SVP) criteria for professional management and permanent but retrievable curation.

Verification: MSCC shall provide the California Energy Commission with the name, phone number, and resume of their designated paleontologic resource specialist at least 120 days prior to the start of any project-related vegetation clearing, ground disturbance, excavation, or other project-related site preparation.

CUL-4 Prior to the start of site preparation activity, the designated paleontologic resource specialist shall conduct a literature and records search at universities, museums and other information repositories to identify known fossil localities and determine the potential for paleontologic resources to be affected by the project.

The designated paleontological specialist shall conduct a field assessment survey of the area to be impacted by project construction. The assessment survey shall include the identification, delineation, and mapping of sensitive geologic formations, which may produce fossil resources. The assessment survey shall include a description of the methodology used during the survey(s).

All unprotected vertebrate fossil remains encountered during the assessment survey(s) shall be salvaged and identified in the assessment. Protected fossils, such as those entombed in tar or in some other protective substance, shall be left in place until construction activities commence in that area and the certainty of impact has been established.

MSCC shall submit all information regarding the localities of collected fossil remains to the CEC CPM as a separate appendix to the Resource Assessment and the information shall be accompanied by a request for confidentiality.

Verification: At least 120 days prior to the intended start date of construction, MSCC shall submit a Paleontologic Resources Assessment which shall include a description of the results of the literature and records searches, a description of the results of the field assessment survey(s), and a request for confidentiality for information on known fossil localities.

CUL-5 MSCC shall submit a draft Paleontologic Resource Monitoring and Mitigation Plan for a proposed project amendment, to the CEC CPM for review and comment. MSCC shall submit the draft plan prior to any construction-related ground disturbance; CEC staff shall review and provide all comments to MSCC after receipt of the draft plan.

Verification: MSCC shall submit a draft Paleontologic Resource Monitoring and Mitigation Plan to the CEC CPM at least 120 days prior to the actual start of any construction-related ground disturbance. CEC staff shall review and provide all comments to MSCC within 30 days after receipt of the draft plan.

CUL-6 MSCC shall provide a final Paleontologic Resource Monitoring and Mitigation Plan to the CEC CPM prior to the actual start of any construction-related ground disturbance. MSCC shall not begin construction on a proposed amendment project until the CEC CPM notifies MSCC that a final Paleontologic Resource Monitoring and Mitigation Plan has been approved by the CEC.

The final, revised Paleontologic Resource Monitoring and Mitigation Plan shall include all of the modifications specified in the CEC staff analysis and in the discussion of mitigation measures. The final, revised plan shall include, but not be limited to, the following:

a. A statement indicating that surveys, field work, post-field laboratory processing, identification, preparation for curation, curation, and reporting shall follow the current draft guidelines of the Society of Vertebrate Paleontology, "Measures for Assessment and Mitigation of Adverse Impacts to Nonrenewable Paleontologic Resources: Standard Procedures."

b. A discussion of the criteria which will be used to determine the significance of any fossil materials encountered prior to or during the construction of the Midway/Mojave gas pipeline project.

c. A discussion of the professional qualifications and paleontological experience of personnel involved in the monitoring and mitigation team; discussion of the duties and responsibilities of the designated paleontologic resource specialist, the field paleontologist, and the monitoring and mitigation team. Also a discussion of the availability of a back-up team in the event a large and significant resource is uncovered.

d. A description of any surface specimens encountered during the field assessment survey(s), both those salvaged and those left in place, the significance of their being found, and any special monitoring and mitigation efforts implemented or proposed during construction in such localities.

e. A description of the geologic formations to be monitored during project construction and the level of monitoring, ie full time, part time, etc, required in each.

f. A description of the monitoring and mitigation procedures to be implemented by the designated paleontologic resource specialist during auguring, excavation, and trenching in those portions of the pipeline route where the pipe will be buried underground or where new support racks are to be constructed.

The discussion shall include salvage of significant fossils that may be found during the pre-construction assessment survey(s) or exposed during construction; the recording of stratigraphic, lithologic, and provenience data; and the sampling and collection of fossil matrix for processing to recover micro or other fossils that cannot otherwise be extracted.

g. A discussion of the procedures to be used to inform MSCC staff, consultants, project construction contractors, and sub-contractors that fossil localities may be encountered and that the paleontological monitors may need to halt work until the resources can be evaluated and recovered.

h. A discussion of the procedures to be followed if the designated specialist requests that construction be delayed in certain areas to allow the recovery of significant fossils, including notification of the CEC CPM of the work stoppage within one working day.

i. A description of the equipment and materials that will be on hand to assist in removing and protecting a large and significant resource.

j. A discussion of the criteria for establishing exclusion zones if protection is required to isolate nearby but indirectly-impacted sensitive resources from pedestrian or equipment traffic during construction.

k. A description of the mapping and data recovery procedures to be used in recording the stratigraphic, lithologic, and provenience data for fossil localities encountered during pipeline construction.

l. A description of the salvage, analytical, identification, and preparation procedures to be used in recovering fossil materials and preparing them for curation.

m. Identification of the established institution or repository which will receive any specimens recovered during monitoring and mitigation. The institution identified must meet SVP criteria for professional management of the collection and research materials and for curation in permanent and retrievable storage.

Verification: MSCC shall submit a final Paleontologic Resource Monitoring and Mitigation Plan to the CEC CPM at least 60 days prior to the actual start of construction-related ground disturbance. The final plan shall incorporate CEC CPM comments on the draft plan and all of the modifications specified in the staff analysis and in the discussion of mitigation measures.

CUL-7 All monitoring and mitigation procedures contained in the final, CEC staff-approved Paleontologic Resource Monitoring and Mitigation Plan shall be implemented by MSCC.

Verification: During pre-construction and construction, the CEC CPM or designee will, as deemed necessary, determine via telephone or through visits to the project site or analytical lab, and/or review of the final report, whether or not MSCC has implemented

the monitoring and mitigation procedures set forth in the CEC staff-approved mitigation and monitoring plan.

CUL-8 If amendments to the original MSCC project are proposed and construction would require disturbance of areas outside those previously surveyed for paleontologic resources (per Condition 4, above), MSCC shall have the designated paleontologic resource specialist conduct a paleontologic resources assessment survey of the new area of disturbance.

Prior to use of the new area for construction activities, a report of findings based on the assessment survey and a revised monitoring and mitigation plan shall be prepared and submitted to the CEC CPM for approval.

Verification: The report on survey findings and revised monitoring and mitigation plan shall be submitted to the CEC CPM within 30 days of the completion of the assessment survey. The CEC CPM or designee will, as deemed necessary, determine via telephone or through visits to the project site, whether or not MSCC has complied with this condition.

CUL-9 Upon conclusion of monitoring and mitigation activities at the site, MSCC shall prepare a status report for the CEC CPM or designee on the status of monitoring and mitigation activities as specified in the mitigation and monitoring plan and the conditions of compliance. The status report shall also present the CEC CPM or designee with a preliminary discussion of findings on the fossil materials recovered during monitoring and mitigation and provide an estimated timetable for completion of draft and final reports.

Verification: MSCC shall submit a status report to the CEC CPM or designee, presenting preliminary findings, summarizing the status of the monitoring and mitigation activities, and estimating the time frame for completion of fossil analysis and preparation of the draft and final reports. The status report shall be submitted within 30 days of the completion of site monitoring and mitigation activity.

CUL-10 MSCC's designated paleontologist shall complete a draft and a final report on the results of the paleontologic resource monitoring and mitigation plan upon conclusion of the analysis, identification, and curation of recovered fossil materials. The report shall indicate the final disposition of the recovered fossils. MSCC shall submit a draft report on the results of the paleontological monitoring and mitigation program to the CEC CPM for review, comment, and approval, prior to filing of the final report with appropriate repository institutions.

Maps and descriptions of fossil localities shall be included as a separate appendix and submitted to the CEC CPM with a request for confidentiality.

Verification: Upon conclusion of identification and curation of recovered fossil materials, MSCC shall submit a draft report to the CEC CPM for review and comment. After responding to any questions and incorporating CEC comments, MSCC shall submit a copy of the final report to the CEC CPM with a statement that all work has been completed in compliance with stated conditions.

Copies of the CEC-approved final report shall be filed with the appropriate repository institutions. Maps and descriptions of fossil localities shall be included as a separate appendix and submitted to the CEC CPM with a request for confidentiality.

ARCHEOLOGICAL

CUL-11 The Midway Sunset Cogeneration Company (MSCC) shall designate a qualified archeologist who will conduct any mitigation needed during construction; analysis and identification of the recovered cultural materials, and preparation of materials for curation into an established collection which offers professional management and permanent but retrievable curation.

Verification: MSCC shall provide the California Energy Commission with the name, phone number, and resume of their designated archeological resource specialist at least 120 days prior to the start of any project-related vegetation clearing, ground disturbance, excavation, or other project-related site preparation.

CUL-12 The designated archeological resource specialist shall be aware of the location of known archeological resources. If pipeline construction activity should occur in these areas, the designated specialist shall ensure that all construction activities remain within the defined area of construction.

Verification: During pre-construction and construction, the CEC CPM or designee will determine via telephone or through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

CUL-13 If archeological resources are discovered during construction, the construction monitor shall halt construction in the immediate area and notify the designated archeological resources specialist and the CEC CPM so that a determination of significance can be made.

Verification: During pre-construction and construction, the CEC CPM or designee will determine via telephone or through visits to the project site, as deemed necessary, whether or not MSCC has complied with this condition.

CUL-14 If amendments to the original MSCC project are proposed and construction would require disturbance of areas outside those previously surveyed for archeological resources, MSCC shall have the designated archeological resources specialist conduct a survey of the new area of disturbance. Prior to use of the new area for construction activities, a report of findings based on the survey and a revised monitoring and mitigation plan shall be prepared and submitted to the CEC CPM for approval.

Verification: The report of survey findings and revised monitoring and mitigation plan shall be submitted to the CEC CPM within 30 days of the completion of the survey. The CEC CPM or designee will, as deemed necessary, determine via telephone or through visits to the project site, whether or not MSCC has complied with this condition.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
DECOMMISSIONING CONDITIONS OF CERTIFICATION

DECOM-1 Prior to commencing decommissioning activities, Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) shall file a decommissioning plan with the California Energy Commission (CEC) for approval. The decommissioning plan shall:

1. identify and discuss the proposed decommissioning activities and schedule for the power plant site, transmission line, water, gas, and steam pipelines, fuel oil unloading facility, and all other appurtenant facilities constructed as part of the project;
2. identify all applicable laws, ordinances, regulations, standards, and local/regional plans (laws, ordinances, regulations, and standards) in existence at the time of decommissioning;
3. discuss how the specific proposed decommissioning activities will comply with these laws, ordinances, regulations, and standards;
4. contain an analysis for all decommissioning alternatives considered, specifically including the alternative of restoration to a natural state; and
5. discuss the reasons for selecting the proposed alternative.

Prior to submittal of the decommissioning plan, a prefiling workshop shall be held between SCC/SSEC and CEC staff for the purpose of determining the specific contents of the plan. SCC/SSEC shall be responsible for requesting the CEC staff to schedule a timely prefiling workshop to determine the specific content of the plan.

In the event that significant issues are associated with the plan's approval, or the desires of local officials or interested parties are inconsistent with the plan, the CEC may hold workshops and/or public hearings as part of its approval procedure.

SCC/SSEC shall not commence decommissioning activities until CEC approval of the decommissioning plan is obtained, and SCC/SSEC shall comply with any requirements the CEC may incorporate as a condition of the decommissioning plan.

Verification: At least 12 months prior to commencing decommissioning activities at the Midway-Sunset Cogeneration Facility, SCC/SSEC shall concurrently file the decommissioning plan with the CEC, the Kern County Planning Department, and other interested agencies.

At least six months prior to filing the decommissioning plan, SCC/SSEC shall request, in writing, that the CEC staff schedule a prefiling workshop to determine specific contents of the plan.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
DEMAND CONFORMANCE CONDITIONS OF CERTIFICATION

These Conditions of Certification were changed per the following Energy Commission Approval(s) or Order(s):

Type of Approval	Approval Date or Order #	Docket Transaction Number (TN)	Changed Conditions of Certification
Commission Order	90-0117-08c		DC-2

DC-1 The primary fuel for the facility shall be natural gas with oil as emergency backup.

Verification: SCC/SSEC shall certify in its annual compliance report the amount of natural gas burned and report to the CEC emergency occasions when oil is used as backup.

DC-2 Power from the facility shall be sold to Southern California Edison Company, pursuant to the terms of the existing Power Sales Agreement submitted in this proceeding. The SCE agreement is attached in Appendix F. In the event that power becomes available for sale, the Midway Sunset Cogeneration Company may sell that power to others.

Verification: The Midway sunset Cogeneration Company shall notify the CEC prior to the initial sale of power to others, in accordance with applicable laws, and describe the terms and conditions of such sale. Midway Sunset shall submit to the CEC copies of any future amendments to the power purchase agreement and copies of any new agreements, including attestations of changes in project ownership.

Ongoing verification shall be specified in condition verification 1B of Power Plant Efficiency.

DC-3 The Applicant, or any successors in interest, shall immediately notify the Compliance Unit of the California Energy Commission of any planned alterations in the design and/or operating characteristics of the Midway-Sunset Project as proposed and considered during these proceedings.

Verification: SCC/SSEC or any successors in interest shall immediately notify, in writing the Compliance Project Manager of the California Energy Commission of any planned alterations in the Project as proposed and considered during these proceedings. The CEC Compliance Project Manager will notify the Siting and Regulatory Procedures Committee and interested agencies or parties of the proposed change.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
POWER PLANT EFFICIENCY CONDITIONS OF CERTIFICATION

These Conditions of Certification were changed per the following Energy Commission Approval(s) or Order(s):

Type of Approval	Approval Date or Order #	Docket Transaction Number (TN)	Changed Conditions of Certification
Commission Order	90-0117-08c		EFF-1
Commission Order	90-0606-23b		EFF-1
Commission Order	21-0317-1a	237232	EFF-1, EFF-2

EFF-1 Deleted

EFF-2 Deleted

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
ELECTRICAL ENGINEERING CONDITIONS OF CERTIFICATION

ELEC-1 Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) shall produce design drawings, perform calculations and write specifications for electrical equipment to ensure that the electrical equipment for the Midway-Sunset Cogeneration Project is designed and procured in accordance with the applicable laws, ordinances, regulations, and standards (LORS) and the National Electrical Code (NEC) as defined in the "Electrical Engineering" portion of Appendix A of this Decision, including the standards listed in Attachment F of that portion, and shall incorporate these specifications in the purchase orders. Drawings, specifications, and calculations shall be signed and stamped by the responsible electrical engineer.

Verification: The responsible electrical design engineer, registered to practice electrical engineering in the State of California, shall stamp and sign all drawings, plans and calculations prepared by the responsible engineer or under the engineer's supervision, and shall submit a signed statement to the Chief Building Official (CBO) and to the California Energy Commission (CEC) no later than thirty days prior to start of electrical equipment installation. This signed statement shall specify that the proposed final design plans and specifications conform with all of the requirements set forth in the Commission Decision and the NEC. SCC/SSEC shall request the CBO to verify that the documents submitted demonstrate compliance with the applicable laws, ordinances, regulations, and standards.

ELEC-2 SCC/SSEC shall submit to the CBO five sets each of the items listed below:

a. Final design plans to include:
   - one-line diagrams for the 230 kV, 13.8 kV and 4.16 kV systems
   - system grounding drawings
   - lighting drawings
   - general arrangement or conduit drawings
   - other plans as required by the CBO

b. Final calculations to establish:
   - short-circuit ratings of equipment
   - ampacity[1] of feeder cables[2]
   - voltage drops in feeder cables[2]

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[1] Ampacity is the current, in amperes, that a conductor can carry continuously under conditions of use without exceeding its temperature rating.

[2] If calculations are not used to establish ampacity and voltage drops, SCC/SSEC shall supply reference sources (reference tables).

- coordination/calculation for relay settings
- other calculations as required by the CBO

Verification: Thirty days (or a lesser number of days mutually agreeable to the CBO, but not less than twenty days) before start of electrical equipment installation, SCC/SSEC shall submit to the CEC the items listed in a and b above. At least ten days before start of installation, SCC/SSEC shall submit to the CEC written verification from the CBO stating that the items listed under a and b above have been designed and manufactured in accordance with applicable laws, ordinances, regulations, and standards.

ELEC-3 To ensure safe design, SCC/SSEC shall construct as per the CBO "approved for installation plans," and have the completed installation inspected by the CBO to ensure compliance with the requirements of applicable laws, ordinances, regulations, and standards and the NEC.

Verification: Prior to the initial turbine operation, SCC/SSEC shall submit a statement to the CEC from the CB0 that the power plant construction conforms to applicable portions of the NEC and California Administrative Code. Title 24.

ELEC-4 SCC/SSEC shall incorporate all applicable industrial standards listed in Attachment F of the "Electrical Engineering" portion of Appendix A, in the design documents, procurement specifications, and purchase orders, for the following list of equipment:

- Generator Units and Accessories
- Cable
- High-Voltage Circuit Breakers
- Switchgear
- Transformers: Main and Auxiliary
- 4,160 Volt Motors (200 HP and above)
- Motor Control Centers
- Relay Panels
- Distributed Control System

Verification: Within 30 days of delivery of this equipment to the site, SCC/SSEC shall submit to the CEC, a list of all applicable standards for each item listed above, accompanied by a statement from each equipment vendor certifying that the equipment has been designed and fabricated in accordance with the listed standards, and verified by SCC/SSEC's quality assurance representative.

ELEC-5 SCC/SSEC must fully inform the CEC staff prior to taking any action to serve any load, including the future 10 MW load to the Sun Exploration and Production Company oil field, other than the load served pursuant to SCC/

SSEC's power purchase agreement with SCE. The required information shall include:

1. detailed statement of the proposed power to be supplied;
2. detailed description of the means of transmission and full information about the load to be served; and
3. fault-duty calculations for the new load and its effect on the cogeneration facility.

Verification: SCC/SSEC shall provide the required information 90 days prior to any proposed change in the project as certified by the CEC.

Within 30 days of receipt, Staff shall inform SCC/SSEC whether the information is complete. Upon submitting complete information, SCC/SSEC may proceed with the change.

ELEC-6 SCC/SSEC shall incorporate all applicable industrial standards listed in Attachment F found in the "Electrical Engineering" portion of Appendix A in the design documents, procurement specifications, and purchase orders for the following list of equipment:

- Battery and Battery Chargers
- Cable Trays
- Cathodic Protection Equipment
- Conduit
- Disconnect Switches
- Distribution Panels
- Grounding Materials
- Lighting Fixtures
- Lighting Materials
- Lightning Arresters
- Heat-Tracing Equipment
- Load Centers
- Nonsegregated Bus
- Low Voltage Motors (under 200 HP)
- Grounding Resistors

Verification: Within 60 days of delivery of this equipment to the site, SCC/SSEC shall submit to the CEC a statement from SCC/SSEC that this equipment conforms to all applicable standards as required in the purchase specifications.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
GEOLOGICAL RESOURCES CONDITIONS OF CERTIFICATION

GEO-1 Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) shall assign to the project, to be present as needed, an engineering geologist, certified by the State of California, to monitor engineering geologic conditions to assure that conditions encountered during excavation are similar to those described in the Application for Certification (AFC), its appendices, and supplemental data responses, or that any adverse conditions encountered are mitigated in a safe and environmentally sound manner. This person's duties shall include:

a. Monitoring compliance with design intent in engineering geologic matters.

b. Providing consultation during the design and construction of the project.

c. Evaluating geologic conditions and geologic safety.

d. Recommending field changes to the responsible civil engineer.

Verification: At least ten days prior to the submittal of the proposed grading plans (at least thirty days prior to the start of site preparation), SCC/SSEC's responsible design engineer shall set forth to the CEC and designated Chief Building Official (CBO) the name and license or registration number of the assigned engineering geologist(s). Personnel changes shall be noted and pertinent data submitted in the next subsequent monthly construction report.

GEO-2 To assure that the facilities are constructed in accordance with pertinent laws, ordinances, standards, permits, and approvals, the California Certified Engineering Geologist shall sign all pre-construction, construction, and post-construction reports including, but not limited to, maps plans, and specifications pertaining to the engineering geologic suitability of the plant site, transmission line corridor, and natural gas supply line corridor.

Verification: At least ten days prior to submittal of proposed grading plans (at least thirty days prior to the start of site preparation) SCC/SSEC's responsible design engineer shall set forth to the CEC and designated Chief Building Official (CBO), the name and license or registration number of the assigned engineering geologist(s).

GEO-3 If geologic conditions do not differ substantially from those conditions described in the Site and Vicinity Description (Nov. 25, 1986 RT 269-273), SCC/SSEC shall implement their proposed mitigation measures described in the Final Staff Assessment. (Nov. 25, 1986 RT 284).

Verification: SCC/SSEC's certified engineering geologist shall verify compliance with their proposed mitigation measures in the geologic grading report and "as-graded" grading plan.

GEO-4 SCC/SSEC shall ensure that geologic records of site inspections, especially detailed logs of excavated surfaces, will be made during site preparation and submitted to the CEC upon request.

Verification: SCC/SSEC shall notify the CEC of the availability of geologic records of site inspections in the next monthly construction report.

GEO-5 SCC/SSEC shall conduct design-level, site-specific geotechnical investigations of the off-site facilities prior to construction.

Verification: Prior to construction, SCC/SSEC shall submit a report of the off-site geotechnical investigations for approval to the CBO. A copy of the approval notice shall be submitted to the CEC.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
LAND USE CONDITIONS OF CERTIFICATION

LAND-1 Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) shall return all areas disturbed during transmission line construction to their previous condition and use wooden "H" frame transmission line towers to the maximum extent possible between the power plant and any intersection with existing lines at Lokern Road or the termination at the new or existing substation.

Verification: Within 180 days following the commencement of commercial operation, SCC/SSEC shall notify the California Energy Commission (CEC) that these conditions have been met.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
MECHANICAL ENGINEERING CONDITIONS OF CERTIFICATION

MECH-1 Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) shall incorporate all applicable portions of the laws, ordinances, regulations, standards, plans, and policies (LORS) identified in the "Mechanical Engineering" portion of Appendix A of this Decision, of the design- basis, calculations, procurement specifications, purchase orders, and maintenance and operations manuals for all following equipment:

- Combustion turbine-generators (CTG)
- Heat recovery steam generators (HRSG)
- Gas compressor
- HRSG feedwater storage tank
- NOx injection water storage tank
- Neutralizing tanks
- Fire protection water and service (fresh) water tank
- Sulfuric acid storage tank
- Sodium hydroxide storage tank
- Fuel oil day tanks
- HRSG feedwater pumps
- Demineralizer supply pumps
- NOx injection water pumps
- Sodium hydroxide metering pumps
- Sulfuric acid metering pumps
- Fuel oil transfer pumps
- NOx injection water-demineralizers
- Diesel generator
- Fire pumps
- Air compressor
- Fuel oil storage tank (when installation of this tank is required)

Verification: Upon delivery of the above equipment to the site, SCC/SSEC shall submit a list to the CEC of all applicable standards for each piece of the above-listed equipment, accompanied by a statement from each equipment vendor, certifying that the equipment has been designed and fabricated ln accordance with the listed standards, and verified by SCC/SSEC's quality assurance representative.

MECH-2 SCC/SSEC shall perform tests or have a third party perform tests for the following equipment using American Society of Mechanical Engineers (ASME) performance test codes as a guideline to formulate standard test procedures to determine the performance and operability of each piece of equipment. These test results will be the basis for evaluation of performance compared to the specification criteria for equipment or to demonstrate operability of following equipment:

- Combustion Turbine-Generators (CTG), ASME PTC 22
- Heat Recovery Steam Generators (HRSG), ASME Ptc 4.4
- Gas Compressor, ASME PTC 10
- Diesel Engine Generator, ASME PTC 17
- HRSG Feedwater Pumps, ASME PTC 8.2
- NOx Injection Water Demineralizers, ASME PTC 31
- Demineralizer Supply Pumps ASME PTC 8.2
- NOx Injection Water Demineralizer pump, ASME PTC 8.2
- Fuel Oil Transfer Pumps, ASME PTC 7.1
- Safety Relief Valves, ASME PTC 25.3

Verification: Within 30 days after completion of performance tests, SCC/SSEC shall submit a letter to the CBO and the CEC stamped and signed by the responsible mechanical engineer (registered to practice mechanical engineering ln the State of California), accompanied with test reports certifying the acceptance of the test results and certifying that these tests have been performed to formulate standard test procedures using referenced applicable ASME performance test codes as guidelines prior to commercial operation.

MECH-3 Prior to the intended start date of the first increment[1] of construction, SCC/SSEC shall furnish a schedule for the submittal of mechanical component packages to the CBO and the CEC. A detailed description of the proposed submittal packages containing the mechanical plans, required calculations and specifications, and the estimated date of submittal must accompany the schedule.

Verification: SCC/SSEC shall submit the schedule CEC at least 180 days (or a lesser number of agreeable to the CBO and the CEC) prior to the intended start date of the first increment of construction.

MECH-4 SCC/SSEC shall design and install all piping, other than domestic and refrigeration piping, to either American National Standard Institute (ANSI) B31.1 (Power Piping Code), or ANSI B31.2 (Fuel Gas Piping Code), or

[1] Increment refers to a particular stage of construction activity.

ANSI B31.3 (Chemical Plant and Petroleum Refinery Piping Code), or ANSI B31.8 (Gas Transmission and Distribution Piping Code) as applicable.

Prior to the start of any increment[2] of construction, SCC/SSEC shall submit 4 copies each of the proposed final design drawings, specifications, calculations, and applicable quality control procedures for each plant piping system to the CB0 with a copy of the transmittal letter to the CEC.

The final plans, specifications, and calculations shall clearly reflect the inclusion of approved criteria, assumptions, and methods used in the design.

The responsible engineer, registered in the State of California to practice mechanical engineering, shall submit a signed and stamped statement to the CBO and to the CEC that the proposed final design plans, specifications, and calculations conform with all of the requirements set forth in the Commission Decision.

The responsible engineer shall also submit a signed and stamped statement to the CBO and to the CEC that all of the other piping systems, except domestic and refrigeration, have been designed, fabricated, installed, and tested in accordance with all applicable standards.

The principal piping systems for which design plans, specifications, calculations, quality control procedures, and test results shall be submitted are:

- Boiler feedwater systems
- Main steam system
- DeNOx water injection system
- Fuel oil system
- Fuel gas system
- Fire water system
- Acid and caustic systems
- Compressed air system

Verification: SCC/SSEC shall submit the required documents including a copy of the signed and stamped engineer's certification to the CBO at least 120 days (or a lesser number of days if mutually agreeable to the CBO and the CEC) prior to the start of construction or fabrication.

SCC/SSEC shall submit a letter to the CEC certifying completion of both the plan check and installation. The CBO may require, as necessary, the licensee to employ special inspectors to monitor shop fabrication and/or the equipment installation.

[2] Increment refers to a particular stage of construction activity.

MECH-5 SCC/SSEC shall ensure that all pressure vessels are designed, fabricated, and installed in accordance with ASME Code VIII; and California Administrative Code (CAC), Title 8, Chapter 4; including those vessels furnished by the vendors as part of their equipment. Prior to the start of fabrication or construction, SCC/SSEC shall submit four copies of the proposed final design drawings, specifications, calculations, and quality control procedures for each pressure vessel to the CBO with a copy of the transmittal letter including an index to the contents of the above-mentioned items to the CEC. In addition, the responsible design engineer, registered in the State of California to practice mechanical engineering, shall stamp and sign all specifications, drawings (if applicable), and calculations and shall submit a statement to the CBO and CEC certifying that the proposed final design plans, specifications, and calculations conform with all of the applicable requirements set forth in the applicable sections of CAC, Title 8; ASME Pressure Vessel Code Section VIII; or American Petroleum Institute (API) 650 and 620. Prior to installation, SCC/SSEC shall submit, for all pressure vessels installed in the plant, the certified code papers and other documents required by code to the CBO. Fabrication drawings for pressure vessels and storage tanks shall be stamped and signed by a responsible engineer registered to practice mechanical engineering in the state where such equipment is to be manufactured.

Verification: At least 120 days (or a lesser number of days if mutually agreeable to the CBO and the CEC) prior to the start of fabrication, construction, or installation, SCC/SSEC shall submit the required plans, calculations and specifi-cations to the CBO and the CEC.

SCC/SSEC shall request a written notification from the CBO that the plan check and installation were in accordance with code requirements. SCC/SSEC shall send copies of the CBO's comments and approvals to the CEC in the next monthly construction progress report.

At least 30 days prior to the installation of each pressure vessel, SCC/SSEC shall furnish the CBO with the code certification papers and any other documents required by the code and make these documents available, upon request, to the CEC staff and Cal/OSHA any time during the project life.

MECH-6 SCC/SSEC shall ensure that the HRSG including all auxiliaries and all duct work are designed, fabricated, constructed, and installed in accordance with ASME Section I or ANSI B31.1.

Verification: At least 120 days (or a lesser number of days if mutually agreeable to the CBO and the CEC) prior to the intended start of the construction, SCC/SSEC shall submit all documents pertaining to the above to the CBO. SCC/SSEC shall request a written notification from the CBO as to whether the plan check and installation were in accordance with the code requirements.

SCC/SSEC shall forward copies of any written CBO comments and approvals to the CEC in the next monthly construction progress report.

MECH-7 SCC/SSEC shall design and install all heating, ventilating, air conditioning, and refrigeration systems within buildings and related structures, in accordance with the Uniform Mechanical Code; CAC, Title 24, Chapter 2-53, Part 2; the National Fire Protection Association (NFPA); the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE); and other applicable codes and standards.

Prior to start of construction, SCC/SSEC shall submit four sets each of the proposed final design plan specifications, calculations, and quality control procedures for each heating, ventilation, or air conditioning (HVAC) system to the CBO, with a copy of the transmittal letter to the CEC. The final plans, specifications, and calculations shall clearly reflect the inclusion of approved criteria, assumptions, and methods used to develop the design. In addition, the responsible engineer, registered to practice mechanical engineering in the State of California, shall sign all plans, drawings, calculations, and specifications and submit a signed statement to the CBO and the CEC certifying that the proposed plans, specifications, and calculations conform to all applicable codes and standards.

Verification: At least 120 days (or a lesser number of days if mutually agreeable to the CBO and the CEC) prior to the intended start of construction, SCC/SSEC shall submit four copies of the calculations, plans and specifications to the CBO. SCC/SSEC shall request that the CBO perform the plan check and inspection required to ascertain that the HVAC systems are designed and constructed in accordance with Uniform Mechanical Code; CAC, Title 24; and other applicable industrial standards.

SCC/SSEC may be required by the CBO to employ special inspectors as required to monitor shop fabrication of all equipment. SCC/SSEC shall request, In writing, a written notification from the CBO's as to when the HVAC system is ready for operation. SCC/SSEC shall transmit copies of CBO comments and approvals to CEC in the next monthly construction progress report.

MECH-8 SCC/SSEC shall design, fabricate, and install:

a. Plumbing in accordance with applicable sections of CAC, Title 24, Part 5 and the Uniform Plumbing Code (UPC).

b. The potable water system in accordance with applicable sections of the CAC, Title 24, Part 5. Article P10 and the UPC.

c. The drainage system including the sanitary drain and waste system in accordance with applicable section of the CAC, Title 24, Part 5,: Articles P4, P5, P6, and P7 and the UPC.

d. Plumbing fixtures in accordance with applicable sections of the CAC, Title 24, Part 5, Article P9 and the UPC.

e. Private sewers and sewage disposal systems in accordance with applicable sections of the CAC, Title 24, Part 5, Article P11 and the UPC, Appendix I. Percolation tests shall be per-formed in accordance with the UPC, Appendix I.

f. Toilet rooms and the number of toilet rooms in accordance with the UPC, Appendix C, and CAC, Title 24, Part 2.

g. The energy conservation in the control and maintenance building in accordance with CAC, Title 24, Chapter 2-53, Part 2, Section 2-5301 et seq.

h. Temperature and ventilation system requirements in accordance with CAC, Title 24. Chapter 2-53, Part 2.

Prior to the start of construction, SCC/SSEC shall submit six sets each of the proposed final plans, and three sets each of the specifications, calculations, and quality control procedures for each plumbing system to the CBO, with a copy of the transmittal package to the CEC. The final plans, specifications, and calculations shall clearly reflect the inclusion of approved criteria, assumptions, and methods used to develop the design. In addition, the responsible mechanical engineer, registered to practice mechanical engineering in the State of California, shall stamp and sign all plans, drawings, and calculations and shall submit a signed statement to the CBO and the CEC, certifying that the proposed final design plans, specifications, and calculations have been prepared in conformance with all of the requirements set forth in the Commission Decision.

Verification: At least 120 days (or a lesser number of days mutually agreeable to the CB0 and CEC staff) prior to the start of the first increment of the construction, SCC/SSEC shall submit the documents specified above to the CBO and the CEC. The CBO shall perform the plan check and inspection required to demonstrate that the sanitation facility of the proposed cogeneration plant has been designed in accordance with applicable codes and standards, and may require, as necessary, SCC/SSEC to employ special inspectors to monitor shop fabrication, field installation, and shop or field tests. SCC/SSEC shall request the CBO to return two complete sets of approved submittals to SCC/SSEC. SCC/SSEC shall request a written notification from the CBO as to when the sanitary facilities have been installed, tested, and inspected, and are ready for operation. SCC/SSEC shall forward copies of the CBO's comments and approvals to the CEC in the next monthly construction progress report.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
NOISE CONDITIONS OF CERTIFICATION

NOISE-1 Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) shall implement the following noise mitigation measures to ensure the plant will be operated in compliance with the requirements of the Kern County and Cal/OSHA noise standards or guidelines:

- Limit construction-related activities to daylight hours (7:00 a.m. to 7:00 p.m.).
- Maintain functional mufflers on all construction equipment.
- Install an acoustic enclosure around the combustion turbine and generator.
- Install a silencer on the air inlet of the combustion turbine.
- Install acoustical insulation on the heat recovery steam generator.
- Install a silencer on the exhaust gas bypass from the combustion turbine.
- Require the use of hearing protection devices by on-site personnel in high-noise areas
- (areas with noise levels of higher than 90 dBA).

Verification: Thirty days before the start of construction, SCC/SSEC shall provide the CEC with a statement certifying they will implement the construction-related noise mitigation measures listed above. After commencement of commercial operation, SCC/SSEC shall provide information in the first annual compliance report specifying how and where these measures were implemented. CC/SSEC shall make the construction site and power plant site available for inspection by the Kern County Health Services Department, Cal/OSHA, and the CEC.

NOISE-2 SCC/SSEC shall conduct an occupational noise survey to identify any areas of excessive noise within the facility, no later than 180 days after the beginning of commercial operation. The survey shall be conducted by a qualified technician in accordance with the provisions of the California Administrative Code, Title 8, Subchapter 7, Article 105. The survey results shall be used to determine the magnitude of employee noise exposure. SCC/SSEC shall prepare a report on the survey results and propose mitigation measures, as necessary, to ensure compliance with Cal/OSHA regulations.

Verification: Within 30 days of completion of the noise survey, SCC/SSEC shall prepare and submit a report on the results, as well as any proposed mitigation measures, to Cal/OSHA, as required, and the CEC.

NOISE-3 No later than 90 days after the beginning of commercial operation, SCC/SSEC shall conduct an off-site noise survey at locations acceptable to the CEC and the Kern County Health Services Department. The noise survey will be conducted during operations at a plant load in excess of 90 percent of plant capacity over a continuous 24-hour period, with the results reported in terms of Ldn, Leqs and CNEL noise levels.

SCC/SSEC shall prepare a report on the results of the survey for use in determining the plant's conformance with the Kern County land use criteria as well as the state's guidelines for land use compatibility. In the event that these criteria are not complied with, the report shall include details of the necessary mitigation measures as well as a schedule for instituting the mitigation plan. SCC/SSEC shall conduct an additional noise survey within five working days of instituting the mitigation measures to evaluate their effectiveness. The results of the survey shall then be reported to the CEC and the Kern County Health Services Department within 15 days of its completion.

No additional off-site noise surveys shall be required unless the public registers complaints about operational noise or if there is a perceived increase in the levels of project-related noise as a result of changes in operations.

Verification: Within 15 days of completing the initial or any subsequent noise surveys, SCC/SSEC shall submit a report on the results of the survey to the CEC and the Kern County Health Services Department. The Kern County Health Services Department shall then notify SCC/**SSEC** and the CEC (in writing within 15 days of receipt of the report) about the acceptability of the survey procedures and the effectiveness of any mitigation measures. If the report indicates further mitigation is required, the CEC and the Kern County Health Services Department shall inform SCC/SSEC, within 15 days of receipt of the report, of the need for the institution of more effective measures.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
PUBLIC HEALTH CONDITIONS OF CERTIFICATION

PUBLIC HEALTH-1 If emissions of the following pollutants exceed its levels listed below SCC/SSEC shall demonstrate that such levels will not result in a significant public health impact.

Estimated Maximum Emissions	Pollutants ug/second
Arsenic	353
Beryllium	9.45
Cadmium	9.45
Chromium	189
Lead	20,000
Mercury	479
Nickel	16.4
Selenium	517
Vanadium	1,197

Verification: No later than 90 days after fuel oil is first burned at the Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) Midway-Sunset Cogeneration Plant, SCC/SSEC shall conduct source tests with the plant operating on low-sulfur fuel oil. Source tests shall be conducted according to EPA and California Air Resources Board source testing procedures. Each gas turbine unit shall be tested individually at 100 percent operating load.

SCC/SSEC shall submit to the California Energy Commission (CEC) a test protocol for CEC approval 30 days prior to conducting any source test. SCC/SSEC shall report the results of the source tests along with the fuel oil specifications (including trace metal analysis for arsenic, beryllium cadmium, chromium, lead, mercury, nickel, selenium, and vanadium) to the CEC and the Kern County Air Pollution Control District.

SCC/SSEC shall submit to the CEC the above-mentioned fuel oil specifications, including trace metal analysis, for each fuel oil shipment or refinery production run. If fuel oil specifications are significantly different than that reported for the original source tests, CEC may request additional source testing be conducted by SCC/SSEC.

PUBLIC HEALTH-2 Electric field strengths at the edge of the right-of-way shall not exceed 1.6 kV/m.

Verification: No later than 90 days after beginning commercial operation, SCC/SSEC shall submit to the CEC computer modeling or field tests reporting the maximum electrical and magnetic fields at the boundaries of the transmission line right-of-way for the Midway-Sunset Cogeneration Project. Results shall be reported for the right-of-way edge at a height of 1 meter above the ground. Results shall be submitted in a report that

identifies all sampling locations, test procedures, and assumptions used to obtain the results. The report shall be prepared and signed by a California registered electrical engineer.

PUBLIC HEALTH-3 SCC/SSEC shall not implement any changes to the CEC Air Quality Conditions for Certification without CEC public health staff approval.

Verification: SCC/SSEC shall submit all proposed changes in compliance with CEC Air Quality Conditions for Certification to the CEC public health staff for approval prior to implementing said changes.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
PUBLIC / WORKER SAFETY CONDITIONS OF CERTIFICATION

SAFETY-1 Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) shall submit its fire protection program for the construction of the proposed facility to the Kern County Fire Department for approval prior to the scheduled start of construction.

Verification: Forty-five days prior to start of construction, SCC/SSEC shall submit to the California Energy Commission (CEC) a copy of the Kern County Fire Department's written acceptance of SCC/SSEC's construction fire protection program for the proposed facility.

SAFETY-2 SCC/SSEC shall comply with storage and handling requirements for sulfuric acid as specified in California Administrative Code (CAC), Title 8, Section 4110 et seq.

Verification: SCC/SSEC shall submit a letter to the CEC signed by the Kern County Fire Chief verifying compliance with the regulations within 30 days prior to first filling of any storage or holding tank (first fill).

SAFETY-3 SCC/SSEC shall ensure that the sulfuric acid and sodium hydroxide storage tanks are designed and fabricated in accordance with ASME Section VIII and anchored in accordance with requirements defined in the "Structural Engineering" portion of Appendix A of this Decision.

Verification: SCC/SSEC shall submit a letter to the CEC, accompanied by copies of all back-up material, signed by the county Chief Building Official verifying compliance with the referenced standards 30 days prior to the first fill.

SAFETY-4 SCC/SSEC shall comply with the handling and storage procedures for lube oil as specified in CAC, Title 8, Sections 5531 et seq.; 5545 et seq.; 5556 et seq.; 5565 et seq.; 5583 et seq.; 5606 et seq.

Verification: SCC/SSEC shall submit a letter to the CEC signed by the Kern County Fire Chief, verifying compliance 30 days prior to the commencement of start-up operation.

SAFETY-5 SCC/SSEC shall comply with the applicable handling, storage and usage requirements for hydrogen including appropriate leakage detection in accordance with NFPA 50A, Sections 173.302, 178.36, and 178.37 of Title 49 of the Code of Federal Regulations (CFR); 29 CFR Sections 1910.101A and 1910.103; and CAC, Title 8, Section 5465 et seq.

Verification: SCC/SSEC shall submit a letter to the CEC, signed by the Kern County Fire Chief, verifying compliance 30 days prior to the commencement of commercial operation.

SAFETY-6 SCC/SSEC shall submit its fire protection program for the operation of the proposed facility to the Kern County Fire Department for approval.

Verification: SCC/SSEC shall submit to the CEC a copy of the Kern County Fire Department's written acceptance of the operational fire protection program for the proposed facility, 15 days prior to the first turbine roll.

SAFETY-7 SCC/SSEC shall submit applicable documents to the Kern County Fire Department (KCFD) requesting that KCFD review the documents to determine if the on-site fire protection system is designed, constructed and will operate in accordance with applicable codes (NFPA Standards 10, 11, 12, 12A, 13, 14, 15, 17, 20, 22, 24, 26, 30, 37, 50A, 54 parts 1 and 2, 70, 72E1, 101, 291, 321, 325, 496, 850, 1961, 1962, and 1963) prior to the commencement of start-up operations.

Verification: SCC/SSEC shall submit to the CEC a copy of the affidavit signed by the Kern County Fire Department 30 days prior to the commencement of the first turbine roll.

SAFETY-8 SCC/SSEC shall request the Kern County Fire Department to annually re-examine the fire protection program.

Verification: SCC/SSEC shall summarize the joint reexamination of the fire protection program in its annual compliance report to the CEC.

SAFETY-9 SCC/SSEC shall prepare and implement an accident prevention program for both the operation and the construction phases of the plant, and shall request that the Cal/OSHA Consultation Service review their program.

Verification: SCC/SSEC shall request a letter from the Cal/OSHA Consultation Service certifying compliance with the requirements of CAC, Title 8, Sections 1509 and 3203. A copy of the letter shall be filed by SCC/SSEC with the CEC prior to commencing site preparation.

SAFETY-10 SCC/SSEC shall facilitate on-site worker safety inspections conducted by Cal/DOSH during construction and operation of the facility when an employee complaint has been received.

Verification: SCC/SSEC shall request Cal/DOSH to notify the CEC in writing in the event of a violation that will involve Cal/DOSH action affecting the construction and operation schedule and shall notify the CEC of the necessary corrective action. SCC/SSEC shall note any Cal/DOSH inspections and actions in its periodic compliance reports.

SAFETY-11 SCC/SSEC shall comply with the design requirements for building construction, and mechanical, electrical, and plumbing components in accordance with CAC, Title 24, Parts 2, 3, 4, 5 and Section 18916 and Chapters 5, 19, 32, and 33 of the Uniform Building Code (UBC 1986).

Verification: SCC/SSEC shall submit a letter to the CEC, signed by the county Chief Building Official, verifying compliance 30 days prior to the commencement of the first turbine roll.

SAFETY-12 SCC/SSEC shall comply with API 641; API 615; API 650; API RP-520; API RP-521; ASME Sections I, II, and VIII; and UBC Chapters 5, 19, 32 and 33 as applicable in constructing tanks, pressure vessels and systems, heat exchangers and the associated electrical wiring.

Verification: SCC/SSEC shall submit a letter to the CEC, signed by the county Chief Building Official, verifying compliance with the referenced standards 30 days prior to the first turbine roll.

SAFETY-13 SCC/SSEC shall contract only with Department of Transportation licensed haulers for the transport of hazardous materials, in compliance with 49 CFR.

Verification: SCC/SSEC shall submit a letter to the CEC, signed by the plant superintendent, verifying that SCC/SSEC is contracting with licensed haulers for the transport of hazardous materials.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
POWER PLANT RELIABILITY AND SAFETY CONDITIONS OF CERTIFICATION

These Conditions of Certification were changed per the following Energy Commission Approval(s) or Order(s):

Type of Approval	Approval Date or Order #	Docket Transaction Number (TN)	Changed Conditions of Certification
Commission Order	88-0713-02a		RELI-5

RELI-1 Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) shall inform the California Energy Commission (CEC) of any design changes in the proposed plant design made subsequent to certification by the Commission, whether made during final design or construction, which would affect the project availability or capacity factors.

Verification: SCC/SSEC shall submit the proposed change to the CEC at least 30 days prior to instituting such change with rationale and supporting design and analytical documentation justifying these changes.

RELI-2 SCC/SSEC shall prepare a report, documenting discovered non-conformances and corrective actions taken during startup, containing the following:

a. Identification of any non-conformity, which requires a corrective action.

b. Description of the corrective action taken and hours needed to resolve the problem.

c. Identification of problems or technical circumstances which resulted in interruption of a given startup activity.

d. Description of corrective action taken and hours needed to resume the startup activity.

Verification: Within 60 days following completion of the checkout and startup operations, SCC/SSEC shall file with the CEC Compliance Project Manager a report containing the above information covering the period from the first turbine roll through the first invoicing of electricity sales.

RELI-3 SCC/SSEC shall prepare an annual report documenting the plant availability and capacity factors achieved and supported by the following information:

a. Operating hours, outage hours, cause of outage and downtime for each piece of major equipment including the following:

- Combustion turbine-generators
- Heat recovery steam generators
- Feedwater pumps

- Demineralized water system (including pumps)
- Gas compressors
- Controls
- NOx water injection pumps

b. For each forced outage, a precise identification of any equipment whose failure resulted in the forced outage and the resulting forced outage hours;

c. Identification of equipment or other causes (such as curtailment) for which a planned outage was instituted in any given month;

d. Annual plant availability and capacity factors, per Electric Power Research Institute (EPRI) definitions.

Verification: Ninety days following each anniversary of the start of commercial operation, SCC/SSEC shall file with the CEC Compliance Project Manager an annual report containing the above information.

RELI-4 SCC/SSEC shall demonstrate, on a sample basis, implementation of the quality control (QC) program.

Verification: Thirty days prior to issuance for bid or, if presently available, SCC/SSEC shall submit to the CEC's Compliance Monitoring Unit two copies of the request for quotations containing engineering specifications, QC provisions, and requirements for the feedwater pumps and the heat recovery steam generators (HRSG).

Ten days after the purchase orders for the feedwater pumps and the HRSGs have been executed, SCC/SSEC shall submit, to the CEC's Compliance Monitoring Unit, two copies of the purchase orders or that portion of the purchase orders containing the engineering specifications, quality control provisions and means of verification of these requirements.

RELI-5 Rescinded

RELI-6 SCC/SSEC shall upgrade the design of the anchorages of the following equipment to the level consistent with the seismic design criteria proposed by the SCC/SSEC for other critical equipment, such as the combustion turbine generators:

- HRSG
- HRSG feedwater pumps
- HRSG feedwater storage tanks
- NOx control water injection pumps
- Gas compressor
- Control building

- Fuel oil storage tanks

Verification: No less than 30 days prior to issue of the purchase orders for the above equipment and their supports, SCC/SSEC shall submit to the CEC Compliance Unit drawings and specifications showing compliance with the above requirement.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
SOILS CONDITIONS OF CERTIFICATION

SOILS-1 Sun Cogeneration and Southern Sierra Energy Company (SCC/SSEC) shall submit an erosion and sediment control plan (as required in Civil Engineering Conditions for Certification), designed to minimize wind and water erosion at the proposed Midway-Sunset cogeneration plant site and all associated gas, steam, water and transmission lines, their parking, access road, and support areas to the CEC and Kern County Building Inspection Department for review and approval. To ensure adequate design and implementation of erosion and sediment control measures, this plan shall provide written and/or graphic evidence which indicates the methods by which the following will be accomplished:

a. Temporary construction slopes less than 20 feet in vertical height shall be cut no steeper than 1-1/2:1 (horizontal to vertical).

b. Construction of architectural berms shall not be done during rainy weather and temporary slopes vulnerable to sloughing shall be covered with plastic sheeting.

c. Site grading shall be balanced cut and fill, and soil shall not be exported or imported.

d. No more than 25 percent of the vegetation and soil within 100 feet of all transmission line towers shall be removed during their construction.

e. During project construction, the entire fuel unloading facility shall be paved with asphaltic concrete.

f. During construction, water shall be sprinkled on roads, parking areas, and excavated/graded surfaces for dust abatement.

g. Positive drainage shall be provided away from all cuts, fills, and berms until permanent erosion control measures have been implemented. Positive drainage shall also be provided for drainage ditcher until gunite is in place or permanent erosion control measures have been implemented.

h. The upper 6 inches of topsoil shall be removed prior to site excavation and grading and used to construct non-structural architectural berms along the east side of the proposed plant. This topsoil shall be used for site reclamation following decommissioning of the cogeneration project.

i. During the placement of topsoil on berms, the topsoil shall be wetted-down to control dust and minimize wind erosion, but not enough to cause sheet or rill erosion.

j. Permanent slopes or embankments shall be no steeper than 2:1 (horizontal to vertical).

k. Outfall structures shall be sized to accommodate 1 in 100 chance runoff.

l. Detailed grading of the plant site shall be accomplished so that all surface runoff drains away from building foundations to collection ditches. Water shall not be allowed to pond around buildings. Perimeter drainage ditches shall be provided to collect the on-site runoff and intercept off-site runoff.

m. Open constructed drainage ditches shall be gunite-lined whenever possible, and ditches which have a gradient sized for a minimum velocity of 2-1/2 feet per second (for self-cleaning) will be lined with shotcrete and equipped with energy dissipators (such as riprap).

n. Drainage pipes laid on steep slopes shall terminate with a T-section, on a riprap apron, or in a designed energy dissipator.

o. Interceptor ditches shall be provided to prevent rainfall flowing down the face of cut and fill slopes.

p. Minimum yard gradient shall be one percent and designated areas within the site shall be surfaced with 3 to 4 inches of crushed rock of 3/4-inch minimum size. The areas adjacent to major equipment and structure foundations shall be surfaced with asphaltic concrete.

q. Main plant access roads shall be paved.

r. The majority of runoff from the plant, roads, and parking areas shall be diverted north of the proposed site into an existing drainage ditch. Southbound runoff shall be diverted into the ditch north of Crocker Springs Road.

s. If runoff is diverted to Crocker Canyon, an outfall structure such as the one shown in Figure 1, Page 148 of the AFC supplement shall be provided.

t. Architectural berms shall be disced lightly and seeded with 18 pounds per acre of Panoche red brome between September 30 and November 15 during the first year after project construction. Seed shall be covered with no more than 1/2-inch of topsoil. Berms will be fertilized with 500 lb/acre of a 16-20-0 fertilizer mixture and subsequently covered with 100 lbs/1,000 square feet (ft2) of mulch. The mulch shall be anchored to the slopes.

u. If native vegetation fails to reestablish itself around transmission line towers and steam, gas, and water pipelines by the end of the second year after construction, SCC/SSEC shall reseed using the seed, fertilizer, mulch types, and amounts specified above.

The erosion and sediment control plan shall also contain plan and profile view drawings (with dimensions) of all erosion and sediment control devices and shall identify the location and dimensions of the following on maps of the site, fuel unloading facility, and transmission line construction yards:

a. Permanent slopes or embankments which have been constructed at 2:1 (horizontal to vertical).

b. All drainage ditches and pipes (including those with a potential velocity exceeding 2-1/2 feet per second).

c. Gunite-lined and shotcrete-lined ditches.

d. Energy dissipators and riprapped areas.

e. Areas of slope in excess of 1 percent.

f. All paved, surfaced, or graveled areas.

g. Non-structural architectural berms.

h. Naturally revegetated areas.

i. Artificially revegetated areas.

Verification: Ninety days prior to commencing site preparation, SCC/SSEC shall file an erosion and sediment control plan and site map with the CEC for review and approval. This plan may be consolidated with the plan required By Kern County.

Within 30 days of receipt of the erosion and sediment control plan, CEC shall inform SCC/SSEC of the adequacy of the erosion and sediment control plan additions or modifications which may be needed.

SOILS-2 SCC/SSEC shall minimize soil-related impacts by implementing the measures specified in the above-mentioned erosion and sediment control plan.

Verification: Within 180 days following the commencement of commercial operation, SCC/SSEC shall file "as-built" engineering plans depicting mitigation measures specified in the erosion and sediment control plan with the Kern County Building Inspection Department and the CEC compliance auditor. An affidavit signed by SCC/SSEC's project engineer shall accompany the CEC filing, certifying that the following mitigation has been completed, and identifying the areas or methods which deviate from those identified in the SCC/SSEC Midway-Sunset Cogeneration Project AFC and supporting documents.

Within 60 days of receipt of the "as-built" affidavit, CEC shall inform SCC/SSEC of the adequacy of mitigation design and/or implementation.

SOILS-3 SCC/SSEC shall either establish transmission line construction yards in areas which have been paved or surfaced with 3 to 4 inches of 3/4-inch gravel or shall revegetate yard sites upon completion of construction utilizing a program of seeding, fertilizing, and mulching recommended by the CEC and the Bakersfield office of the SCS.

Verification: Sixty days prior to commencing transmission line construction yard preparation, SCC/SSEC shall file the soil type, ground cover/surface, location, and legal description of the area(s) to be used for this purpose with the Kern County Building Inspection Department, the CEC compliance project manager and the SCS. If not

surfaced with pavement or gravel, SCC/SSEC shall also file a revegetation plan for review and approval with the above-mentioned agencies.

Within 30 days of receipt of the information described above for the transmission line construction yard, CEC shall inform SCC/SSEC whether or not revegetation measures are adequate.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
STRUCTURAL ENGINEERING CONDITIONS OF CERTIFICATION

STRUC-1 Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC), shall design, construct, and inspect the cogeneration facility in accordance with applicable laws, ordinances, regulations, and standards identified in Appendix A under "Structural Engineering", under ASTM standards in Attachment A of Appendix A, the section entitled Proposed Modifications (Attachment B), except as Attachment B is in conflict with Condition 3, infra, and pertinent portions of SCC/SSEC's submitted documents listed under Attachment C. The attachments are all contained in the "Structural Engineering" portion of Appendix A of the Commission Decision.

Verification: Fourteen days prior to the start of commercial operation, SCC/SSEC's project manager shall submit to the California Energy Commission (CEC) a statement of verification that all design, construction, and inspection requirements of the applicable laws, ordinances, regulations, and standards and the Commission Decision have been met for the area of structural engineering.

STRUC-2 SCC/SSEC shall assign to the project a responsible design engineer who shall be either a registered structural engineer with the authority to use the title "Structural Engineering" in California or a registered California Civil Engineer who shall be fully competent and proficient in design of power plant structures and equipment supports. The design engineer shall:

a. Be directly responsible for design of proposed structures and equipment supports.

b. Provide consultation to the responsible construction engineer during design and construction of the project.

c. Monitor construction progress to insure compliance with design intent.

d. Evaluate and recommend necessary changes in design.

e. Prepare and sign all necessary building plans, specifications and calculations.

(Business and Professions Code; Chapter 7, Division 3.)

Verification: At least 60 days (or a lesser number of days mutually agreeable to the CBO and CEC) prior to submittal of building plans, SCC/SSEC shall identify to the CEC and set forth the qualifications of the responsible design engineer assigned to the project to perform the duties set forth above.

STRUC-3 At least 60 days prior to the start of final design, SCC/SSEC shall submit to the CEC two sets of preliminary plans and seismic design criteria for critical and noncritical structures and equipment supports. The plans shall show each of the structural configurations and the necessary data to clarify

whether the structure is "regular" or "irregular." The seismic design criteria for critical structures and equipment shall indicate the requirements to determine the fundamental frequencies of the structures and equipment listed on Table 2 page 18-28 (Dec. 5, 1986 RT 214) of the FSA, and under the Adequacy of Seismic Design Criteria and Analysis Methods of the FSA (Ibid., RT 223-226), except as follows:

- The CTG base anchor bolts, and the foundation will be designed to the critical seismic criteria as stated in Table 2 on page 18-28 of the FSA, i.e., 0.55W(H)+0.37W(V). The following major items and portions of the CTG will not be designed to the critical seismic criteria:

Motor control center	Gauge panel
Oil cooler	Turning gear
Filters	Accessory gear
Oil pumps	Fuel flow divider
Starting device	Bearings
Casings	Control compartment
Shafts/blades/bucket	Piping
Accessory compartment Compartment	Generator Auxiliaries

- The HRSG will be designed to 0.32W(H)+0.21W(V) as shown in column B of Table 2.
- The acid and caustic tanks will be designed to 0.30W(H)+ 0.20W(V) as shown in column B of Table 2.
- The bypass stack will be designed as indicated in Table 2, i.e.,0.80W(H)+0.53W(V), while the exhaust stack will be designed to 0.54W(H)+0.36W(V), per the UBC.

The seismic design criteria for the noncritical structures or equipment supports shall address the use of the UBC seismic load coefficient for each of the noncritical structures.

Verification: The CEC staff shall review and concur, within 45 days of receipt of the data, that the structure classification and seismic design criteria are consistent with the requirements of this Decision prior to final design.

STRUC-4 Prior to the intended start of construction of each structure, equipment support, equipment anchorage, foundation, or fabrication of the CTG, CTG inlet support structure, HRSG, ASME pressure vessels, switchyard equipment, and power piping, SCC/SSEC shall submit four sets each of proposed final design plans and three sets each of the specifications, calculations, soils report, and quality control procedures for each structure,

equipment support, equipment anchorage, foundation, CTG, CTG inlet support, HRSG, and ASME pressure vessel, switchyard equipment and power piping to the CBO with one copy of a complete transmittal package (plans, calculations, specifications, soils report, and quality control procedures) to the CEC.

Plans, calculations, and specifications for foundations that support structures should be filed concurrently with both the structure and the foundation plans, calculations, and specifications. The final plans, calculations, and specifications shall clearly reflect the inclusion of approved criteria, assumptions, and methods used to develop the design, and be signed and stamped by the responsible design engineer. In addition, the responsible design engineer shall submit a signed statement to the CBO and to the CEC that the proposed final design plans, specifications and calculations conform with all of the requirements set forth in the Commission's Decision.

Verification: SCC/SSEC shall submit the plans, calculations, and other required documents to the CBO and the CEC at least 120 days (or lesser number of days mutually agreeable to the CBO and CEC) prior to the intended start of each structure, equipment support, or foundation. If the CBO discovers nonconformance with the stated requirements, he shall notify SCC/SSEC's responsible design engineer within 75 days of the submittal date and shall return the nonconforming portion of the plans to SCC/SSEC for correction. SCC/SSEC's responsible design engineer shall resubmit the corrected plans within 30 days of the return to SCC/SSEC of the nonconforming submittal.

The CBO shall return one complete set of originals or revised submittals stamped and signed with his approval to SCC/SSEC within 120 days of the original submittal, provided the plans comply with the stated requirements. SCC/SSEC shall submit written notice to the CEC that the proposed building plans, specifications, and calculations have been determined by the CBO to be in conformance with the requirements set forth in the applicable laws, ordinances, regulations, standards, plans, and policies in Condition 1 and that the CBO has approved them.

STRUC-5 SCC/SSEC shall make payments to the CBO equivalent to the fees listed in the Uniform Building Code (UBC) Chapter 3, Sections 304(a) and (b), and Table No. 3-A for the plan review and permit. If the city or county in which the plant is to be built has adjusted the UBC fees by county ordinance or code, SCC/SSEC shall pay the adjusted fees.

Verification: SCC/SSEC shall make payment at the CBO at the time of submittal of the plans, specifications, calculations and soils report, and notify the CEC that the payment has been made.

STRUC-6 SCC/SSEC shall apply for and obtain an "in-lieu" building permit and, upon receipt of payment and approval of the proposed building plans, the CBO shall issue the Permit to SCC/SSEC.

Verification: The CBO shall notify the CEC that an "in-lieu" building permit has been issued to SCC/SSEC.

STRUC-7 SCC/SSEC shall keep the CBO informed regarding the status of construction.

Verification: SCC/SSEC shall submit a monthly construction progress report to the CBO and the CEC.

STRUC-8 Inspections shall be performed in accordance with Chapters 3 and 70 of UBC (1982 edition). SCC/SSEC shall assign as a resident engineer, a registered civil engineer in the State of California, who shall be present on site as required to monitor construction activities, who shall have authority to halt construction and to require changes or remedial work if the work does not conform to the applicable requirements and who shall be responsible for the special and continuous inspections required by UBC Section 306. All welding, such as structural, piping, tanks, and pressure vessels, shall be inspected by a certified weld inspector (AWS and/or ASME as applicable). Names and qualifications of the resident registered civil engineer, the certified weld inspector, and other special inspectors shall be submitted to the CBO and to the CEC at least 60 days (or a lesser number of days mutually agreeable to the CEC and CBO) prior to start of any activity requiring special inspections in accordance with UBC Section 306 (UBC, Chapters 3, and 70).

Verification: Prior to issuance of the "in-lieu" building permit, SCC/SSEC shall identify the resident civil engineer, the certified weld inspectors, and the certified special inspectors to the CBO and to the CEC. The CBO shall notify SCC/SSEC and the CEC of all approvals or disapprovals of the resident registered civil engineer, weld inspectors, or special inspectors.

STRUC-9 All structural work shall be subject to inspection by the CBO and CEC. SCC/SSEC shall notify the CBO and CEC when the work is ready for inspection.

Verification: All inspectors shall file a monthly report of their inspections with the CBO. If any inspector finds the work is not being done in accordance with the approved plans, the discrepancies shall be reported immediately to SCC/SSEC's resident civil engineer, to the CBO, and the CEC. The inspector shall prepare a subsequent written report sending copies to SCC/SSEC, the CBO, and the CEC.

STRUC-10 If any changes to the approved final plans are deemed necessary, SCC/SSEC shall file with the CBO and CEC design changes to the final plans as required by UBC, Section 303, submitting three sets of the revised drawings, and two sets of the specifications, and calculations to the CBO with one copy of the complete transmittal package[1] to the CEC, and shall

[1] Transmittal package shall contain revised drawings, specifications, calculations, soil report, and quality control procedures.

notify the CBO at least 15 days in advance of the intended filing (UBC, Chapter 3).

Verification: The CBO shall return two sets of submittals stamped and signed with his/her approval to SCC/SSEC within 30 days (or a lesser number of days mutually agreeable to the CBO and CEC), provided the plans comply with the stated requirements and shall notify the CEC that he/she has approved the revised plans.

STRUC-11 Upon completion of any structure, SCC/SSEC's responsible design engineer shall submit to the CBO and to the CEC: (a) a written notice that the structure is ready for final inspection, and (b) a signed statement that the structure conforms with final approved building plans. The marked up "as-built" drawings[2] for the construction of structural and architectural work shall be submitted to the CBO. Changes approved by the CBO shall be identified on the "as-built" drawings.

Verification: The CBO shall inspect the completed structure and review the submitted documents. When the work and the as-built plans conform with the approved final building plans, the CBO shall give them final approval and shall notify the CEC and SCC/SSEC of such approval. If the Kern County Building Official is used as the CBO, he/she shall also issue a Certificate of Occupancy after final approval.

STRUC-12 SCC/SSEC shall submit weekly to the CBO and the CEC, two sets each of the following data:

- Concrete cylinder strength test reports, (including date of testing, date sample taken, design concrete strength, tested cylinder strength, age of test, type and size of sample, location and quantity of concrete placement from which sample was taken, mix design designation and Parameters)
- Concrete pour sign-off sheets
- Bolt torque inspection reports (including location of test, date, bolt size, recorded torques)
- Field weld inspection reports (including type of weld, location of weld, inspection of NDT procedure and results, welder qualifications, certifications, qualified procedure description or number [ref: AWS])
- Reports covering other structural activities requiring special inspections in accordance with UBC, Section 306.

Verification: The CBO shall review the above reports and shall indicate his/her approval/disapproval to SCC/SSEC within 30 days with copies to the CEC, provided

[2] Final "as-built" drawings shall be submitted within six months of completing construction of each structure, foundation, or equipment support.

specific test results comply with identified requirements. If disapproved, the CBO shall immediately advise the CEC of the reason for disapproval.

STRUC-13 At least 195 days (or a lesser number of days mutually agreeable to the CBO and CEC) prior to the intended start date of the first increment[3] of construction, SCC/SSEC shall furnish to the CBO and the CEC a schedule of structural plan submittals, a Master Drawing List, and a Master Specification List. The schedules shall contain a description and list of proposed submittal packages of structural plans, calculations, and specifications for critical electrical and mechanical equipment and the estimated date of submittal.

Verification: SCC/SSEC shall submit the schedule, Master Drawing List, and Master Specifications List to the CBO and to the CEC, and provide updates monthly.

STRUC-14 SCC/SSEC shall ensure that all field fabricated tanks shall be designed, fabricated, and installed in accordance with API-650 (fuel oil tanks) or AWWA D-100 (water tanks) and CAC, Title 8, Chapter 4. If there are conflicting requirements, the most conservative shall govern (i.e., highest loads, lowest allowable stresses). Prior to the intended start of construction or fabrication of any tank, SCC/SSEC shall submit three sets each of proposed final design plans, and two sets each of the specifications and calculations, and quality control procedures for each tank to the CBO with one copy of the complete transmittal package[4] to the CEC. In addition the responsible design engineer shall be a registered structural engineer, with the authority to use the title "Structural Engineer" in the State of California, or a California Registered Civil Engineer, fully competent and proficient in the design of tanks, their foundations, anchorages and related equipment, and shall: a) sign, stamp, and seal the plans, calculations, and specifications; and b) submit a signed statement to the CBO and CEC that the proposed final design plans, specifications, and calculations conform with all of the requirements set forth in the Commission Decision.

Verification: SCC/SSEC shall submit the required documents at least 120 days (or a lesser number of days mutually agreeable to the CBO and CEC) prior to the intended start of construction. SCC/SSEC shall notify the CEC, in writing, that the CBO has verified that the plan-check and tank installations were in accordance with the Commission Decision and the code requirements.

STRUC-15 SCC/SSEC shall design and construct the transmission line structures in accordance with CPUC GO-95 and ASCE Design of Steel Transmission Pole Structures. (ASCE Design applies only to steel poles, if used).

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[3] The first increment of construction is the excavation for foundations.

[4] Transmittal package shall contain plans, specifications, calculations, soil report, and, quality control procedures.

Verification: At least 60 days (or a lesser number of days mutually agreeable to the CBO and CEC) prior construction, SCC/SSEC's responsible engineer shall submit three sets of plans and two sets each of specifications and calculations of the transmission structure signed and stamped by the responsible design engineer to the CBO with one copy of the complete transmittal package[5] to the CEC.

The CBO shall return to SCC/SSEC one complete set of submitted plans stamped and signed with his/her approval SCC/SSEC shall submit written notice to the CEC that the documents conform to said requirements and have been approved. Within 90 days after completion of the transmission line structure, SCC/SSEC's responsible engineer shall obtain approval from the CBO and send the CEC a signed statement that the transmission line structure as built complies with CPUC GO-95 and ASCE Design of Steel Transmission Pole Structures (as applicable).

[5] Transmittal package shall contain plans, specifications, calculations, soil-report, and quality control procedures.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
TRAFFIC AND TRANSPORTATION CONDITIONS OF CERTIFICATION

TRANS-1 Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) shall comply with the Kern County and the State Department of Transportation (Caltrans) restrictions on oversize or overweight traffic. SCC/SSEC shall obtain transportation approvals from Kern County and Caltrans as necessary for oversize loads.

Verification: SCC/SSEC shall, in its annual compliance report, notify the California Energy Commission of any transportation approvals obtained during the reporting period.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
TRANSMISSION LINE ENGINEERING CONDITIONS OF CERTIFICATION

These Conditions of Certification were changed per the following Energy Commission Approval(s) or Order(s):

Type of Approval	Approval Date or Order #	Docket Transaction Number (TN)	Changed Conditions of Certification
Commission Order	88-0622-35k		TLE-1b, 4b

TLE-1 Midway Sunset Cogeneration Company (MSCC) shall ensure that the design, construction, and operation of the proposed transmission outlet facilities (MSCC Alternate 3) will conform to the following requirements:

a. Two hundred thirty (230) kV power circuit breakers with a suitable continuous and interrupting rating shall be installed at the Midway-Sunset switchyard and Pacific Gas and Electric Company's (PGandE's) Midway Substation for outlet line protection. If practicable, MSCC shall accommodate a 230 kV line termination at the Midway-Sunset switchyard, if requested for future projects.

b. Approximately 18.5 miles of 1-1,590 kCM ACSR or larger 230 kV single-circuit, wood-pole transmission line shall be constructed between the Midway-Sunset switchyard and the connection to the PGandE Midway-Sunset Substation 230 kV bus. Single-pole steel structures may be used at turning points and a dual-pole steel structure may be used as a double dead-end structure. The transmission line wood pole structures and route shall not deviate from Transmission Line (TL) Engineering: Figures 5 and 6, respectively. (Dec. 11, 1986 RT 161, 162). MSCC shall offset this transmission line, where practicable, on their right-of-way so that a corridor sufficient for a second transmission line is available for future projects.

c. The transmission facilities shall meet or exceed the requirements of California Public Utilities Commission (CPUC) General Order 95, Rule 37;

d. No other· generating unit or transmission circuit and no load other than station service or future 10 MW oil field load as described in the Application for Certification (AFC) and amendments thereto may be connected to the switchyard or MSCC's outlet transmission circuit without prior authorization of the California Energy Commission (CEC);

e. MSCC shall inform the CEC Compliance Project Manager of any changes in ownership of the transmission facilities and all requirements and verifications shall apply to future owners.

Verification: No later than 60 days prior to construction of the transmission outlet facilities, MSCC shall submit to the CEC Compliance Project Manager all pertinent

drawings, such as one-line diagrams signed and sealed by a registered electrical engineer in responsible charge, and an engineering description of Requirements la, 1b, and 1d, above. MSCC shall advise the CEC Compliance Project Manager 30 days prior to change in ownership.

TLE-2 If SCC/SSEC concludes that the Midway Substation termination is infeasible or inferior and they therefore propose to terminate at the proposed Midway South Substation, SCC/SSEC shall submit to the CEC Compliance Project Manager all engineering studies, contracts and correspondence which support and justify their conclusion. These documents shall be filed not less than 120 days before proposed start of construction of the Midway South Substation.

Verification: Staff shall advise the CEC Siting and Regulatory Procedures Committee that SCC/SSEC have elected the Midway South termination.

TLE-3 Should SCC/SSEC construct the proposed Midway South Substation, SCC/SSEC shall ensure that the design, construction, and operation of the transmission facilities will conform to the following requirements:

a. Two hundred thirty (230) kV power circuit breakers with a suitable continuous and interrupting rating shall be installed at the Midway-Sunset switchyard. If practicable, SCC/SSEC shall accommodate a 230 kV line termination at the Midway-Sunset switchyard, if requested, for future projects.

b. Approximately 18.5 miles of 1-1,590 kCM ACSR or larger 230 kV single-circuit, wood-pole transmission line shall be constructed between the Midway-Sunset switchyard and the connection to the Southern California Edison Company (SCE) Midway South Substation. The transmission line wood pole structures and route shall not deviate from Transmission Line Engineering: Figures 5 and 6, (Dec. 11, 1986 RT 161, 162) respectively. SCC/SSEC shall offset this transmission line, where practicable, on their right-of-way so that a corridor sufficient for a second transmission line is available for future projects.

c. Midway South Substation shall be constructed with three 90 MVA 500/230 kV transformers and one 230 kV power circuit breaker in accordance with Transmission Line Engineering: Figure 8. (Dec. 11, 1986 RT 104).

d. The transmission facilities shall meet or exceed the requirements of CPUC General Order 95, Rule 37.

e. No other generating unit or transmission circuit and no load other than station service or future 10 MW oil field as described in the AFC amendments and Transmission Line Engineering Figure 4 of staff's testimony (Dec. 11, 1986 RT 160) may be connected to the switchyard, SCC/SSEC's outlet transmission circuit, or the Midway South Substation without prior authorization of the CEC Staff.

f. SCC/SSEC shall inform the CEC Compliance Project Manager of any changes in ownership of the transmission facilities and all requirements and verifications shall apply to future owners.

Verification: No later than 60 days prior to construction of the transmission outlet facilities, SCC/SSEC shall submit to the CEC Compliance Project Manager all pertinent drawings, such as one-line diagrams signed and sealed by a registered electrical engineer in responsible charge, and an engineering description of Conditions 3a, 3b, 3c, and 3e, above. SCC/SSEC shall advise the CEC Compliance Project Manager 30 days prior to change in ownership.

TLE-4 MSCC shall submit to the CEC Compliance Project Manager a request for any variance from Conditions 1, 2, or 3 above, and items a through j below. Approval must be obtained from the CEC before the change (variance) is implemented. This request shall include any proposed changes to the following:

a. Route Specified: The route may not significantly deviate from the proposed route in Transmission Line Engineering: Figure 6 (Sec. 11, 1986 RT 110).

b. Connection Point: Midway Substation 23kV bus or Midway South Substation.

c. Conductor Size: 1-1,590 kCM ACSR.

d. Number of Conductors: One per phase.

e. Number of Circuits: One.

f. Voltage Level: Nominal 230 kV phase-to-phase.

g. Conductor Loading: 225 MW peak at rated site conditions {65°F).

h. Tower Types: Single-circuit, wood-pole H-frame, single-pole steel a: turning points, and dual-pole steel for double dead-end structures.

i. Capacity: Each circuit - 614 MVA normal, 675 MVA emergency.

j. Any other change that may significantly affect the capacity, reliability, economics, or energy losses of the transmission system.

Verification: MSCC shall inform the CEC Compliance Project Manager of any impending changes which may not conform to Condition 4 and request approval to implement such changes. Staff shall review MSCC's submittal and make recommendations to the CEC Siting and Regulatory Procedures committee within 45 days after receipt of MSCC’s submittal.

TLE-5 SCC/SSEC shall be responsible for the inspection of the proposed transmission facilities during construction for conformance to Conditions 1, 3, and 4, above, and any subsequent CEC approved changes thereto, and for conformance with CPU General Order 95. SCC/SSEC shall inform the CEC Compliance Project Manager in writing within 10 days of such nonconformance and describe the corrective actions to be taken.

Verification: Within 60 days following first successful synchronization with the PGandE or SCE system, SCC/SSEC shall transmit to the CEC Compliance Project Manager an engineering description(s) and one-line drawings of the "as-built" facilities referred to in Conditions 1, 3, and 4 above. A statement attesting to conformance with General Order 95 shall be concurrently provided.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
TRANSMISSION SYSTEM ENGINEERING CONDITIONS OF CERTIFICATION

A. Termination on Midway Substation - Collector Alternative B.

TSE-1 Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) shall verify for Alternative B that Pacific Gas and Electric Company (PG&E) can and will accomplish the following:

a. Design and construct a 230 kV extension to its Midway Substation to accommodate one suitably sized circuit breaker position to terminate the Midway-Sunset outlet line.

b. Replace overstressed 230 kV circuit breakers at the Midway Substation with circuit breakers of a suitable rating.

c. Install and/or modify its protection, metering, communication systems, and administrative procedures needed to incorporate the Midway-Sunset project into the PG&E transmission system. This shall include the necessary coordination with SCE.

d. Negotiate mutually acceptable transmission charges with SCC/SSEC.

e. Establish procedures with SCC/SSEC and Southern California Edison Company (SCE) regarding dispatch and control of the electrical output of the Midway Sunset project.

f. Guarantee that SCC/SSEC's financial responsibility for transmission facilities is in accordance with California Public Utilities Commission (CPUC) Decision 85-09-058.

Verification: No later than 60 days prior to commencing transmission facility construction, SCC/SSEC shall furnish the California Energy Commission (CEC) Compliance Project Manager with a pertinent portion of the SCC/SSEC/ PG&E/SCE Contract describing implementation of Condition 1 above or a statement signed by the PG&E Project Manager describing how these requirements will be implemented.

TSE-2 SCC/SSEC shall submit to the CEC Compliance Project Manager a request for any variance from Conditions 1a, b, c, d, e, or f or for any other changes in the PG&E system which may affect the performance of the transmission system related to the Midway-Sunset project. The request shall contain information appropriate to justify any proposed changes. Approval must be obtained from the CEC before the change (variance) is implemented.

Verification: SCC/SSEC shall file its request with the CEC Compliance Project Manager. Staff shall review SCC/SSEC's submittal and make recommendations to the Siting and Regulatory Procedures Committee within 45 days after receipt of SCC/SSEC's submittal.

TSE-3 Upon completion of construction, SCC/SSEC shall document that the transmission facilities have been constructed in accordance with Conditions 1 and 2.

Verification:

a. Within 60 days following the first successful synchronization of one or more generators with PG&E's Midway Substation, SCC/SSEC shall transmit to the CEC Compliance Project Manager relevant documentation such as engineering descriptions, one-line diagrams, "as-built" drawings, etc., generated by PG&E and signed by a registered professional engineer licensed to practice electrical engineering in the State of California, with all amendments attached, attesting to conformance of the Midway-Sunset project with Conditions 1 and 2.

b. Within 60 days following the first successful synchronization of one or more generators with the PG&E system, SCC/SSEC shall submit to the CEC Compliance Project Manager an itemization of all additions, modifications, upgrades, and replacements of transmission facilities made to connect the Midway-Sunset cogeneration facility to the PG&E system, including those partially attributable to the Midway-Sunset cogeneration facilities, with the costs and allocation of costs to SCC/SSEC and/or PG&E associated with each item.

TSE-4 SCC/SSEC shall verify that SCE will accomplish the following:

a. Install and/or modify its protection, metering, communication systems, and administrative procedures needed to incorporate the Midway-Sunset project into the PG&E transmission system. This shall include the necessary coordination with PG&E.

b. Establish procedures between SCC/SSEC and SCE regarding dispatch and control of the electrical output of the Midway-Sunset project.

c. Guarantee that SCC/SSEC's financial responsibility for the transmission facilities is in accordance with CPUC Decision 85-09-058.

d. Guarantee that the Midway-Sunset project is under the exclusive control of the appropriate SCE dispatcher subject to coordination with PG&E.

Verification: No later than 60 days prior to commencing transmission line or substation construction, SCC/SSEC shall furnish the CEC Compliance Project Manager with a pertinent portion of the SCC/SSEC/SCE Contract describing implementation of Condition 4 or a statement signed by the SCE Project Manager describing how these Conditions will be implemented.

TSE-5 SCC/SSEC shall submit to the CEC a request for any variance from Conditions 4a, b, and c or for any other changes in the SCE system, which may affect the performance of the transmission system related to the Midway-Sunset project. The request shall contain information appropriate to justify

any proposed changes. Approval must be obtained from the CEC before the changes (variance) is implemented.

Verification: SCC/SSEC shall file its request with the CEC Compliance Project Manager. Staff shall review SCC/SSEC's submittal and make recommendations to the Siting and Regulatory Procedures Committee within 45 days after receipt of SCC/SSEC's submittal.

TSE-6 Upon completion of construction, SCC/SSEC shall furnish proof that the transmission facilities and procedures are in accordance with Conditions 4 and 5.

Verification:

a. Within 60 days following first successful synchronization of one or more generators with the SCE system, SCC/SSEC shall provide a statement from SCE verifying compliance with Conditions 4 and 5.

b. Within 60 days following first successful synchronization of one or more generators with the SCE system, SCC/SSEC shall also submit to the CEC Compliance Project Manager an itemization of all additions, modifications, upgrades, and replacements of transmission facilities made to connect the Midway-Sunset cogeneration facility to the SCE system, including those partially attributable to the Midway-Sunset cogeneration facilities, with the costs and allocation of costs to SCC/SSEC and/or SCE associated with each item.

B. Should SCC/SSEC interconnect with the new Midway South Substation in accordance with Transmission Line Engineering Condition of Certification 2, the following Conditions for Certification shall apply:

TSE-7 SCC/SSEC shall verify that SCE has accomplished the following:

a. installed and/or modified its protection, metering, communication systems, and administrative procedures needed to incorporate the Midway-Sunset project into the SCE transmission system. This shall include the necessary coordination with PG&E.

b. Established procedures with SCC/SSEC regarding dispatch and control of the electrical energy of the Midway-Sunset project.

c. Guarantee that SCC/SSEC"s financial responsibility for transmission facilities is in accordance with CPUC Decision 85-09-058.

d. Guarantee that the Midway-Sunset project is under the exclusive control of the appropriate SCE dispatcher subject to coordination with PG&E.

Verification: No later than 60 days prior to commencing transmission line of substation construction, SCC/SSEC shall furnish the CEC Compliance Project Manager with the pertinent portion of the SCC/SSEC/SCE Contract describing implementation of Condition 7 or a statement signed by the SCE Project Manager describing how these Conditions will be implemented.

TSE-8 SCC/SSEC shall submit to the CEC a request for any variance from Conditions 7a, b, c or e or for any other changes in the SCE system, which may affect the performance of the transmission system related to the Midway-Sunset project. The request shall contain information appropriate to justify any proposed changes. Approval must be obtained from the CEC before the changes (variance) is implemented.

Verification: SCC/SSEC shall file its request with the CEC Compliance Project Manager. Staff shall review SCC/SSEC's submittal and make recommendations to the Siting and Regulatory Procedures Committee within 45 days after receipt of SCC/SSEC's submittal.

TSE-9 Upon completion of construction, SCC/SSEC shall furnish proof that the transmission facilities and procedures are in accordance with Conditions 7 and 8.

Verification:

a. Within 60 days following first successful synchronization of one or more generators with the SCE system, SCC/SSEC shall provide a statement from SCE verifying compliance with Conditions 7 and 8.

b. Within 60 days following first successful synchronization of one or more generators with the SCE system, SCC/SSEC shall also submit to the CEC Compliance Project Manager an itemization of all additions, modifications, upgrades, and replacements of transmission facilities made to connect the Midway-Sunset cogeneration facility to the SCE system, including those partially attributable to the Midway-Sunset cogeneration facilities with costs and allocation of costs to the SCC/SSEC and/or SCE associated with each item.

TSE-10 SCC/SSEC shall verify that PG&E will accomplish the following:

a. Replace any circuit breaker at the Midway Substation, which may become overstressed, with circuit breakers of suitable rating.

b. Install and/or modify its protection, metering, communication systems, and administrative procedures needed to incorporate the Midway-Sunset project into the PG&E transmission system. This must include the necessary coordination with SCE.

c. Guarantee that SCC/SSEC's financial responsibility for transmission facilities is in accordance with CPUC Decision 85-09-058.

Verification: No later than 60 days prior to commencing transmission line or substation construction, SCC/SSEC shall furnish the CEC Compliance Project Manager with a pertinent portion of the SCC/SSEC/PG&E Contract describing implementation of Condition 10 or a statement signed by the PG&E Project Manager describing how these Conditions will be implemented.

TSE-11 SCC/SSEC shall submit to the CEC a request for any variance from Conditions 10a, b, or c or for any other changes in the SCE system, which

may affect the performance of the transmission system related to the Midway-Sunset project. The request shall contain information appropriate to justify any proposed changes. Approval must be obtained from the CEC before the changes (variance) is implemented.

Verification: SCC/SSEC shall file its request with the CEC Compliance Project Manager. Staff shall review SCC/SSEC's submittal and make recommendations to the Siting and Regulatory Procedures Committee within 45 days after receipt of SCC/SSEC's submittal.

TSE-12 Upon completion of construction, SCC/SSEC shall furnish proof that the transmission facilities and procedures are in accordance with Conditions 10 and 11.

Verification:

a. Within 60 days following first successful synchronization of one or more generators with the SCE system, SCC/SSEC shall provide a statement from SCE verifying compliance with Conditions 10 and 11.

b. Within 60 days following the first successful synchronization of one or more generators with the SCE system, SCC/SSEC shall also submit to the CEC Compliance Project Manager an itemization of all additions, modifications, upgrades, and replacements of transmission facilities made to connect the Midway-Sunset cogenerating facility to the SCE system, including those partially attributable to the Midway-Sunset cogeneration facilities with costs, and allocation of costs to the SCC/SSEC and/or PG&E associated with each item.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
VISUAL RESOURCES CONDITIONS OF CERTIFICATION

VIS-1 To reduce the potential visual impacts of the proposed cogeneration facility, Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) shall paint all structures at the cogeneration site with non-reflective paint that does not contrast with existing nearby oil field structures or the natural landscape.

Verification: At least 30 days before commercial operation of the cogeneration facility, SCC/SSEC shall submit a letter and color photographs to the CEC verifying compliance with this requirement.

VIS-2 To reduce the potential visual impacts of the potential off-site fuel unloading facility, SCC/SSEC shall screen the facility so as to blend with the existing agricultural setting.

Verification: At least 90 days prior to construction of the off-site fuel unloading facility, SCC/SSEC shall submit plans and drawings to the CEC describing the measures to reduce visual impacts of the facility. Within 30 days, the CEC staff will evaluate the submittal and respond concerning its adequacy.

VIS-3 To reduce the potential visual impacts of the proposed electrical transmission line, for the last 3 miles of segment 1 and for all of segment 2, SCC/SSEC shall attempt to use either steel poles painted to match the color of the poles of the existing 115 kV line, or H-frame wood pole structures (not a mixture of the two types). If SCC/SSEC determine that exclusive use of one type of structure is not feasible, they shall gain the concurrence of CEC Staff concerning any proposed exceptions prior to construction. For either type of structure, the structure locations shall match those of the existing poles to the extent possible. Steel lattice towers shall not be used on this section of the transmission line.

Verification: At least 90 days prior to the start of construction of the transmission line, SCC/SSEC shall submit to the CEC:

a. drawings of each type of existing transmission line structure to be paralleled in the 3 miles of segment 1 and all of segment 2;

b. drawings of the types of structures to be used parallel to the existing structures;

c. maps at a scale of 1:500 showing the alignment and rights-of-way of the existing transmission lines to be paralleled, the alignment and rights-of-way of the proposed transmission line, the location of the existing poles, and the proposed location of the proposed structures on poles.

Within 30 days, the CEC staff will evaluate the submittals and respond regarding their adequacy.

VIS-4 If the alternative transmission line route is used, to reduce the visual impact in segment 4 SCC/SSEC shall attempt to use either the H-frame wood pole design or single steel poles (not a mixture of the two types). If SCC/SSEC determine that exclusive use of one type of structure is not feasible, they shall gain the concurrence of the CEC staff concerning any proposed exceptions prior to construction. If steel poles are used, they shall be painted a color that best blends into the natural setting. Steel lattice towers shall not be used.

Verification: At least 90 days prior to the start of construction of the alternative transmission line, SCC/SSEC shall submit to the CEC drawings of the transmission line structures to be used in segment 4. If steel poles are to be used, SCC/SSEC shall also submit a sample of the paint color to be used.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
WASTE MANAGEMENT CONDITIONS OF CERTIFICATION

WASTE-1 All construction-related wastes generated by Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) shall be disposed of at facilities approved by the California Department of Health Services (DHS), the Central Valley Regional Water Quality Control Board (CVRWQCB), and the Kern County Department of Environmental Health. Only DHS - licensed hazardous waste haulers shall be used.

Verification: At least 30 days before beginning construction, SCC/SSEC shall submit a letter to the California Energy Commission (CEC), DHS, CVRWQCB, and Kern County Department of Environmental Health identifying each hazardous and sanitary waste hauler license number, the actual disposal sites to be used for all construction wastes, and also prepare a waste management plan that will address normal safety procedures and spill contingency measures for hazardous wastes.

SCC/SSEC shall provide the CEC with a copy of the provisions in SCC/SSEC's contracts with hazardous waste haulers that will ensure compliance with the applicable waste management laws and regulations designed to protect public health and the environment. SCC/SSEC shall not begin construction until the proposed disposal sites, contractors, and a waste management plan are approved by the appropriate agencies above.

WASTE-2 SCC/SSEC shall prepare a waste disposal plan for all the operational wastes that may be produced during the lifetime of the proposed cogeneration plant. At a minimum, the waste disposal plan shall specify:

a. All wastes and their classification (e.g., hazardous, designated, or non-hazardous). If applicable, DHS variances and support documentation for all hazardous, designated, and special wastes should be submitted along with the plan.

b. Measures for handling each operational waste.

c. A spill containment and contingency plan.

d. The proposed waste disposal contractor.

e. The proposed route for hauling the waste to the selected disposal site.

f. The proposed disposal sites as well as SCC/SSEC's agreement with the operator for the use of those sites.

g. Available alternate waste disposal sites in the event the proposed disposal sites become unavailable.

Verification: At least 12 weeks prior to the start of commercial operations, SCC/SSEC shall submit the waste disposal plan to the CEC, DHS, CVRWQCB, and Kern County Department of Environmental Health for approval. CEC shall coordinate the review of the plan and inform SCC/SSEC within 6 weeks about the acceptability of the plan.

WASTE-3 SCC/SSEC shall apply for and obtain a Hazardous Waste Generator Permit, or a waiver thereof, from the DHS and comply with all conditions of this permit for approval.

Verification: At least 90 days prior to the start of commercial operations, SCC/SSEC shall submit an application for a Hazardous Waste Generator Permit to the DHS, and provide copies to the CEC and the Kern County Fire Department, Hazardous Materials Unit.

SCC/SSEC shall notify the CEC in writing within 30 days of permit approval or waiver thereof and shall not begin operations until all conditions of approval are met.

SCC/SSEC shall also file a statement with the DHS, Kern County, and CEC prior to the first turbine roll, indicating all appropriate plant personnel shall have been trained and prepared to handle spills and accidents involving hazardous wastes.

WASTE-4 If hazardous wastes are to be stored on site for more than 90 days, SCC/SSEC shall obtain a determination from the DHS that the requirements for a Hazardous Waste Facility Permit shall have been satisfied. Storage of such wastes shall be in accordance with all DHS requirements. SCC/SSEC shall also file all necessary hazardous waste storage information with the Kern County Fire Department, Hazardous Materials Unit.

Verification: SCC/SSEC shall notify the CEC and the Kern County Fire Department, Hazardous Materials Unit, in writing, within 30 days after applying for a Hazardous Waste Facility Permit with the DHS. SCC/SSEC shall obtain the permit and satisfy conditions for approval from the DHS and Kern County.

WASTE-5 SCC/SSEC shall notify the CEC of any waste management-related enforcement action against either SCC/SSEC, the waste hauler, or the operator of the disposal site during the construction and operation of the proposed project.

Verification: SCC/SSEC shall notify the CEC of any impending waste management-related enforcement action within 10 days of SCC/SSEC's knowledge of such action.

WASTE-6 SCC/SSEC shall prepare an Annual Compliance Report summarizing for all designated and hazardous wastes:

1. the quantities of all such wastes generated during the past year;
2. the methods used in handling of these wastes;
3. the quantities of all wastes recycled;
4. the name and location of disposal sites used and quantities of wastes disposed of at each site;
5. the name of each waste disposal contractor employed; and
6. a description of any cleanup actions related to spills and accidents, as well as any safety-related contingency measures taken during the year.

Verification: SCC/SSEC shall submit to the CEC, the above information in an Annual Compliance Report. This report shall be due to the CEC no later than 15 months after the start of commercial operations and should be submitted annually on the same date, thereafter, for the operational life of the project.

WASTE-7 SCC/SSEC shall recycle all containers of hazardous chemicals used during the operation of the proposed plant according to DHS regulations in CAC, Title 22, Section 66796.

Verification: Before the start of commercial operations, SCC/SSEC shall submit a determination by DHS as to the hazardous nature of the containers of each hazardous chemical used. If they are determined to be hazardous, SCC/SSEC shall obtain an EPA Identification Number as required of all hazardous waste generators (or obtain a variance through DHS if applicable) and shall periodically return the empty containers to the supplier for recycling where possible. The containers should include, but not be limited to, those of solvents, paint thinners, and paints.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
WATER QUALITY CONDITIONS OF CERTIFICATION

WQ-1 Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) shall prepare a Spill Prevention, Control, and Countermeasures (SPCC) Plan to address storage, handling and transportation of hazardous chemicals. The SPCC Plan shall include at a minimum provisions for impermeable liners, acid-resistant surface coatings, containment berms, drainage control features, safety measures, inspection schedules, contingency measures, and training plans as per AFC sections 4.2.5.2, 4.8, and 6.4 (SCC/SSEC 1985) and data responses 13 and 17 (SCC/SSEC 1986a). (Nov. 25, 1986 RT 144).

Verification: The SPCC Plan shall be submitted to the California Energy Commission (CEC), the Central Valley Regional Water Quality Control Board (CVRWQCB), and the Kern County Environmental Health Department 60 days prior to start of commercial operations. The CEC shall coordinate review of the plan and respond within 30 days regarding plan approval.

WQ-2 Prior to commencing with commercial operation, SCC/SSEC shall meet all requirements of the California Division of Oil and Gas (DOG), the CVRWQCB, and the U.S. Environmental Protection Agency for underground injection of brine wastes.

Verification: SCC/SSEC shall submit correspondence from each regulatory agency to the CEC confirming that all requirements have been met at least 30 days prior to start of commercial operations. If any agency waives their approval authority, SCC/SSEC shall include such documentation in the submittal.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
WATER RESOURCES CONDITIONS OF CERTIFICATION

WR-1 Sun Cogeneration Company and Southern Sierra Energy Company (SCC/SSEC) shall prepare a site drainage control plan to accommodate a 100-year storm.

Verification: At least 60 days prior to construction, SCC/SSEC shall submit copies of a construction and operational drainage control plan to the Chief Building Officer (CBO), the California Energy Commission (CEC), and the Kern County Department of Planning and Development Services for approval.

The CEC shall coordinate the review of the plan and respond within 30 days regarding plan approval.

With 180 days after the start of commercial operations, SCC/SSEC shall file "as-built" plans of the constructed drainage system with the CBO and the CEC.

WR-2 SCC/SSEC shall utilize reclaimed produced water for steam generation to the maximum extent possible.

Verification: SCC/SSEC shall submit annual compliance reports detailing the quantities of reclaimed produced water used and the quantities of fresh water purchased from the West Kern Water District for use at the Midway-Sunset Cogeneration facility.

MIDWAY-SUNSET COGENERATION PROJECT (85-AFC-03C)
GENERAL COMPLIANCE CONDITIONS OF CERTIFICATION

Section 25532 of the Public Resources Code provides that the California Energy Commission (CEC) shall establish a monitoring system to assure that a certified facility is constructed and operated in compliance with air and water quality, public health and safety, environmental, and other applicable regulations, guidelines, and conditions adopted or established by the CEC and specified in the written decision on the Application for Certification (AFC). The project compliance plan is formulated to satisfy that directive.

The CEC's jurisdiction extends only to the power plant and related facilities, the transmission tapline to the point of interconnection with the power grid, and the fuel system from the major distribution system or existing storage facility.
Significant features of the plan include:

- Utilization of delegate agencies, where possible, to monitor specific elements of the compliance plan.
- A compilation of all compliance conditions of certification.
- Compliance verification of each condition by a qualified professional.
- Periodic compliance reports filed by the licensee.
- An annual compliance report filed by the licensee.
- Dispute resolution procedures.

Delegate Agencies

The Warren-Alquist Act provides the CEC with exclusive siting authority for thermal power plants and related facilities 50 MW or greater (Public Resources Code, Sections 25500 and 25120). To the extent permitted by law, the CEC may delegate authority for compliance verification to various state and local agencies who have expertise in subject areas where specific requirements have been established as a condition of site certification. (See Public Resources Code Section 25532.) If a delegate agency is unwilling or unable to participate in this program, the GEC shall establish an alternative method of verification. Whenever an agency's responsibility for a particular area is transferred by law to another entity, all references to the original agency shall be interpreted to apply to the successor entity.

Verification of Compliance

Each condition described in the compliance section is followed by a means of verification. The verifications are not intended to be a part of the conditions, but are the CEC Compliance Unit's procedures to ensure' post-certification compliance with adopted conditions. As such, the verification procedures may be modified by Staff as necessary to carry out the compliance monitoring mandate, without Commission approval.

Verification of compliance with the terms and conditions of certification will be accomplished by periodic compliance reports filed by Midway-Sunset Cogeneration Company (MSCC), by appropriate letters from delegate agencies verifying compliance, by auditing project records, or by inspecting the power plant site and related facilities. The Compliance Project Manager, or other designated CEC staff and associates, shall be granted access to the power plant site and related facilities. The Compliance Project Manager, or other ltes1gnated CEC staff and associates, shall be granted access to the power plant and related sites, at reasonable times to conduct audits, surveys, or general site visits.

Periodic Compliance Reports

Periodic compliance reports, as required by the compliance plan, are to be submitted by the licensee to the CEC and shall be filed at least once each quarter within 45 days after the end of the reporting quarter. These reports shall be numbered consecutively, and contain as a minimum:

- The current project construction or operating status.
- A listing of compliance plan 'requirements scheduled during the reporting period, with a corresponding description of the status of the requirements, i.e., completed, not started, or in progress.
- For those compliance plan requirements which the licensee had expected to satisfy during the reporting period but which were not satisfied, include a statement of how and when the licensee intends to satisfy the requirements.
- A listing of any changes to the compliance plan which has resulted from negotiations between the licensee and the CEC or its delegate agencies.
- Notification of related filings made with other governmental agencies having permitting authority over any aspect of the project.

Annual Compliance Report

The licensee shall submit annual compliance reports to the CEC containing the information required by the compliance plan. An explanation shall be provided for any missing information, including an estimate as to when the information will be provided. The annual report shall also summarize the primary compliance activities during the previous year. These reports shall be filed within 45 days after the end of the reporting period. Annual Compliance Reports shall commence one year after the date of certification.

Compliance Project Manager

The CEC shall designate a Compliance Project Manager (CPM). The assigned CAM shall be responsible for implementing the approved compliance plan after certification, for documenting and tracking compliance plan filings, for maintaining the compliance record files, and for initiating the dispute resolution procedures, if required.
All correspondence pertaining to compliance matters should be addressed as follows:

Compliance Project Manager (85-AFC-03C)
California Energy Commission (MS-2000)
1516 Ninth Street
Sacramento, CA 95814

Noncompliance

Any person or agency may file a complaint alleging noncompliance with the conditions of certification. Such a compliant will be subject to review by the GEC' and can result in proceedings pursuant to Title 20, California Administrative Code, Sections 1230 et seq.

Enforcement

The CEC's legal authority to impose legal sanctions for noncompliance is specified in Title 20, California Administrative Code, Sections 1230 et seq. and California Public Resources Code, Sections 25531(c), 25532, 25534, and 25900 et seq. Moreover, to ensure compliance with the terms and conditions of certification and applicable laws, ordinances, and standards, delegate agencies, as set forth in this document, are authorized to take any action allowed by law in accordance with their statutory authority, regulations, and administrative procedures.

Compliance Record

The licensee shall maintain, for the life of the project, files of all "as built" documents referenced in this report. Staff of the CEC and delegate agencies shall upon reasonable notification, be given access to the files.

The CEC shall maintain as a public record:

- All attestations to the fulfillment of legal requirements.
- All periodic and annual compliance reports file by the licensee.
- All documents relative to complaints of noncompliance filed with the CEC.

Confidential Information

Any information which the licensee deems proprietary shall be submitted to the Executive Director pursuant to Title 20, California Administrative Code, Section 2505. Any information which is determined to be confidential shall be kept confidential as provided for in Title 20, California Administrative Code, Sections 2501, et seq.

Dispute Resolution Procedure

The following mediation procedure is designed to informally resolve, when possible, disputes concerning interpretation of compliance with the requirements of the Compliance Plan. The licensee, the CEC, or any other party may initiate this procedure when time is critical in resolving a problem or when the alleged noncompliance does not appear significant enough to warrant a mere formal investigation and proceeding.

The procedure is not intended to be a substitute for, or prerequisite to, the more formal complaint and investigation procedure specified in Title 20, California Administrative

Code, Sections 1230 et seq. Nor may the procedure be used to change the terms and conditions of certification as approved by the CEC.

The procedure encourages all parties involved in a dispute to discuss the matter and to reach an agreement resolving the dispute. If a dispute cannot be resolved, then the matter must be referred to the GEC for consideration.

Request for Informal Investigation

Any individual, group, or agency may request the CEC to conduct an informal investigation of an alleged noncompliance with the CEC's terms and conditions of certification. All requests for an informal investigation shall be made to the designated CEC CAM.

Upon receipt of a request for investigation, the CPM shall promptly notify the licensee, by telephone and subsequently by letter, of the allegation. All known and relevant information of the alleged noncompliance shall be provided to the licensee and to the CEC staff. The licensee shall promptly investigate the matter and within seven working days provide a written report of the results of the investigation, including corrective measures proposed or undertaken, to the CPM. Depending on the urgency of the noncompliance matter, the CPM may request the licensee, to provide an initial report, within 48 hours, followed by a written report filed within 7 days.

Request for Informal Meeting

In the event that either the party requesting an investigation or the CEC staff is not satisfied with the licensee's report, investigation of the event, or corrective measures undertaken, either may, by written request to the CEC, request a meeting with the licensee. Such request shall be made within 14 days of the licensee's filing of its written report. Upon receipt of such a request, the CPM shall:

- Immediately schedule a meeting with the requesting party and the licensee, to be held at a mutually convenient time and place.
- Secure the attendance of appropriate CEC staff and staff of any other agency with general jurisdiction and expertise in the subject area of concern.
- Conduct such meeting in an informal and objective manner so as to encourage the voluntary settlement of the dispute in a fair and equitable manner.
- Promptly after the conclusion of such meeting, prepare a memorandum which fairly and accurately identifies the positions of all parties and any conclusions reached and distribute copies to all attendees.

Request for Commission Hearing

If either the licensee, CEC staff, or the party requesting an investigation is not satisfied with the results of said informal meeting, such party may, within 10 working days, request in writing, a hearing before the Commission’s Siting and Regulatory Procedures Committee. The Committee shall, upon receipt of a written request stating the basis of the dispute and the attempt at informal resolution thereof, grant a hearing on the matter, consistent with the requirements of noticing provisions, and shall have authority to

consider all relevant facts involved and make any appropriate orders consistent with its jurisdiction.

Appeal from Committee to Commission

Pursuant to Title 20, California Administrative Code, Section 1215, the licensee, CEC staff, or the party requesting an investigation, may request full Commission review of any Committee Order or Decision.

Amendment to Decision

Any proposed change to the Conditions for Certification, with the exception of the Verifications, as contained in the Commission Decision will require a modification of the Decision. Such changes shall be made according to the following procedure:

The Siting and Environmental Division (SED) staff, power plant developers, and agencies which participated in the AFC proceedings shall be required to submit, in writing, to the SED Compliance Unit staff any request for a post-certification change to the Conditions for certification.

Upon receiving a request, Staff shall notify interested parties of the request to allow them the opportunity to comment on the proposed change.

Staff shall investigate the request and upon completion of its investigation submit its recommendation on approval of the request to the Commission for consideration and Commission actions. Any approval of changes to the Conditions for Certification shall come from this Commission.