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January 21, 2015

VIA E-FILING

Mike Monasmith
Jon Hilliard
Docket No. 07-AFC-6C
California Energy Commission
1516 Ninth Street Sacramento, CA 95814

Re: Carlsbad Energy Center Project Petition to Amend (07-AFC-06C)
Project Owner's PSA Comments

Dear Messrs. Monasmith and Hilliard:

Carlsbad Energy Center LLC ("CECP LLC" or "Project Owner") the Project Owner of the Carlsbad Energy Center Project (07-AFC-06C) (the "Project" or "CECP") submits these comments regarding the Preliminary Staff Assessment ("PSA") for the CECP Petition to Amend. These comments include the topic areas of Air Quality and Public Health even though the deadline for comments in those areas was extended until February 2, 2015. The Project Owner provides both comments and specific proposed changes to the PSA including proposed changes to Conditions of Certification ("COCs"). Project Owner's proposed changes to the PSA are shown with additions in **Bold Underline** and deletions in ~~strikethrough~~. The changes to the Conditions of Certification's proposed by CEC staff in the PSA are shown in ~~strikethrough~~ and underlined but are not shown in **BOLD**.

The Project Owner greatly appreciates the effort and attention to detail in the preparation of the PSA, and in particular appreciates the commitment of California Energy Commission ("CEC") Staff to the Revised Scheduling Order. The Issues Identification and PSA Workshops and the Committee Conferences have also been extremely valuable in the development of PSA and the subsequent focusing of Project Owner comments.

EXPLANATION OF CHANGES TO COCs

The changes to COCs proposed by the Project Owner serve four different purposes:

1. **To establish consistent references to the project and its key events and phases.**

The Amended CECP has four phases as noted in the PSA. Because compliance has begun for the Licensed CECP, Phase I can be thought of as having two aspects as well. Thus, these are the phases that the Amended CECP will have progressed through upon completion

Phase I: Licensed CECP Tank Demolition

Phase I: Amended CECP Tank Demolition

Phase II: CECP Construction

Phase III: EPS Decommissioning

Phase IV: EPS Demolition

The Project Owner has noted instances where the term “demolition” is used by itself without clarity as to whether it applies to tank demolition or EPS demolition and has recommended additional language.

2. To clarify how existing Phase I compliance activities will be adapted new compliance obligations

Where CEC Staff has amended a Condition of Certification (“COC”) that is already being complied with for Licensed CECP activities, or where CEC Staff has proposed a new condition that would apply to tank demolition, that new or amended COC needs clear language that clearly explains how it governs both Licensed CECP tank demolition and Amended CECP tank demolition. In most instances, Project Owner has recommended the creation of two distinct key event triggers, one for the already-complied-with Licensed CECP activities and one for new or yet-to-be complied with Amended CECP activities.

3. To establish clear and separate compliance obligations for Phase IV: EPS Demolition

Because the Phase IV EPS demolition is a distinct activity of a very different nature than the Phase II CECP Construction, many COCs will require a separate and distinct compliance submittal for EPS demolition. The Project Owner has suggested changes to the COCs most affected by the difference in timing and nature of these two phases

4. To address and resolve specific issues with COCs

Finally, the Project Owner proposes changes to COCs in response to issues noted by CEC Staff or Intervenors or identified by the Project Owner.

PROJECT OWNERS COMMENTS AND PROPOSED CHANGES

The following comments and proposed changes are organized by topical area and by page number in the PSA and are numbered in each section.

Executive Summary

1. p. 1-2: Project Background. The PSA inaccurately describes the Settlement Agreement in the Executive Summary (Project Background (p. 1-2, 1st paragraph)in this phrase “The signed ‘Settlement Agreement’ included demolition and removal of Encina Power Station by date certain...”)

Settlement Agreement Article 6.1(b) Redevelopment Process, requires commencement of demolition of existing Encina Power Station (EPS) within 1 year after shutdown of EPS. Article 6.1(c) of the Settlement Agreements requires completion of demolition of EPS to be completed within 2 years of the commencement of shutdown of EPS.

2. p. 1-2: Project Background. The Project Owner recommends deletion of the phrase "...; reducing visual blight and other environmental impacts at the Encina Power Station site..." from the PSA's Project Background discussion on p. 1-2 as these are not specific goals stated in the "Settlement Agreement."
3. p. 1-2: Project Background. The PSA incorrectly states that demolition and removal of the Encina Power Station (EPS) by a date certain allows the state to meet its policy regarding eliminating impacts of once-through cooling (OTC). The owner of the existing EPS (Cabrillo Power I LLC) has submitted the required OTC plan to the State Water Resources Control Board regarding the methods by which the EPS will comply with the California's OTC requirements; and the EPS will comply with these requirements with or without the Amended CECP.

The Project Owner recommends deletion of the phrase "...allowing the state to meet its policy goals regarding eliminating impacts of once-through power plant cooling;..."

In response to comments 1-3 above, the Project Owner recommends the following change to the Project Background text of the PSA:

The amended CECP evolved from a series of meetings and discussions which began in late 2013 between Project Owner and its parent company (NRG Energy, Inc.), the city of Carlsbad, its water agency (Carlsbad Municipal Water District), and the local investor-owned utility, San Diego Gas and Electric (SDG&E.) The signed "Settlement Agreement" **Article 6.1(b) includes commencement of demolition of existing EPS within 1 year after shutdown of EPS; and Article 6.1(c) of the Settlement Agreement requires completion of demolition of EPS to be completed within 2 years of the commencement of shutdown of EPS** ~~included demolition and removal of the Encina Power Station by a date certain; allowing the state to meet its policy goals regarding eliminating impacts of once-through power plant cooling; reducing visual blight and other environmental impacts at the Encina Power Station site; The Settlement Agreement also identifies the purpose of~~ meeting documented local capacity requirements and grid stability in this region of San Diego County by adding new generation to help off-set the June 7, 2013 closure of the 2,200-MW SONGS facility located 25 miles north of the project site in San Clemente, California.

4. p. 1-3 to 1-4 Project Objectives. The PSA correctly notes the Amended CECP includes the project objectives included in the Final Decision for the licensed CECP and the project objectives in the May 2014 Petition to Amend (PTA). However, the PSA does not include the project objectives from the April 2014 Petition to Remove (PTR) a separate Project Owner's filing. The Project Owner recommends the project objectives of the PTR be included in the PSA for the Amended CECP project, as follows:

PTR Objectives: provides for removal of the additional Fuel Oil Storage Tanks (FOSTs) 1, 2 and 4 at EPS to improve access to the CECP construction area, accommodate construction worker parking and provide laydown areas for construction materials and equipment. Construction of either version of the CECP—the currently licensed version or the version proposed in the PTA—would benefit from expanded access to and at the Project site, and additional construction laydown and parking areas afforded by the PTR actions.

5. p. 1-4. Project Objectives 5th objective listed (top of p. 1-4): "Use of existing infrastructure to accommodate replacement generation and reduce environmental impacts and costs and avoid Greenfield development."

The Project Owner recommends the addition of "...onsite and offsite..." to the 5th objective in referring to use of existing infrastructure as both onsite and offsite existing infrastructure will be used by the Amended CECP. The Project Owner proposes the following edit:

“Use existing **onsite and offsite** infrastructure to accommodate replacement generation and reduce environmental impacts and costs and avoid Greenfield development.”

6. p.1-6 Ex Sum Table 1. Master List of Cumulative Projects:

Item 1 in Ex Summary Table 1 – Master List of Cumulative Impacts includes demolition of above-ground storage EPS Tanks 5, 6 and 7. Demolition of EPS Tanks 5, 6 and 7 is part of licensed CECP and is also part of Amended CECP; therefore, the demolition of Tanks 5, 6 and 7 does not represent a cumulative impact to Amended CECP and needs to be deleted from the list of cumulative impacts.

7. p. 1-14 Ex Sum Table 2. Environmental and Engineering Assessment (Summary Table): Cultural Resources

CEC Cultural Resource staff correctly finds, and the Project Owner agrees, the Project will comply with Cultural Resources LORS as noted in Executive Summary Table 2. However, as noted in Executive Summary Table 2, and as discussed in PSA Section 4.4 Cultural Resources, staff has determined that Cultural Resources are “Undetermined” for Impact Mitigated as staff indicates additional information is required. The Project Owner has disagreed with this finding by CEC staff. Nonetheless, the Project Owner and CEC Staff agree that a targeted cultural resource assessment will be conducted adjacent to the Encina 138 kV and 230 kV switchyard and on the perimeter of aboveground storage tanks 1 and 2 to address the “undetermined” status and that the associated results will be incorporated in the Final Staff Assessment.

As the Project Owner has noted throughout the PTA’s proceedings, the inclusion of Cultural Resources Conditions of Certification (COCs) CUL-1 through CUL-8 in the PSA for Amended CECP (CUL 1 through CUL 8 are the same as or similar to Cultural COCs included by CEC staff in various other power plant licenses) will ensure that potential impacts to cultural resources are mitigated to a less than a significant impact. The Project Owner agrees with CEC staff that, as found in PSA Section 4.4, the Project will comply with Cultural Resources LORS with the inclusion of COCs CUL-1 through CUL-8; therefore, Cultural Resource impacts from CECP will be less than significant after mitigation.

8. p. 1-14 Ex Sum Table 2. Environmental and Engineering Assessment (Summary Table): Soil and Water Resources

Soil and Water Resources is correctly noted by Staff in the Executive Summary Table 2 as complying with LORS and that Soil and Water impacts from the Amended CECP will be less than significant. However, CEC Staff requests additional information from the Project Owner in the form of a “will serve letter” from the City of Carlsbad that the City will supply recycled and potable water to the Amended CECP and that the City will accept industrial wastewater from the Amended CECP. The City of Carlsbad issued the subject “will serve letter” to the Project Owner on January 8, 2015 and docketed the letter.

9. p. 1-18. Project Owner recommends the following change to the text of the PSA:

“In addition, staff requires use of recycled water for EPS demolition activities, **if available in sufficient quantities and pressure from a to-be-constructed connection to the City’s recycle water pipeline east of the railroad tracks and Project Owner is able to bring via pipeline the recycle water west under the railroad tracks.**”

Project Description

1. p. 3-3. Description of Proposed Changes – Phase IV demolition of EPS as final phase of amended CECP.

The Project Owner recommends the following edit regarding the final Phase IV of the Amended CECP.

“The final Phase IV of the Amended CECP involves the **above grade** demolition of EPS Units 1-5, the **above grade demolition** of the 200-ft concrete enclosure building housing the units, and the **above grade demolition** of the 400-ft exhaust stack....”

2. p. 3-6. The Project Owner recommends the following edit regarding Construction

“Additionally, following demolition of the aboveground EPS structures, parcels comprising APN 210-01-43 would be transferred to the city’s Redevelopment Agency for joint **become available for** non-power redevelopment in conjunction with NRG Inc., as defined in the January 14, 2014 Settlement Agreement. The removal of the EPS units would create environmental benefits, including the elimination of 857-million gallons per day of seawater OTC permitted for the existing EPS units. This would enable compliance with the state water board’s existing December 31, 2017 deadline for cessation of seawater OTC by the EPS, and result in the decrease in impingement and entrainment of marine organisms per EPA 316 (B) Clean Water Act regulations.”

2. p. 3-11. Primary Industrial Water Supply Source – Reclaimed Water (Title 22)

While it is correct the primary source of industrial water for the Amended CECP will be reclaimed water, the 36-inch diameter reclaim water pipeline is operated by the City of Carlsbad/Encina Water Authority and this 36-inch diameter pipeline currently terminates at Cannon Road. However, the City of Carlsbad is implementing a capital improvement project to extend the 36-inch diameter reclaim water pipeline through an existing easement north from Cannon Road across the Encina Power Station along the east side the railroad tracks, and continuing north beyond the Encina Power Station. The Amended CECP will include a connecting pipeline to the City’s reclaim water pipeline for industrial water use within the Amended CECP site east of the railroad tracks.

Alternatives

1. p. 4.2-1 to 4.2-20. The Project Owner concurs with CEC Staff’s findings and conclusions regarding Alternatives.

However, the Project Owner notes that the PSA incorrectly concludes that demolition and removal of the Encina Power Station by a date certain will allow the state to meet its policy regarding eliminating impacts of once-through cooling (OTC). The owner of the existing Encina Power Station (Cabrillo Power I LLC) has submitted the required OTC plan to the State Water Resources Control Board regarding the methods by which the Encina Power Station will comply with the California’s OTC requirements; and the Encina Power Station will comply with these requirements with or without the Amended CECP.

The Project Owner recommends the following edit regarding once-through power plant cooling as part of the No Project Alternative on p. 4.2-16:

“The Amended CECP would allow ~~faster and more complete response to both the pending OTC reductions and~~ better grid support from the shutdown of the San Onofre Nuclear Generating Station.”

Air Quality

1. p. 4.1-58. AQ-SC: Project owner proposes the following change to AQ-SC1’s verification language to clarify how existing Phase I compliance activities will be adapted with new compliance obligations:

Verification: At least 60 days prior to the start of **licensed CECP Phase I ground disturbance**, the project owner shall submit to the CPM for approval the name, resume, qualifications, and contact information for the on-site AQCMM and all AQCMM Delegates.

If not previously completed for Phase I licensed CECP activities, at least 60 days prior to the start of amended CECP Phase I ground disturbance, the project owner shall submit to the CPM for approval the name, resume, qualifications, and contact information for the on-site AQCMM and all AQCMM Delegates.

2. p. 4.1-58. AQ-SC2: Project owner proposes the following change to AQ-SC2's verification language to clarify how existing Phase I compliance activities will be adapted with new compliance obligations:

Verification: At least 60 days prior to the start of **licensed CECP Phase I** ground disturbance, the project owner shall submit the AQCMP to the CPM for approval.

At least 60 days prior to the start of amended CECP Phase I ground disturbance, the project owner shall submit the AQCMP to the CPM for approval.

The CPM will notify the project owner of any necessary modifications to the plan within 30 days from the date of receipt. The AQCMP must be approved by the CPM before the start of ground disturbance.

3. p. 4.1-66, AQ-SC11: Project owner proposes the following revision to the verification language of AQ-SC11 to clarify timing.

Verification: The project owner shall provide the LDAR plan to the CPM for review and approval at least 60 days prior to the start of installation of the natural gas compressors. The LDAR plan shall follow the general procedures outlined in the U.S. EPA's "Leak Detection and Repair – A Best Practices Guide" document. If requested the project owner shall provide records of the implementation of the LDAR plan.

Verification: The project owner shall provide the LDAR plan to the CPM for review and approval at least 60 days prior to installation of the natural gas compressors.

4. p. 4.1-72. The following COC reflects the SDAPCD's PDOC Condition Number 17, which limits the number of commissioning hours per gas turbine to 213 hours. While this is consistent with the information provided by the gas turbine vendor, to allow for a possible situation where one of the units may need more than 213 hours to complete commissioning, the Project Owner is requesting that this condition be changed to a combined limit on the commissioning hours for all six gas turbines. A combined limit of 1,278 commissioning hours for all six gas turbines is consistent with the worst case facility-wide annual emission estimates analyzed in the PTA.¹ In addition, a combined limit of 1,278 commissioning hours for all six gas turbines is also consistent with the annual facility-wide emission limits contained in Condition AQ-42. The requested change is shown below (shown by strikethrough/underline). The Project Owner will be requesting the same change to the PDOC.

¹ See April 2014 PTA, Appendix 5.1B, Table 5.1B-14.

AQ-17 **The total combined number of commissioning hours for all six combustion turbines is limited to 1,278 hours.** For each combustion turbine, the commissioning period is the period of time commencing with the initial startup of that turbine and ending ~~after 213 hours of turbine operation, or on~~ the date the permittee notifies the District the commissioning period has ended. For purposes of this condition, the number of hours of turbine operation is defined as the total unit operating minutes during the commissioning period divided by 60. [Rule 20.3(d)(1)]

5. p. 4.1-75. The following COC reflects the SDAPCD's PDOC Condition Number 27, which limits the VOC emissions of the gas turbines during normal operation to 2.0 ppm at 15 percent oxygen. The requested change shown below (shown by strikethrough/underline) reflects a correction to an apparent typographical error regarding this emission limit and makes a minor punctuation correction to the last sentence.

AQ-27 When a combustion turbine is operating, the volatile organic compound (VOC) concentration, calculated as methane, measured in the exhaust stack, shall not exceed ~~4.5-2.0~~ ppmvd corrected to 15 percent oxygen and averaged over a 1-clock-hour period, except during commissioning, startup, and shutdown periods for that turbine. For purposes of determining compliance based on the CEMS, the District approved CO/VOC surrogate relationship, and the CO CEMS data, averaged over a 1-clock-hour period shall be used.

6. p. 4.1-81. The following COC reflects the SDAPCD's PDOC Condition Number 42, including an annual limit of 77.8 tons/year for the entire facility. While this CO emission limit is consistent with the information provided in the PTA during normal operating years (calculated as rolling 12-month averages), this emission limit does not account for the higher CO emission levels shown during the first operating year that includes the commissioning period. As shown in the PTA,² the annual CO emissions during the first operating year are expected to be approximately 102 tons/year. Therefore, the Applicant is requesting a two-tiered annual CO emission limit to account for the higher CO emissions during the first operating year. The requested change is shown below (shown by strikethrough/underline). The Applicant will be requesting the same change to the PDOC.

AQ-42 Total emissions from the equipment authorized to be constructed under this permit, except emissions or emission units excluded from the calculation of aggregate potential to emit as specified in Rule 20.1 (d) (1), shall not exceed the following limits for each rolling 12-calendar- month period, beginning with the 12-calendar-month period beginning with the month in which the earliest initial startup among the equipment authorized to be constructed under this permit occurs:

<u>Pollutant</u>	<u>Emission Limit, tons per year</u>
a. NO _x	84.8
b. CO (excluding commissioning period)	77.8
<u>CO (including commissioning period)</u>	<u>102.1</u>
c. VOC	24.1
d. PM ₁₀	28.4
e. SO _x (calculated as SO ₂)	5.6

² See April 2014 PTA, Appendix 5.1B, Table 5.1B-14.

7. p. 4.1-83. The following COC reflects the SDAPCD's PDOC Condition Number 47 which limits the annual number of startups per gas turbine to 400 per year. While this matches the maximum number of startups shown in the PTA for a normal operating year,³ it does not account for the startups that will occur during the commissioning period. The PTA includes a separate set of operating assumptions/emission estimates for the commissioning period (commissioning includes a number of gas turbine startups).⁴ Therefore, the Project Owner is requesting a change to clarify that the limit on 400 startups per year begins following the end of the commissioning period for each gas turbine. This requested change is shown below (shown by strikethrough/underline). The Project Owner will be requesting the same change to the PDOC.

AQ-47 For each combustion turbine, following the end of the commissioning period the number of startup periods occurring in each calendar year shall not exceed 400. [Rules 1200, 20.3(d)(2) and 21].

8. p. 4.1-84. The following COC reflects the SDAPCD's PDOC Condition Number 53, which includes requirements for compliance stack testing. The requested change shown below (shown by strikethrough/underline) reflects a correction to an apparent typographical error.

AQ-53 All source test or other tests required by this permit/license shall be performed by the District or an independent contractor approved by the District. Unless otherwise specified in this permit or authorized in writing by the District, if testing will be performed by an independent contractor and witnessed by the District, a proposed test protocol shall be submitted to the District for written approval at least 60 days prior to source testing. Additionally, the District shall be notified a minimum of 30 days prior to the test so that observers may be present unless otherwise authorized in writing by the District. [Rules 20.3(d)(1) and 1200 and 40 CFR Part 60 Subpart KKKK and 40 CFR §60.8]

9. p. 4.1-91. The following COC reflects the SDAPCD's PDOC Condition Number 69, which includes requirements for a Continuous Emission Monitoring (CEM) protocol. The requested change shown below (shown by strikethrough/underline) reflects a correction to an apparent typographical error. The Project Owner will be requesting a similar change to the PDOC.

AQ-69 The CEMS shall be in operation in accordance with the District approved CEMs protocol at all times. ~~W~~hen the turbine is in operation, ~~a~~ copy of the District approved CEMS monitoring protocol shall be maintained on site and made available to District personnel upon request. [Rules 69.3, 69.3.1, and 20.3(d)(1) and 40 CFR Part 60 Subpart KKKK, and 40 CFR Part 75].

10. p. 4.1-94. The following COC reflects the SDAPCD's PDOC Condition Number 80, which includes gas turbine commissioning reporting requirements. The requested change shown below (shown by strikethrough/underline) reflects a correction to clarify the deadline for submitting these reports. The Project Owner will be requesting the same change to the PDOC.

AQ-80 Within thirty calendar days after the end of the commissioning period for each combustion turbine, the Project Owner shall submit a written report to the District. This report shall include, at a minimum, the date the commissioning period ended, the startup and shutdown periods, the emissions of NO_x and CO during startup and shutdown periods, and the emissions of NO_x and CO during steady state operation. This report shall also detail any turbine or emission...

³ See April 2014 PTA, Appendix 5.1B, Table 5.1B-15.

⁴ See April 2014 PTA, Appendix 5.1B, Tables 5.1B-5 and 5.1B-6.

11. p. 4.1-103 to 4.1-104. COC AQ-105 is applicable to the emergency generator engine. However, the associated verification language references the emergency fire pump engine. The requested change shown below reflects a correction to this apparent typographical error:

AQ-105 Verification: The project owner shall submit to the CPM the emergency generator engine fire pump engine operating data demonstrating compliance with this condition as part of the Quarterly Operation Report (AQ-SC8).

Biological Resources

1. p. 4.3-1 to 4-3-31. The Project Owner has no comments nor major changes to Staff's findings regarding biological impacts from the construction and operation of the Amended CECP, and the demolition of EPS which has been included as part of the Amended CECP.

The Project Owner agrees with CEC Staff that Biological Resources COCs BIO-1 through BIO-8 remain applicable and appropriate for the amended CECP (the minor edits proposed by Staff are acceptable to the Project Owner); and the Project Owner agrees with CEC Staff that COC BIO-9 is no longer appropriate/nor required and that CEC Staff has deleted it in its entirety.

Below, Project Owner recommends conforming changes to those Bio conditions that are already in effect to clarify how they shall be conformed with.

2. p. 4.3-22. BIO-1: Project Owner proposes replacing the term "applicant" with the term "project owner" in BIO-1
3. p. 4.3-22. BIO-1: Project Owner additionally proposes the following change to the BIO-1's verification language to clarify how existing Phase I compliance activities will be adapted with new compliance obligations:

Verification: The project owner shall submit the specified information at least 90 days prior to the start of **any licensed CECP Phase I** site (or related facilities) mobilization.

If not previously completed for Phase I licensed CECP activities, the project owner shall submit the specified information at least 90 days prior to the start of licensed CECP Phase I site (or related facilities) mobilization.

No site or related facility activities shall commence until an approved Designated Biologist is available to be on site.

If a Designated Biologist needs to be replaced, the specified information of the proposed replacement must be submitted to the CPM at least ten working days prior to the termination or release of the preceding designated biologist. In an emergency, the project owner shall immediately notify the CPM to discuss the qualifications and approval of a short-term replacement while a permanent Designated Biologist is proposed to the CPM for consideration.

4. p. 4.3-23-24. BIO-3: Project owner proposes the following change to BIO-3's verification language to clarify how existing Phase I compliance activities will be adapted with new compliance obligations

Verification: The project owner shall submit the specified information to the CPM for approval at least 30 days prior to the start of **any licensed CECP Phase I** site (or related facilities) mobilization.

If not previously completed for Phase I licensed CECP activities, the project owner shall submit the specified information to the CPM for approval at least 30 days prior to the start of amended CECP Phase I site (or related facilities) mobilization.

The Designated Biologist shall submit a written statement to the CPM confirming that individual biological monitor(s) has been trained including the date when training was completed. If additional biological monitors are needed during construction, the specified information shall be submitted to the CPM for approval 10 days prior to their first day of monitoring activities.

5. p. 4.3-25. BIO-5: Project owner proposes the following change to Bio-5's verification language to clarify how existing Phase I compliance activities will be adapted with new compliance obligations

Verification: At least 60 days prior to the start of ~~any project-related licensed CECP Phase I~~ ground disturbing activities, the project owner shall provide to the CPM two copies of the proposed WEAP and all supporting written materials and electronic media prepared or reviewed by the Designated Biologist and a resume of the person(s) administering the program.

If not previously completed for Phase I licensed CECP activities, at least 60 days prior to the start of amended CECP Phase I ground disturbing activities, the project owner shall provide to the CPM two copies of the proposed WEAP and all supporting written materials and electronic media prepared or reviewed by the Designated Biologist and a resume of the person(s) administering the program

The project owner shall provide in the monthly compliance report the number of persons who have completed the training in the prior month and a running total of all persons who have completed the training to date. At least ten days prior to site (and related facilities) mobilization, the project owner shall submit two copies of the CPM-approved materials.

The signed training acknowledgement forms from construction shall be kept on file by the project owner for a period of at least six months after the start of commercial operation.

During project operation, signed statements for active project operational personnel shall be kept on file for six months following the termination of an individual's employment.

6. p. 4.3-26. BIO-6: Project owner proposes replacing the phrase "applicant-proposed mitigation measures" with "project owner-proposed mitigation measures" in BIO-6.
7. p. 4.3-27. BIO-6: Project owner would like clarification as to whether the term "completion of project construction" in BIO-6's verification requirement refers to the completion of Phase II activities or completion of Phase IV activities.
8. p. 4.3-2. BIO-6: Project owner proposes the following change to Bio-6's verification language to clarify how existing Phase I compliance activities will be adapted with new compliance obligations:

Verification: The project owner shall provide the specified document at least 60 days prior to **the** start of **any project-related licensed CECP Phase I** ground disturbing activities.

If not previously completed for Phase I licensed CECP activities, the Project Owner shall provide the documents at least 60 days prior to the start of amended CECP Phase I ground disturbing activities.

The CPM will determine the BRMIMP's acceptability within 45 days of receipt. If there are any permits that have not yet been received when the BRMIMP is first submitted, these permits shall be submitted to the CPM, the ~~CDFG~~ CDFW, and USFWS within five days of their receipt, and the BRMIMP shall be revised or supplemented to reflect the permit condition within ten days of their receipt by the project owner. Ten days prior to site (and related facilities) mobilization, the revised BRMIMP shall be resubmitted to the CPM. prior to site (and related facilities) mobilization, the revised BRMIMP shall be resubmitted to the CPM.

Cultural Resources

1. p. 4.4-1 to 4.4-68. CEC Cultural Resource Staff correctly finds, and the Project Owner agrees, that the Project will comply with Cultural Resources LORs as noted in Executive Summary Table 2. However, as noted in Executive Summary Table 2, and as discussed in PSA Section 4.4 Cultural Resources, Staff has determined that Cultural Resources are "Undetermined" for Impact Mitigated as Staff indicates additional information is required. While we have asserted that Staff's finding that the impacts to Cultural Resources are "Undetermined" in Executive Summary Table 2 is not supported by the evidence in the record for this proceeding, the Project Owner agrees with Staff's finding that the Project will comply with Cultural Resources LORS, and through compliance with Cultural Resource LORS and compliance with the COCs CUL-1 through CUL-8, the Project will ensure that potential impact to Cultural Resources will be mitigated to less than significant. Furthermore, the Project Owner and Staff agree that a targeted cultural resource assessment will be conducted adjacent to the Encina 138 kV and 230 kV switchyard and on the perimeter of aboveground storage Tanks 1 and 2 and that the associated results will be incorporated in the Final Staff Assessment to address the prior "Undetermined" conclusion.
2. p. 4.4-35. CUL-1 Project owner proposes the following change to CUL-1 for timing clarity:

Prior to the start of **Phase I** ground disturbance, including tank removal and soil remediation, the project owner shall obtain the services of a Cultural Resources Specialist (CRS) and one or more alternates, if alternates are needed. The CRS shall manage all monitoring, mitigation, curation, and reporting activities required in accordance with the Conditions of Certification (Conditions).
3. p. 4.4-36. CUL-1: Project owner proposes the following change to CUL-1's verification requirement to clarify how existing Phase I compliance activities will be adapted with new compliance obligations:

Verification:

1. At least 45 days prior to the start of **licensed CECP Phase I** ground disturbance, including tank removal and soil remediation, the project owner shall submit the resume for the CRS, and alternate(s) if desired, to the CPM for review and approval.

If not previously completed for Phase I licensed CECP activities, at least 45 days prior to the start of amended CECP Phase I ground disturbance, including tank removal and soil remediation, the project owner shall submit the resume for the CRS, and alternate(s) if desired, to the CPM for review and approval.

...

3. At least 20 days prior to **licensed CECP Phase I** ground disturbance, including tank removal and soil remediation, the CRS shall provide a letter naming anticipated CRMs for the project and stating that the identified CRMs meet the minimum qualifications for cultural resources monitoring required by this Condition.

If not previously completed for Phase I licensed CECP activities, at least 20 days prior to amended Phase I ground disturbance, including tank removal and soil remediation, the CRS shall provide a letter naming anticipated CRMs for the project and stating that the identified CRMs meet the minimum qualifications for cultural resources monitoring required by this Condition.

CRMs possessing current hazardous waste operations certificates shall be identified. If additional CRMs are obtained during the project, the CRS shall provide additional letters to the CPM identifying the CRMs and attesting to the qualifications of the CRMs, at least five days prior to the CRMs beginning on-site duties.

...

5. At least 10 days prior to the start of **licensed CECP Phase I** ground disturbance, including tank removal and soil remediation, the project owner shall confirm in writing to the CPM that the approved CRS will be available for on-site work and is prepared to implement the Cultural Resources Conditions.

If not previously completed for Phase I licensed CECP activities, at least 10 days prior to the start of amended CECP Phase I ground disturbance, including tank removal and soil remediation, the project owner shall confirm in writing to the CPM that the approved CRS will be available for on-site work and is prepared to implement the Cultural Resources Conditions.

4. p. 4.4-3. CUL-2: 7 Project owner proposes the following change to CUL-2 for timing clarity:

Prior to the start of **Phase I** ground disturbance, including tank removal and soil remediation, if the CRS has not previously worked on the project...

5. p. 4.4-37. CUL-2: Project owner proposes the following change to CUL-2's verification requirement to clarify how existing Phase I compliance activities will be adapted with new compliance obligations:

Verification:

1. At least 40 days prior to the start of **licensed CECP Phase I** ground disturbance, including tank removal and soil remediation, the project owner shall provide the AFC, data

responses, and confidential cultural resources documents to the CRS, if needed, and the subject maps and drawings to the CRS and CPM.

If not previously completed for Phase I licensed CECP activities, at least 40 days prior to the start of amended CECP Phase I ground disturbance, including tank removal and soil remediation, the project owner shall provide the AFC, data responses, and confidential cultural resources documents to the CRS, if needed, and the subject maps and drawings to the CRS and CPM.

The CPM will review submittals in consultation with the CRS and approve maps and drawings suitable for cultural resources planning activities.

6. p. 4.4-38. CUL-3: Project owner proposes the following change to CUL-3 for timing clarity: Prior to the start of **Phase I** ground disturbance, including tank removal and soil remediation, if the project owner shall submit...
7. p. 4.4-38. CUL-3 Project owner proposes the following change to CUL-3's verification requirement to clarify how existing Phase I compliance activities will be adapted with new compliance obligations:

Verification:

1. At least 30 days prior to the start of **licensed CECP Phase I** ground disturbance, including tank removal and soil remediation, the project owner shall submit the subject CRMMP to the CPM for review and approval.

If not previously completed for Phase I licensed CECP activities, at least 30 days prior to the start of amended CECP Phase I ground disturbance, including tank removal and soil remediation, the project owner shall submit the subject CRMMP to the CPM for review and approval.

Ground disturbance, including tank removal and soil remediation, may not commence until the CRMMP is approved, unless specifically approved by the CPM.

2. At least 30 days prior to the start of **licensed CECP Phase I** ground disturbance, including tank removal and soil remediation, a letter shall be provided to the CPM indicating that the project owner agrees to pay curation fees for any materials collected as a result of the archaeological investigations (survey, testing, data recovery).

If not previously completed for Phase I licensed CECP activities, at least 30 days prior to the start of amended CECP Phase I ground disturbance, including tank removal and soil remediation, a letter shall be provided to the CPM indicating that the project owner agrees to pay curation fees for any materials collected as a result of the archaeological investigations (survey, testing, data recovery).

8. p. 4.4-39. CUL-4: Project Owner requests clarification as to whether CUL-4 verification phrase "completion of ground disturbance (including landscaping)" is intended to apply at the end of Phase IV.

9. p. 4.4-40. CUL-5: Project owner suggests renumbering CUL-5's verification paragraphs "3" and "4" as "1" and "2" respectively
10. p. 4.4-40. CUL-5: Project owner proposes the following change to CUL-5's verification requirement to clarify how existing Phase I compliance activities will be adapted with new compliance obligations:

Verification:

1. At least 30 days prior to the beginning of **licensed CECP Phase I** ground disturbance, including tank removal and soil remediation, the CRS shall provide the training program draft text and graphics and the informational brochure to the CPM for review and approval, and the CPM will provide to the project owner a WEAP Training Acknowledgement form for each WEAP-trained worker to sign.

If not previously completed for Phase I licensed CECP activities, at least 30 days prior to the beginning of amended CECP Phase I ground disturbance, including tank removal and soil remediation, the CRS shall provide the training program draft text and graphics and the informational brochure to the CPM for review and approval, and the CPM will provide to the project owner a WEAP Training Acknowledgement form for each WEAP-trained worker to sign.

11. p. 4.4-42. CUL-6: Project owner suggests renumbering CUL-6's verification paragraphs "5", "6", and "7" as "1", "2", and "3" respectively
12. p. 4.4-42. CUL-6: Project owner proposes the following change to CUL-6's verification requirement for clarity:

Verification:

1. At least 30 days prior to the start of **licensed CECP Phase I** ground disturbance, including tank removal and soil remediation, the CPM will provide to the CRS an electronic copy of a form to be used as a daily monitoring log.

If not previously completed for Phase I licensed CECP activities, at least 30 days prior to the start of amended CECP Phase I ground disturbance, including tank removal and soil remediation, the CPM will provide to the CRS an electronic copy of a form to be used as a daily monitoring log.

While monitoring is ongoing, the project owner shall include in each MCR a copy of the monthly summary report of cultural resources-related monitoring prepared by the CRS.

13. p. 4.4-42 CUL-7: Project owner proposes the following change to CUL-7's verification requirement to clarify how existing Phase I compliance activities will be adapted with new compliance obligations::

Verification:

1. At least 30 days prior to the start of **licensed CECP Phase I** ground disturbance, including tank removal and soil remediation, the project owner shall provide the CPM and CRS with a letter confirming that the CRS, alternate CRS, and CRMs have the authority to halt project owner shall ensure that the CRS notifies the CPM within 24 hours of

a discovery, or by Monday morning if the cultural resources discovery occurs between 8:00 a.m. on Friday and 8:00 a.m. on Sunday morning.

If not previously completed for Phase I licensed CECP activities, at least 30 days prior to the start of amended CECP Phase I ground disturbance, including tank removal and soil remediation, the project owner shall provide the CPM and CRS with a letter confirming that the CRS, alternate CRS, and CRMs have the authority to halt project owner shall ensure that the CRS notifies the CPM within 24 hours of a discovery, or by Monday morning if the cultural resources discovery occurs between 8:00 a.m. on Friday and 8:00 a.m. on Sunday morning.

Hazardous Materials Management

1. p. 4.5-12. HAZ-1: Project owner proposes the following change to HAZ-1's verification requirement to clarify how existing Phase I compliance activities will be adapted with new compliance obligations:

Verification: ~~No later than~~ **At least 60 days** prior to the start of **licensed CECP Phase I** removal of the above ground storage tanks, ~~or ancillary piping, and the berms,~~ the project owner shall provide to the CPM, and to the Carlsbad Fire Department, ~~in the Annual Compliance Report,~~ a list of hazardous materials contained and used at the facility site.

If not previously completed for Phase I licensed CECP activities, at least 60 days prior to the start of amended CECP Phase I removal of the above ground storage tanks, ancillary piping, and berms, the project owner shall provide to the CPM, and to the Carlsbad Fire Department, a list of hazardous materials contained and used at the facility site.

An updated list shall also be provided to the CPM and the Carlsbad Fire Department ~~no later than~~ at least sixty (60) days prior to the start of **Phase II** construction, at least 60 days prior to the start of commissioning operations, and in the Annual Compliance Report.

2. p. 4.5-12. HAZ-2: Project owner proposes the following modification to the verification requirements of HAZ-2 to clarify submittal timing for the final Business Plan and Risk Management Plan.

Verification: At least 30 days prior to ~~receiving any~~ **the initial receipt of any** hazardous material on the site for tank demolition, commissioning, or operations, the project owner shall provide a copy of a final Business Plan to the CPM for approval and to the San Diego County DEH HMD and the Carlsbad Fire Department for information.

At least 30 days prior to **the initial** delivery of aqueous ammonia to the site, the project owner shall provide the final RMP to the DEH HMD and the Carlsbad Fire Department for information and to the CPM for approval.

3. p. 4.5-13. HAZ-3: Project owner proposes the following modification to the verification requirements of HAZ-3 to clarify timing

Verification: At least 30 days prior to the **initial** delivery of any liquid hazardous material to the facility for demolition, commissioning, or operations, the project owner shall provide a Safety Management Plan as described above to the CPM for review and approval.

4. p. 4.5-13, HAZ_4: Project owner proposes the following modification to the verification requirements of HAZ-4 to clarify timing

Verification: At least 60 days prior to the **initial** delivery of aqueous ammonia to the facility, the project owner shall submit final design drawings and specifications for the ammonia storage tank and secondary containment basin to the CPM for review and approval.

5. p. 4.5-13. HAZ-7: Project owner proposes the following modification to HAZ-7

Prior to commencing **Phase I tank demolition construction**, a site-specific Demolition and Construction Site Security Plan for ~~the tank demolition and construction phases~~ **Phases I and II** shall be prepared and made available to the CPM for review and approval. The Construction Security Plan shall include the following:

6. p. 4.5-14. HAZ-7 Project owner proposes the following modification to the verification requirements of HAZ-7 to clarify timing

Verification: At least 30 days prior to commencing **licensed CECP Phase I tank demolition construction**, the project owner shall notify the CPM that a site-specific Demolition and Construction Security Plan is available for review and approval.

If not previously completed for Phase I licensed CECP activities, at least 30 days prior to commencing amended CECP Phase I tank demolition, the project owner shall notify the CPM that a site-specific Demolition and Construction Security Plan is available for review and approval.

7. p. 4.5-15. HAZ-8: Project owner proposes replacing the term “petitioner” in HAZ-8 with the term “project owner”.

Noise and Vibration

1. p. 4.7-1 to 4.7-28. The Project Owner has no major substantive comments nor major changes to Staff’s findings regarding noise impacts from the construction and operation of the Amended CECP, and the demolition of EPS which has been included as part of the Amended CECP. **However, the Project Owner has specific comments on CEC Staff’s proposed revisions of several Noise COCs that are in the existing CECP License.** In addition, the Project Owner notes that construction methods of the Amended CECP are the same as the existing CECP. In particular, the potential for pile driving or nighttime concrete pours are not new activities, rather they are activities associated with the existing CECP (and most if not all other power plants similarly licensed by the CEC). The Project Owner, however accepts the proposed new COCs NOISE-8 and NOISE-9, that related to cement pouring and pile driving.

The Project Owner also notes that the Staff’s statement on p.4.7-11, “When the noise generated by these kinds of activities exceeds the nighttime limit of significance of 5 dBA, mitigation measures must be implemented” is rather absolute and is seemingly in contradiction with the thresholds discussed on p. 4.7-7 which states “an increase of

between 5 and 10 dBA should be considered adverse, but could be either significant or insignificant, depending upon the particular circumstances of a particular case.”

2. p. 4.7-5 and 4.7-14. The Project Owner also notes a typographical error that appears in the Noise and Vibration section wherein the monitoring location, M-2, located in the Terra Mar residential area was inadvertently changed to a non-residential monitoring location, M-1. M-2 was specifically added as a second, additional point of monitoring for CECP at the request of Terra Mar and agreed to by CEC Staff and the Project Owner. Noise Table 2 on p.4.7-5 and Noise Table 6 on p.4.7-14 should be modified to replace “M-1 West Hotel and Restaurant, with “M-2, Terra Mar Residential Area.” Paragraph number one on the top of p. 4-7.5 should be changed from “Monitoring Location M1 to “Monitoring Location M2” and correct description of M2 should be inserted.
3. p. 4.7-17-18. COC NOISE-1: Intervenors have requested that the range for notices in all directions be changed to one mile. Project Owner is agreeable to this change and requests that the NOISE-1 be modified to require a one mile radius.
4. p. 4.7-17 to 18. COC NOISE-2: CEC staff modified Noise -2 such that it does not apply to the demolition of above ground storage tanks 5, 6 and 7. Project owner requests the following changes to Noise-2 such that it will apply to all major project activities.

NOISE-2 Throughout the demolition of above-ground fuel oil storage tanks 1, 2, ~~and 4, 5, 6, and 7~~ (ASTs 1, 2, ~~and 4, 5, 6, and 7)~~, construction and operation of the amended CECP, and demolition of the Encina Power Station, the project owner shall document, investigate, evaluate, and attempt to resolve all project-related noise complaints. The project owner or authorized agent shall I

- Use the Noise Complaint Resolution Form (below), or a functionally equivalent procedure acceptable to the CPM, to document and respond to each noise complaint;
- Attempt to contact the person(s) making the noise complaint within 24 hours (within 12 hours if the complaint is related to nighttime concrete pour);
- Conduct an investigation to determine the source of noise related to the complaint;
- Take all feasible measures to reduce the noise at its source if the noise is project related; and
- Submit a report documenting the complaint and the actions taken. The report shall include: a complaint summary, including final results of noise reduction efforts, and if obtainable, a signed statement by the complainant that states that the noise problem has been resolved to the complainant’s satisfaction.

Verification: Within five days of receiving a noise complaint, the project owner shall file a copy of the Noise Complaint Resolution Form with the CPM, documenting the resolution of the complaint. If mitigation is required to resolve a complaint and the complaint is not resolved within a three-day period (within 24 hours for noise complaints related to nighttime concrete pour), the project owner shall submit an updated Noise Complaint Resolution Form when the mitigation is implemented.

5. p. 4.7-18. COC NOISE-3: SEC Staff proposed modifications to Noise-3 which is currently regulating the Phase-I Licensed CECP activities of demolishing the Above

Ground Storage tanks 5, 6 and 7. For that reason, clarifying language is required as recommended below:

NOISE-3 The project owner shall submit to the CPM for review and approval a noise control program and a statement, signed by the project owner's project manager, verifying that the noise control program will be implemented throughout all construction and demolition activities associated with of the amended CECP project. The noise control program shall be used to reduce employee exposure to high noise levels during demolition and construction in accordance with Title 8, California Code of Regulations, sections 5095-5099, and Title 29, Code of Federal Regulations, section 1910.95 ~~and shall also comply with applicable OSHA and Cal/OSHA standards.~~

Verification: If not previously completed for Phase I licensed CECP activities at least 30 days prior to the start of any demolition activities ~~ground disturbance~~, the project owner shall submit to the CPM the noise control program and the project owner's project manager's signed statement. The project owner shall make the program available to OSHA and Cal/OSHA upon request.

6. p. 4.7-18 to 4.7-19. COC NOISE-4: CEC Staff proposes a revision to COC NOISE-4 in the existing CEC license for the operation of CECP to strike-out "...legitimate..." from the text of the COC and replace it with "...**project related noise** complaints."

The Project Owner does not agree with the strike-out of "...legitimate..." and the new text "... project-related noise..." proposed by CEC staff in COC NOISE-4 in the PSA. CEC staff provides no rationale or justification for the changes from to COC NOISE-4 from the existing CECP license as it relates to operation of the Amended CECP; nor for the changes to COC NOISE-6 as it relates to construction and demolition of the existing Encina Power Station. The concept of the Project Owner and the CEC Compliance Project Manager (CPM) investigating a noise complaint to determine if it is "legitimate" has been and remains a key component for investigating and addressing "noise complaints" as part of CEC's noise COCs for various power plant projects to ensure a noise complaint is actually related to a component of a CEC license project and is not associated with other activities in the vicinity. Since the CEC's COCs are only applicable for a CEC licensed project, if the source of noise (or noise and vibration from CECP construction and/or demolition) is determined by the Project Owner and the CEC CPM to be project-related, the COC will apply; however, if it is determined by the Project Owner and the CEC CPM that the noise complaint is not related to a component of a CEC licensed project, no action is required by the Project Owner.

To resolve this matter for COC NOISE-4, the Project Owner recommends the following word change to "...noise that draws legitimate project-related noise complaints." And that legitimate be further defined as: "A legitimate complaint refers to a complaint about noise that is caused by the Amended CECP as opposed to another source (as verified by the CPM). A legitimate complaint constitutes a violation by the project of any noise condition of certification (as confirmed by the CPM), which is documented by an individual or entity affected by such noise."

Additionally, there are three references to "M1" in NOISE-4 that are typographical errors. The currently approved COC, Noise-4 refers to "M2". These three references to M1 should be changed to "**M2**." See comment 2 above for further explanation.

7. p. 4.7-1 to 4.7-28. COC NOISE-6: CEC Staff proposes a revision, similar to the proposed revision to NOISE-4, to COC NOISE-6 as it relates to construction or demolition for the

existing CEC license for CECP to strike-out "...legitimate..." from the text of the COC and replace it with "...**project related noise** complaints."

To resolve this matter for COC NOISE-6, the Project Owner recommends the following word change to "...draws a **legitimate** noise complaint caused by the construction or demolition activities associated with the Amended CECP as opposed to another source, as verified by the CPM. A **legitimate** project-related noise complaint constituents either: a violation by the Project of any noise condition of certification, which is documented by an individual or entity affected by such noise or vibration;"

The Project Owner's recommended changes to COC NOISE-4 and COC NOISE-6 to those proposed by CEC staff in the PSA are consistent with the existing CECP license and are supported by the findings and facts in the CEC 2012 Final Decision for CECP, and by the analysis in the CECP PTA. These recommended changes also result in COC NOISE-4 and NOISE-6 that are consistent with similar COCs for other CEC licensed projects, including the recent CEC license for Huntington Beach Energy Project (Oct 2014). As noted in comments on NOISE-2, the PSA provides no documentation and no technical data or information that such a "new or expanded impact" will occur from the Amended CECP as compared to licensed CECP.

In addition, to clarify and simplify the timing of the verification of NOISE-6 given the existence of the existing CECP license, the Project Owner request the verification be modified as follows:

Verification: **Within 30 days of the filing of a Final Decision approving the Amended CECP,** ~~Prior to the start of demolition of AST's 1, 2, and 4,~~ the Project Owner shall transmit to the CPM a statement acknowledging that the above restrictions will be observed throughout the demolition of ASTs 1,2, and 4, the construction of the amended CECP power plant, and the subsequent demolition of the Encina Power Station."

If not previously completed for Phase I Licensed CECP activities the Project Owner shall transmit to the CPM, prior to the beginning of those activities, a statement acknowledging that the above restrictions will be observed throughout the demolition of ASTs 5, 6 and 7.

Public Health

1. 4.8-10. The Project Owner and CEC Staff are in agreement regarding the findings and conclusions for Public Health related to Amended CECP and are in agreement on PUBLIC HEALTH-1 that the Project Owner shall only use pipeline quality natural gas in CECP.

Regarding CEC's staff question in the Public Health section of the PSA as to whether existing Encina Power Station (EPS) Units 5 and 6 will continue to operate during commissioning of the Amended CECP, the Project Owner expects that EPS Units 5 and 6 will be available for dispatch by CALISO on as need basis; and if EPS Units 5 and 6 are dispatched these units will use pipeline quality natural gas only, as well as in the existing EPS emergency gas generator (IEGT).

Socioeconomics

1. 4.9-29. The Project Owner and CEC Staff are in agreement regarding the findings and conclusions for Socioeconomics related to Amended CECP; and are in agreement that per new COC SOCIO-2 Amended CECP will pay school facility development fees to the Carlsbad Unified School District required by applicable State Education Codes.

Regarding CEC Staff's minor change to the Verification for COC SOCIO-1, the Project Owner agrees with CEC Staff's minor edit to the SOCIO-1 Verification.

Regarding CEC Staff's proposed new COC SOCIO-2, the Project Owner agrees that Amended CECP will pay school facility development fees to the Carlsbad Unified School District required by applicable State Education Codes.

Soil & Water

1. The Project Owner notes in corresponding Soil & Water comments that "reclaim" and "recycle" water are used interchangeably and are intended to correspond to the same pending non-potable water to be supplied by the City of Carlsbad.
2. 4.10-36 to 4.10-39. The Project Owner agrees with CEC Staff's proposed edits to COCs SOIL&WATER-1, -3, -4 and -7.

The Project Owner has no comments or changes to these COCs and accepts the edits proposed by CEC staff.

3. 4.10-36. Regarding CEC Staff's proposed new text added to COC SOIL&WATER-2, the Project Owner provides the following proposed changes to account for the possibility of reclaim water being available on the east side of the railroad tracks at some point prior to the completion of construction of Amended CECP (i.e., Phase II of Amended CECP) for construction purposes and at some prior to the commencement of EPS demolition (i.e., Phase IV of Amended CECP) to support EPS demolition purposes.

SOIL&WATER-2: Potable water shall not be used for any construction activity, including EPS demolition activities, that is suitable for non-potable water use if a non-potable water source is available at the project site **on the respective sides of the railroad tracks**. Prior to site mobilization, the project owner shall submit to the CPM a Non-Potable Construction Water Use Plan (plan) for the supply and use of non-potable water in construction activities. The plan shall consider the use ~~of ocean water and~~ reclaimed water available at the site. The plan shall specify those construction activities that would use non-potable water and those construction activities that would use potable water.

Verification: Prior to site mobilization, the project owner shall submit to the CPM for review and approval the Non-Potable Construction Water Use Plan. Within the Monthly Compliance Report, the project owner shall report the volume of potable and non-potable water used and the construction activities for which each was used.

4. 4.10-37. The Project requests modification of SOIL&WATER-5 to include "...including interrupted recycle water service..." to account for the use of potable water use if reclaim water supply is interrupted.

SOIL&WATER-5: Prior to the use of potable water from the City of Carlsbad (City) for any purpose related to the construction or operation of the CECP, the project owner shall provide the CPM with copies of all permit(s) for the delivery and hookup of potable water. The project owner shall comply with the City's Municipal Code Title 14, Chapter 14.08 for the supply and use of potable water. Potable water shall not be used for any construction or operation activity that is suitable for non-potable water use, unless needed for emergency backup use, including interrupted recycle water service, or fire protection in accordance with SOIL&WATER-6.

Verification: No later than 30 days prior to the connection to the City's potable water system, the project owner shall provide the CPM with copies of all permits for the delivery and hookup of potable water.

The project owner shall submit to the CPM any water quality monitoring reports required by the City in the annual compliance report. The project owner shall notify the CPM of any

violations of the permit(s) and conditions, the actions taken or planned to bring the project back into compliance with the permit(s), and the date compliance was reestablished.

5. 4.10-38. The Project Owner requests the following changes to SOIL&WATER-6. The Project Owner notes that recycled water is not available west of the railroad tracks, but a recycle water connection to the planned recycle water line east of the railroad track can be installed by start of EPS demolition (i.e., Phase IV of Amended CECP) and a valve placed on the line for as needed access to support EPS demolition. The Project Owner has also clarified that that annual potable water need for drinking, sanitary and fire protection testing purposes is three acre-feet per year. This estimated value assumes approximately two acre-feet per year for the above purposes, inclusive of short periods of higher demand due to maintenance/outages and periodic site meetings and events that will increase personnel, and includes a 50% contingency. This demand excludes potable water use for actual emergency fire protection services.

SOIL&WATER-6: During normal operation of CECP the project shall use a maximum of eight three acre-feet per year of potable water for drinking, sanitary, and fire protection testing purposes. The project shall use recycled water for all industrial and landscape irrigation purposes east of the railroad tracks during operation of CECP, unless potable water is needed for emergency backup use. For the purpose of this condition, the term emergency shall mean the inability of the CECP to take, or for the City of Carlsbad to deliver, recycled water to the CECP in a quantity sufficient to meet CECP demand due to Acts of God, natural disaster, and other circumstances beyond the control of the project owner, including interruption of recycled water service and it is necessary for the CECP to prepare to or continue to operate to serve need a peaking load. If potable water is needed during operation for more than just an emergency use as defined, the owner shall be required to file a formal Request to Amend the project. Recycled water shall also be used for EPS demolition, if available via pipeline on the west side of the railroad tracks.

Prior to the use of potable or recycled, ~~or ocean~~ water during the operation of the CECP, the project owner shall install and maintain metering devices as part of the water supply and distribution system to monitor and record in gallons per day the volume of all water sources used by the CECP. The metering devices shall be operational for the life of the project, and an annual summary of daily water use by the CECP, differentiating between potable, emergency backup, and recycled supplies, ~~and ocean water,~~ shall be submitted to the CPM in the annual compliance report.

Verification: At least 60 days prior to use of any water source for CECP operation, the project owner shall submit to the CPM evidence that metering devices have been installed and are operational on all water supply pipelines serving the project. The project owner shall provide a report on the servicing, testing, and calibration of the metering devices in the annual compliance report.

The project owner shall submit a water use summary report to the CPM in the annual compliance report for the life of the project. The annual summary report shall be based on and ~~shall~~ distinguish recorded daily use and emergency uses of potable and, recycled, ~~and ocean~~ water. The report shall include calculated monthly range, monthly average, and annual use by the project in both gallons per minute and acre-feet. After the first year and for subsequent years, this information shall also include the yearly range and yearly average potable and ocean water used by the project.

6. 4.10-39. The Project Owner agrees with CEC Staff's proposed deletion of COC SOIL&WATER-8
7. 4.10-39 to 4.10.39. The Project Owner agrees with the text of CEC Staff's proposed new COC SOIL&WATER-9.

Traffic and Transportation

1. p. 4.11-24. TRANS-1: Project owner proposes the following modification to the verification requirements of TRANS-1 to clarify how existing Phase I compliance activities will be adapted with new compliance obligations. The project owner also proposes additional language to address necessary amendments to the traffic control plan.

Verification: At least 30 days prior to the start of licensed CECP Phase I tank demolition site mobilization, the ~~applicant or contractor~~ project owner shall provide to the CPM ~~the a copy of the referenced document~~ traffic control plan for review and approval.

If not previously completed for Phase I licensed CECP activities, at least 30 days prior to the start of amended CECP Phase I tank demolition the the traffic control plan for review and approval.

If modification to the existing traffic control plan is necessary during any phase of construction or demolition, project owner shall submit a revised traffic control plan to the CPM for review and approval.

2. p. 4.11-24. TRANS-2: Project owner proposes the following modification to the verification requirements of TRANS-2 to clarify timing.

Verification: At least 30 days prior to the start of Phase I tank demolition construction, the ~~Project Owner or contractor~~ project owner shall provide copies of the FAA Form 7460-1 and copies of the FAA Determination of No Hazard to Navigable Airspace to the CPM and the city of Carlsbad Planning Department. The project owner shall also provide pictures of lit and marked the structures or objects ~~CECP stack~~ after the lighting and marking have been completed.

If not previously completed for Phase I licensed CECP activities, at least 30 days prior to the start of Amended CECP Phase I tank demolition, the project owner shall provide copies of the FAA Form 7460-1 and copies of the FAA Determination of No Hazard to Navigable Airspace to the CPM and the city of Carlsbad Planning Department. The project owner shall also provide pictures of lit and marked structures or objects after the lighting and marking have been completed.

3. p. 4.11-25. TRANS-4: Project owner proposes the following modification to TRANS-4 to clarify how existing Phase I compliance activities will be adapted with new compliance obligations.

Verification: At least 60 days prior to the start of licensed CECP Phase I tank demolition, site mobilization, the project owner shall submit the rail crossing safety plan to the CPM for review and approval.

If not previously completed for Phase I licensed CECP activities, at least 60 days prior to the start of amended CECP Phase I tank demolition, the project owner shall submit the rail crossing safety plan to the CPM for review and approval.

4. p. 4.11-25. TRANS-5: For clarity, project owner proposes replacing the phrase “Following completion of project construction and demolition” in TRANS-5 with the phrase “Following completion of Phase IV”.
5. p. 4.11-25. TRANS-5: For clarity, project owner proposes modifying the Trans-5 verification requirement by replacing the phrase “Within 30 days after completion of all project-related construction and demolition” with the phrase “Within 30 days after completion of Phase IV”.
6. p. 4.11-26. TRANS-7: Project owner proposes the following modification to TRANS-7 to clarify how existing Phase I compliance activities will be adapted with new compliance obligations.

Verification: At least 60 days prior to start of **licensed CECP Phase I tank demolition, site mobilization,** the project owner shall submit ~~the a~~ **a parking and staging plan to the city of Carlsbad and other jurisdictions affected by site selection, such as the city and/or county of San Diego, for review and comment and to the CPM for review and approval.**

If not previously completed for Phase I licensed CECP activities, at least 60 days prior to the start of amended CECP Phase I tank demolition, the project owner shall submit a parking and staging plan to the city of Carlsbad and other jurisdictions affected by site selection, such as the city and/or county of San Diego, for review and comment and to the CPM for review and approval.

7. 4.11-26. TRANS-8: Project owner proposes replacing the term “applicant” in TRANS-8 with the term “project owner”.

Visual Resources

1. 4.13-32 to 4.13-44. COC VIS-1: Project Owners suggests minor changes to VIS-1 as noted below

VIS-1:

....

Surface color treatment shall include painting of turbine inlet filters, and other features **that are lower in height** in a dark color and value to match the surrounding tree canopy; and painting of exhaust stacks of a light color and value to blend with the sky.

....

Verification: At least 90 days prior to specifying to the vendor the colors and finishes of the first structures or buildings that are surface treated during manufacture, the project owner shall submit the proposed treatment plan to the CPM for review and approval and simultaneously to the ~~[specify local jurisdiction]~~ **City of Carlsbad** for review and comment.

2. 4.13-44 to 4.13-45. COC VIS-2: The Project Owner recommends the following changes to Vis-2 to ensure it is coordinated with VOS-3.

ADDITIONAL PERIMETER LANDSCAPE SCREENING

VIS-2

....

The project owner shall submit to the CPM for review and approval and simultaneously to the City of Carlsbad for review and comment a landscaping plan whose proper implementation will satisfy these requirements. The plan shall include:

- a) A detailed landscape, grading, and irrigation plan, at a reasonable scale. The plan shall demonstrate how the requirements stated above shall be met. The plan shall provide a detailed installation schedule demonstrating installation of as much of the landscaping as early in the construction process as is feasible in coordination with project construction. **The plan shall also reflect any landscaping planned or being conducted in accordance with VIS-3**

....

Verification: The landscaping plan shall be submitted to the CPM for review and approval and simultaneously to the City of Carlsbad for review and comment at least 90 days prior to installation.

....

The project owner shall report landscape maintenance activities, including replacement of dead or dying vegetation, for the previous year of operation in each Annual Compliance Report. The City of Carlsbad, with the concurrence of the CPM, ~~shall have r authority~~ **shall have the authority** to require replacement planting of dead or dying vegetation through the life of the project.

3. p. 4.13-47 VIS-3: For clarity, project owner proposes modifying the VIS-3 verification requirement by replacing the phrase "at least 90 days prior to start of construction" with the phrase "at least 90 days prior to start of **Phase II CECP** construction".
4. 4.13-48 to 4.13-50. COC VIS-5: CEC Staff added a new paragraph that was not noted as being new:

...

The ultimate solution, however, shall include replacement tree canopy of sufficient height and density to provide substantial visual screening of the tall amended CECP features, including exhaust stacks and transmission poles; and to substantially replace any existing tree canopy on the eastern CECP boundary lost to highway expansion. The solution developed under Condition of Certification VIS-5 shall not preclude relocation or undergrounding of transmission poles or other features, if necessary to provide the stipulated visual buffer.

....

The Project Owner recommends the following changes to the first sentence in that paragraph to clarify what is intended to be accomplished by revised screening plans.

The ultimate solution, however, shall include replacement tree canopy of sufficient height and density **to ensure the same** substantial visual screening **effect installed or required pursuant to VIS-2** of the tall amended CECP features, including exhaust stacks and transmission poles; and to **thus** substantially replace any existing tree canopy on the eastern CECP boundary lost to highway expansion.

Geology and Paleontology

1. 5.2-29. COC PAL-4: In the PSA, CEC Staff proposed revisions to COC PAL-4. The Project Owner agrees with CEC staff's revisions to COC PAL-4, however, new new COC, PAL-5, made from portions of PAL-4 seem seem to conflict with PAL-4 as revised.

The Project Owner accepts the revised COC PAL-4 as proposed by CEC staff. Specifically the Project Owner accepts and agrees with revised COC PAL-4 Paragraph 8 that allows the Project Owner to submit a training script prepared by the PRS and a video for WEAP training for Paleo Resources, which is similar to the COCs for Biological and Cultural Resources that allow the use of a training script prepared by the BRS and CRS and video for WEAP training for Biological Resources and Cultural Resources. This approach allows the WEAP script prepared by the PRS, BRS and CRS to be combined into one script and into one WEAP training video.

The Project Owner finds that CEC staff proposed Revised COC PAL-4 is appropriate and is consistent with the Paleo COCs for the existing Licensed CECP and provides the mechanism to provide the CPM's approved WEAP training through a CPM WEAP training script and WEAP training video and that this training is not required to be presented in person by the Paleo PRS nor presented in person by alternate WEAP trainer.

2. 5.2-29. COC PAL-5: CEC Staff proposed a new COC, PAL-5, that appears to have been partly made from the last two numbered bullets from the verification requirements of PAL-4. Because the formatting involved substantial underline and strikethrough, the COC is presented below in a "clean" format to better foster comment and understanding. Some portions of this new COC appear to be inconsistent with PAL-4. Proposed edits are provided below from the clean version.

PAL-5 No worker shall excavate or perform any ground disturbance activity prior to receiving CPM-approved WEAP training, prepared in accordance with the requirements of PAL-4 by the PRS, unless specifically approved by-the CPM.

Prior to site mobilization or project kick-off and ground disturbance the following workers shall be WEAP trained by the PRS in-person: project managers, construction supervisors, foremen, and all general workers involved with or who operate ground-disturbing equipment or tools. Following ~~project kick-off~~ **this initial training**, WEAP certification of completion form shall be used to document who has received the required training. Workers subsequently receiving training may be trained by video or from the required script as provided in PAL-4.

Verification:

In the Monthly Compliance Report (MCR),, the project owner shall provide copies of the WEAP certification of completion forms with the names of those trained and the trainer or type of training (in-person and/or video) offered that month. An example of a suitable WEAP certification complete form is provided below. The MCR shall also include a running total of all persons who have completed the training to date.

~~(1) If the project owner requests an alternate paleontological WEAP trainer, the resume and qualifications of the trainer shall be submitted to the CPM for review and approval prior to installation of an alternate trainer. Alternate trainers shall not conduct WEAP training prior to CPM authorization.~~

3. 5.2-31. The Project Owner agrees with CEC staff's edits to COC PAL-6 (previous PAL-5 in the existing Licensed CECP); and agrees with the edits to existing PAL-7 and New PAL-8. The Project Owner has no comments.

Waste Management

1. 5.6-27. COC WASTE 12. CEC Staff proposed a new COC, WASTE-12 that provides for a Soil Management Plan (SMP) to ensure soils disturbed during demolition that are contaminated are appropriately identified and handled. However, the primary ground disturbance will occur under tanks 4, 5, 6 and 7. The demolition of tanks 1 and 2 and the demolition of Encina Power Station are intended only to be to grade. Further, the Phase I Site Investigation provided by the Project Owner completes a significant amount of the information required of the SMP. Finally, compliance filings have already been made for the demolition of Tanks 5, 6 and 7. Thus the requirements of Waste-12 can cannot be completed for Tank 5, 6 and 7 demolition on the timeline specified in Waste-12. For these reasons, the Project Owner recommends the following changes to Waste-12.

WASTE-12 The project owner shall prepare and submit to the CPM and SDCHEH a Soils Management Plan (SMP) prior to **any** demolition **of Tanks 1,2 or 4 and prior to demolition of EPS**. The SMP must be prepared....

.....

- Requirements for site specific techniques at the site to minimize dust, manage stockpiles, run-on and run-off controls, waste disposal procedures, etc.
- Copies of relevant permits or closures from regulatory agencies.

The SMP may cite to Phase I Site Investigation in lieu of the above requirements where such information is contained in the Phase I Site Investigation.

Verification: At least 45 days prior to **demolition of Tanks 1,2 or 4 and at least 45 days prior to EPS demolition** any earthwork, the project owner shall submit the **applicable** SMP to the CPM for review and approval. All **demolition-associated** earthworks at the site, approved subsequent to the CEC Decision authorizing this condition shall be **based on conform** the SMP. A SMP summary shall be submitted to CPM and SDCDEH within 25 days of completion of any **demolition-associated** earthwork.

Worker Safety

1. p. 5.7-9. WORKER SAFETY-1: Project owner proposes the following modification to the verification requirements of WORKER SAFETY-1 to clarify how existing Phase I compliance activities will be adapted with new compliance obligations.

Verification: At least 30 days prior to the start of **licensed CECP Phase I tank demolition** construction, the project owner shall submit to the CPM for review and approval a copy of the Project **Demolition and** Construction Safety and Health Program. The project owner shall provide a copy of a letter to the CPM from the Carlsbad Fire Department stating the fire department's comments on the **Demolition and** Construction Fire Prevention Plan and Emergency Action Plan.

If not previously completed for Phase I licensed CECP activities, at least 30 days prior to the start of amended CECP Phase I tank demolition, the project owner shall submit to the CPM for review and approval a copy of the Project Demolition and Construction Safety and Health Program. The project owner shall provide a copy of a letter to the CPM from the Carlsbad Fire Department stating the fire department's comments on the Demolition and Construction Fire Prevention Plan and Emergency Action Plan.

At least 30 days prior to the start of the **Phase IV** demolition of the Encina Power Station, the project owner shall submit to the CPM for review and approval a copy of the Encina Power Station Demolition Plan. The project owner shall provide a copy of a letter to the CPM from the Carlsbad Fire Department (CDF) stating the fire department's comments on the Encina Power Station Demolition Plan.

2. p. 5.7-11. WORKER SAFETY-3: Project owner proposes the following modification to the verification requirements of WORKER SAFETY-3 to clarify how existing Phase I compliance activities will be adapted with new compliance obligations.

Verification: At least 30 days prior to the start of **licensed CECP Phase I tank demolition site mobilization**, the project owner shall submit to the CPM the name and contact information for the Demolition Safety Supervisor (DSS) and the Construction Safety Supervisor (CSS). The contact information of any replacement DSS or CSS shall be submitted to the CPM within one business day.

If not previously completed for Phase I licensed CECP activities, at least 30 days prior to the start of amended CECP Phase I tank demolition, the project owner shall submit to the CPM the name and contact information for the Demolition Safety Supervisor (DSS) and the Construction Safety Supervisor (CSS). The contact information of any replacement DSS or CSS shall be submitted to the CPM within one business day.

3. p. 5.7-11. WORKER SAFETY-4: Project owner proposes the following modification to the verification requirements of WORKER SAFETY-4 to clarify how existing Phase I compliance activities will be adapted with new compliance obligations.

Verification: At least 30 60 days prior to the start of **licensed CECP Phase I tank demolition construction**, the project owner shall provide proof of its agreement to fund the Safety Monitor services to the CPM for review and approval.

If not previously completed for Phase I licensed CECP activities, at least 30 days prior to the start of amended CECP Phase I tank demolition, the project owner shall provide proof of its agreement to fund the Safety Monitor services to the CPM for review and approval.

4. p. 5.7-12. WORKER SAFETY-5: Project owner proposes the following modification to the verification requirements of WORKER SAFETY-5 to clarify how existing Phase I compliance activities will be adapted with new compliance obligations.

Verification: At least 30 60 days prior to the start of **licensed CECP Phase I tank demolition site mobilization**, the project owner shall submit to the CPM a letter stating that a portable automatic external defibrillator (AED) exists on site and a copy of the training and maintenance program for review and approval.

If not previously completed for Phase I licensed CECP activities, at least 30 days prior to the start of amended CECP Phase I tank demolition, the project owner shall submit to the CPM a letter stating that a portable automatic external defibrillator (AED) exists on site and a copy of the training and maintenance program for review and approval.

5. p. 5.7-12. WORKER SAFETY-6: Project owner proposes the following modification to the verification requirements of WORKER SAFETY-6 to clarify how existing Phase I compliance activities will be adapted with new compliance obligations.

Verification: At least ~~30~~ 60 days prior to the start of **licensed CECP Phase I tank demolition** ~~site mobilization~~, the project owner shall submit a copy of the final site blueprints to the Carlsbad Fire Department for review and comment and to the CPM for review and approval. The project owner shall also submit to the CPM a copy of the transmittal letter to the CFD.

If not previously completed for Phase I licensed CECP activities, at least 30 days prior to the start of amended CECP Phase I tank demolition, the project owner shall submit a copy of the final site blueprints to the Carlsbad Fire Department for review and comment and to the CPM for review and approval. The project owner shall also submit to the CPM a copy of the transmittal letter to the CFD.

6. p. 5.7-13. WORKER SAFETY-7: Project owner proposes the following modification to the verification requirements of WORKER SAFETY-7 to clarify how existing Phase I compliance activities will be adapted with new compliance obligations.

Verification: At least 60 days prior to the start of **licensed CECP Phase I tank demolition** ~~site mobilization~~, the project owner shall submit a copy of the final plans for the barrier and any cost-sharing contract to the CPM for review and approval.

If not previously completed for Phase I licensed CECP activities, at least 60 days prior to the start of amended CECP Phase I tank demolition, the project owner shall submit a copy of the final plans for the barrier and any cost-sharing contract to the CPM for review and approval.

7. pp. 5.7-13, 5.7-14. Project owner suggest renumbering WORKER SAFETY-9 through WORKER SAFETY-12 in light of the deletion of WORKER SAFETY-8.

8. p. 5.7-13. WORKER SAFETY-9: Project owner proposes the following modification to the verification requirements of WORKER SAFETY-9 to clarify how existing Phase I compliance activities will be adapted with new compliance obligations.

Verification: At least ~~30~~ 60 days prior to the start of **licensed CECP Phase I tank demolition** ~~site mobilization~~, the project owner shall submit to the CPM for review and approval a copy of the final plans for maintaining this access road.

If not previously completed for Phase I licensed CECP activities, at least 30 days prior to the start of amended CECP Phase I tank demolition, the project owner shall submit to the CPM for review and approval a copy of the final plans for maintaining this access road.

9. p. 5.7-14 WORKER SAFETY-12: For clarity, project owner suggests modifying the WORKER SAFETY-12 verification requirement by replacing the phrase “30 days prior to

the start of construction mobilization” with the phrase “30 days prior to the start of Phase II construction”.

Transmission

1. p. 5.5-15. TSE-3: Contains formatting errors. The following portion should read as shown below:

TSE-3

.....

5. Termination facilities shall comply with applicable SDG&E interconnection standards.
- 6a.** The project owner shall provide the following for **Units** 6 thru 11 to the CPM:
 - a.** The Special Protection System (SPS) sequencing and timing if applicable,
 - b.** A letter stating that the mitigation measures or projects selected by the transmission owners for each criteria violation are acceptable, if applicable,
 - c.** The operational study report based on 2017 in-service date or current commercial operation date (COD) system conditions from the California ISO and/or SDG&E.
 - d.** **A copy of the executed LGIA signed by the California ISO and the project owner.**

~~**Verification:** A copy of the executed LGIA signed by the California ISO and the project owner. At least 60 days prior to the start of construction of transmission facilities (or a lesser number of days mutually agree to by the project owner and CBO), the project owner shall submit to the CBO for approval:~~

- 7.** Design drawings, specifications and calculations conforming with CPUC General Order 95 or NESC, Title 8, Articles 35, 36 and 37 of the “High Voltage Electric Safety Orders”, NEC, applicable interconnection standards and related industry standards, for the poles/towers, foundations, anchor bolts, conductors, grounding systems and major switchyard equipment
- 8.** For each element of the transmission facilities identified above, the submittal package to the CBO shall contain the design criteria, a discussion of the calculation method(s), a sample calculation based on “worst case conditions”¹ and a statement signed and sealed by the registered engineer in responsible charge, or other acceptable alternative verification, that the transmission element(s) will conform with CPUC General Order 95 or NESC, Title 8, California Code of Regulations, Articles 35, 36 and 37 of the, “High Voltage Electric Safety Orders”, NEC, applicable interconnection standards, and related industry standards.
- 9.** Electrical one-line diagrams signed and sealed by the registered professional electrical engineer in responsible charge, a route map, and an engineering description of equipment and the configurations covered by requirements **TSE-5** a) through f) above.
- 10.** The Special Protection Scheme (SPS) sequencing and timing if applicable shall be provided concurrently to the CPM.

- 11.** A letter stating that the mitigation measures or projects selected by the transmission owners for each criteria violation are acceptable, if applicable.
- 12.** The operational study report for the CECP units 6 and 7 based on 2017 in-service date or current COD system conditions from the California ISO and/or SDG&E.
- 13.** A copy of the executed LGIA for the CECP units 6 and 7 signed by the California ISO and the project owner.

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

2. p. 5.5-16. COC TSE-3: The reference to “TSE-5 a) through f)” should be **“TSE-3 a) through f)”**
3. p. 5.5-16. COC TSE-4: The reference to “TSE-5 a) through f)” should be **“TSE-3 a) through f)”**
4. p. 5.5-17. COC TSE-6: This COC requires that: “Within 60 days after first synchronization of the project, the project owner shall transit to the CPM and CBP: a) “as built” engineering description and one-line drawings.”

However, “as built” documents will not be ready within 60 days of first synchronization. 120 days from full COD. The phrase Within 60 days after first synchronization of the project, should be replaced with **“within 120 days from full COD”**.

Compliance

pp. 7-16 and 7-23. COM-13 Project owner requests clarification on the time period for submitting a detailed incident report. In COM-13, project owner is required to submit a detailed incident report “within one (1) week of the incident. . .” In Compliance Table 1: Summary of Compliance Conditions of Certification, COM-13’s incident reporting requirement is to “submit a detailed incident report within 30 days”.

Locke Lord LLP



JAM

By: _____
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