

From: John Kessler
To: Dale_Shileikis@URSCorp.com; Kathy_Rushmore@URSCorp.com; Mark Turner; ...
CC: Caryn Holmes; Christopher Dennis; Maria Santourdjian; Paul Marshall
Date: 10/3/2008 5:11 PM
Subject: Sentinel (07-AFC-3) - Draft COCs for the Soil & Water section of the FSA
Attachments: CPV Sentinel - Draft Soil & Water COCs sent to applicant (10-3-08).doc

Dear CPV Sentinel Team:

As we promised in our petition regarding project schedule, attached are staff's draft Conditions of Certification for the Soil & Water section of the FSA.

Please note that COCs SOIL&WATER-6 thru 13 do not include verifications at this time.

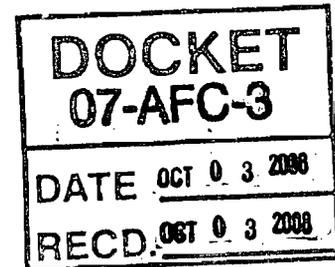
Thank you again for your cooperation on the revised schedule.

We look forward to your written comments at your earliest convenience so we may consider them before the FSA publication that will occur either next Thursday (10/9) or Friday (10/10).

Sincerely,

John

John S. Kessler
CEC - Project Manager
Office: 916-654-4679
Cell: 530-306-5920
Fax: 916-654-4421



PROOF OF SERVICE (REVISED 10/01/08) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 10/03/08
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CPV SENTINEL – DRAFT CONDITIONS OF CERTIFICATION FOR THE SOIL AND WATER SECTION OF THE FINAL STAFF ASSESSMENT

PROPOSED CONDITIONS OF CERTIFICATION

NPDES STORMWATER PERMIT – CONSTRUCTION ACTIVITY

SOIL&WATER-1: The project owner shall comply with the requirements of the general National Pollution Discharge Elimination System (NPDES) permit for discharge of stormwater associated with construction activity. The project owner shall develop, obtain compliance project manager (CPM) approval of, and implement a Storm Water Pollution Prevention Plan (SWPPP) for the construction of the CPV Sentinel site, laydown area, and all linear facilities.

Verification: At least 60 days prior to site mobilization, the project owner shall submit to the CPM a copy of the construction SWPPP for review and approval prior to site mobilization. The project owner shall retain a copy on site. The project owner shall submit copies to the CPM of all correspondence between the project owner and the Colorado Region Regional Water Quality Control Board (RWQCB) regarding the NPDES permit for the discharge of stormwater associated with construction activity within 10 days of its receipt or submittal. Copies of correspondence shall include the notice of intent sent to the State Water Resources Control Board (SWRCB), and the board's confirmation letter indicating receipt and acceptance of the notice of intent.

COUNTY GRADING AND FLOODING PERMIT REQUIREMENTS

SOIL&WATER-2: The project owner shall complete all necessary plans, reports, documents, and monitoring necessary to satisfy the Conditions of Approval related to grading and flooding outlined in Draft Public Use Permit Number 897 issued by the County of Riverside, dated August 11, 2008, and Riverside County's Ordinance 754.2. Prior to initiation of construction activities, the project owner shall submit to the County of Riverside all necessary documentation, plans, and fees **normally** required for County's compliance with Conditions of Approval, with copies to the CPM. The project shall not commence construction until the county of Riverside provides its written evaluation as to whether the proposed grading and flood control construction and operation activities complies with all county requirements and the CPM provides approval for construction. The project owner shall ensure compliance with all county standards and requirements for grading, erosion control, and flooding for the life of the project and shall provide the CPM with two (2) copies of all monitoring or other reports required for compliance with the County of Riverside requirements.

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

- a. No later than sixty (60) days prior to the start of grading the project owner will provide to the County of Riverside and CPM a copy of all necessary information to satisfy the Conditions of Approval for grading and flooding and acquire a grading permit from the County of Riverside. The submittal must be reviewed by the County of Riverside and approved by the CPM.
- b. No later than sixty (60) days prior to the start of facility construction the project owner will provide to the County of Riverside and CPM a copy of all necessary information to satisfy the Conditions of Approval for grading and flooding and acquire a building permit from the County of Riverside. The submittal must be reviewed by the County of Riverside and approved by the CPM.
- a. No later than 30 days prior to project operation the project owner will facilitate inspections and provide documentation to the County of Riverside and CPM demonstrating that all necessary grading and flooding improvements have been completed and are operational. The submittal must be reviewed by the County of Riverside and approved by the CPM.

NPDES STORMWATER PERMIT – INDUSTRIAL ACTIVITY

SOIL & WATER-3: The project owner shall comply with the requirements of the general NPDES permit for discharges of storm water associated with industrial activity. The project owner shall develop, obtain CPM approval of, and implement an industrial SWPPP for the operation of the project.

Verification: At least 60 days prior to commercial operation, the project owner shall submit to the CPM a copy of the industrial SWPPP for operation of the project for review and approval prior to commercial operation. The project owner shall retain a copy on site. The project owner shall submit copies to the CPM of all correspondence between the project owner and the RWQCB regarding the general NPDES permit for discharge of storm water associated with industrial activity within 10 days of its receipt or submittal. Copies of correspondence shall include the Notice of Intent sent by the project owner to the SWRCB.

POTABLE WATER USE

SOIL&WATER-4: The project owner shall use potable water supplied by Mission Springs Water district (MSWD) for potable purposes. The annual use of potable water shall not exceed 2-acre-feet per year. The project owner shall monitor and record in gallons per day the total volume of potable water supplied to the CPV Sentinel project. Prior to the use of potable water for commercial operation, the project owner shall either install and maintain metering devices as part of the water supply and distribution system or verify that the water supplier will provide metering allowing the project owner to document project water use as required. The metering devices shall be operational for the life of the project.

Verification: Beginning with the commencement of commercial operation, the project owner shall prepare an annual summary of amount of water used for potable purposes.

The summary shall include the monthly range and monthly average of daily water usage in gallons per day, and total water used on a monthly and annual basis in acre-feet. For years subsequent to the initial year of operation, the annual summary will also include the yearly range and yearly average water use. For calculating the total water use, the beginning of the one-year term will correspond to the date established for the annual compliance report submittal.

At least sixty (60) days prior to commercial operation of CPV Sentinel project, the project owner shall submit to the CPM a copy of the water supply agreement and evidence that metering devices have been installed and are operational. Potable water use reporting may be based on metering from the supplier.

PROJECT GROUNDWATER WELLS

SOIL & WATER - 5: The project owner shall construct and operate five onsite groundwater wells that produce water from the Mission Creek Groundwater Sub-basin (MCGS). The project owner shall ensure that the wells are properly completed in accordance with all applicable state and local water well construction permits and requirements. Prior to initiation of well construction activities, the project owner shall submit a well construction packet to the County of Riverside, in accordance with the County of Riverside Ordinance 682, containing all documentation, plans, and fees normally required for the county's well permit, with copies to the CPM. The project shall not construct the well or extract and use any groundwater until the County of Riverside issues written concurrence that the proposed well construction and operation activities comply with all county well requirements and meet the requirements established by the county's water well permit program, and the CPM concurs with the county's assessment and provides approval to construct the well. The project owner shall provide documentation to the CPM that the well has been properly completed. In accordance with California's Water Code section 13754, the driller of the well shall submit to the Department of Water Resources (DWR) a Well Completion Report for each well installed. The project owner shall ensure the Well Completion reports are submitted. The project owner shall ensure compliance with all county water well standards and requirements for the life of the wells and shall provide the CPM with two (2) copies of all monitoring or other reports required for compliance with the County of Riverside water well standards and operation requirements, as well as any changes made to the operation of the well.

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

- a. No later than thirty (30) days prior to the construction of the onsite water supply wells, the project owner shall submit two (2) copies to the CPM of the water well construction packet submitted to the County of Riverside.
- b. No later than fifteen (15) days prior to the construction of the onsite water supply wells, the project owner shall submit two (2) copies of the written concurrence

document from the County of Riverside indicating that the proposed well construction activities comply with all county well requirements and meet the requirements established by the county's water well permit program.

- c. No later than 60 days after installation of each well at the project site, the project owner shall ensure that the well driller submits a Well Completion Report to the DWR with a copy provide to the CPM. The project owner shall submit to the CPM together with the Well Completion Report a copy of well drilling logs, water quality analyses, and any inspection reports that may be available for each well installed.

During well construction and for the operational life of the well, the project owner shall:

- a. Submit copies to the CPM of any proposed well construction or operation changes.
- b. Submit copies of any water well monitoring reports required by the County of Riverside to the CPM in the annual compliance report.
- c. No later than fifteen (15) days after completion of the onsite water supply wells, the project owner shall submit documentation to the CPM and the RWQCB that well drilling activities were conducted in compliance with Title 23, California Code of Regulations, Chapter 15, Discharges of Hazardous Wastes to Land, (23 CCR, sections 2510 et seq.) requirements and that any onsite drilling sumps used for project drilling activities were removed in compliance with 23 CCR section 2511(c).

PROJECT GROUNDWATER USE

SOIL&WATER-6: The CPV Sentinel project shall use groundwater produced by the on-site wells identified in **SOIL&WATER-5** for all non-potable plant construction and process uses during operation including cooling and landscape irrigation.

- a. Prior to the use of groundwater for commercial operation, the project owner shall install and maintain metering devices as part of the water supply and distribution system to document project process water use as required to monitor and record in gallons per day the total volume(s) of water supplied to the CPV Sentinel project from this water source. The metering devices shall be operational for the life of the project. Each of the five wells to be constructed will be metered separately or provisions will be made to ensure water use from each well can be identified and documented.
- b. The amount of groundwater that can be used for project process needs shall be limited as follows:

1. No more than 1,100 acre-feet may be consumed in any calendar year; and
 2. In any given month, the amount of water that may be consumed is the total amount of water that has been recharged (pursuant to **SOIL&WATER-7**) ___ months or more prior to that month, minus the cumulative amount of water previously pumped for project process needs since the commercial operation date.
- c. The project owner shall prepare an annual summary of daily groundwater use for project process needs, including monthly subtotals and an accumulation of all project groundwater use since the commercial operation date, and the accumulation of groundwater recharged in accordance with **SOIL&WATER-7**;
 - d. If insufficient water has been recharged for project process needs, the CPV Sentinel project shall not operate.

Verification:

GROUNDWATER RECHARGE

SOIL&WATER-7: The project owner shall ensure that its recharge of groundwater precedes its pumping and use of groundwater for project operations pursuant to **SOIL&WATER-6** and complies with the following:

- a. Recharge shall occur at the Desert Water Agency's (DWA's) Mission Creek Spreading Grounds;
- b. Water purchased by the project owner for recharge shall be in addition to DWA's water acquired under its entitlements as a State Water Project contractor (including DWA's Table A allocation and any surplus purchases) and in addition to DWA's other water acquired for its groundwater replenishment program;
- c. The initial water used for recharge shall be the 8,350 acre-feet of Exchanged North Kern water (hereafter referred to as North Kern water) water secured from North Kern Water Storage District pursuant to the Water Supply Agreement between CPV Sentinel and DWA. Recharge of additional water must comply with subdivisions a) and b) of this condition and must be approved pursuant to **SOIL&WATER-8**, and
- d. The applicant shall provide to the CPM an annual accounting of cumulative water recharged on a monthly basis throughout the operating life of the project as part of the Annual Compliance Report, and in coordination with the annual reporting requirements in **SOIL&WATER-6**.

Verification:

APPROVAL OF NEW RECHARGE WATER SOURCES
SOIL&WATER-8:

- a. If, prior to completion of the recharge of the North Kern water, the project owner wishes to recharge water pursuant to **SOIL&WATER-7** that is other than North Kern water, it shall, one year prior to recharge of that water, submit a Water Supply Plan to the CPM for review and approval that meets the requirements identified in subsection (c) of this condition.
- b. Once recharge of the North Kern water is complete, the project owner shall submit a Water Supply Plan identifying additional water for recharge to the CPM for review and approval when the amount of water available for project process needs is reduced to 1,650 acre feet as calculated in **SOIL&WATER-6**.
- c. Any Water Supply Plan submitted pursuant to this Condition shall include the following:
 1. Identification of the water source;
 2. Demonstration of the project owner's legal entitlement to the water;
 3. Demonstration of CEQA compliance; and
 4. A schedule for delivery to the DWA's Mission Creek Spreading Grounds, including applicable agreements with water supply, transfer and conveyance entities.
- d. No water other than North Kern water shall be recharged at the DWA spreading grounds for use by the project unless the CPM has approved the Water Supply Plan submitted pursuant to this Condition.

Verification:

WATER SUPPLY CONVERSION OF PALM SPRINGS NATIONAL GOLF COURSE

SOIL&WATER-9: In accordance with the Water Conservation Funding Agreement, dated July 15, 2008, the project owner will fund construction of the water supply conversion of the PSNGC from groundwater use to recycled water use, and comply with the following requirements:

- a. The project owner shall pay \$1,000,000 to the DWA for enhancements and improvements to DWA's reclaimed water system, including the costs for tertiary water treatment facilities as part of that system;

- b. The project owner shall pay \$300,000 to DWA for construction of a pipeline and delivery of the recycled water from DWA's South Murray Canyon Drive service main to the PSNGC.
- c. The project owner shall, in each calendar year following the start of commercial operation, ensure that the maximum available supply of DWA's recycled water that can be beneficially used by PSNGC will be delivered and used by PSNGC. At least 1,100 AFY of recycled water supply must be made available to PSNGC for irrigation. PSNGC annual recycled water use must contribute with the irrigation management controllers required in **SOIL&WATER-10** to overall conserve fresh water as specified in **SOIL&WATER-11**.
- d. The project owner shall obtain records from DWA showing the volume of recycled water used and report daily water use in gallons per day, and monthly and annual totals in acre-feet in the Annual Compliance Report. If any groundwater is used for irrigation of PSNGC, the project owner shall also obtain records showing the daily water use in gallons per day, and monthly and annual totals in acre-feet in the Annual Compliance Report and provide an explanation of why irrigation with groundwater was necessary.
- e. In the event the PSNGC no longer requires recycled water service, the project owner shall notify the CPM within 10 days and shall comply with the requirements of **SOIL&WATER-11**.

Verification:

WATER CONSERVATION PROGRAM

SOIL&WATER-10: In accordance with the WSP, the project owner will fund installation by DWA of irrigation management controllers in existing residences and businesses in DWA's service area to achieve water conservation consistent with the WSP. The program will include provisions for education and outreach, demonstration programs, and installation of the controllers by DWA. The project owner shall provide the following funding for this portion of the WSP:

- a. Contribute \$300,000, or as needed to restore a beginning year balance of \$300,000, annually into DWA's program fund the year construction begins. Annual funding shall continue until DWA has accomplished installation of 4,800 irrigation controllers in its services area at existing businesses or residences. Installation shall be completed no later than the end of the 7th year following the start of construction;
- b. Funding for DWA to provide long-term maintenance or periodic replacement of the irrigation controllers to ensure that they are effective for a minimum of 30 years;

- c. Funding for education and outreach, and demonstration activities for the irrigation controller program; and
- d. Funding for a DWA evaluation of the effectiveness of the irrigation controller program using methods similar to those used by CVWD in their Final Report dated June 21, 2007 or other methods to be approved by the CPM.

Verification:

REPORTING AND VERIFYING THE WATER CONSERVATION PROGRAM BENEFITS

SOIL & WATER 11 - The project owner shall ensure that the water conservation benefits to be achieved by implementation of **SOIL&WATER-9** and **SOIL&WATER-10** shall meet the following requirements:

- a. Achieve 1,000 AFY in water conservation benefits by the end of the first full calendar year following the project commercial operation date, increasing by 100 AFY annually over the subsequent 5 years to 1,500 AFY by the end of the 6th full calendar year following the commercial operation date.
- b. Achieve minimum water conservation benefits of 1,500 AFY for each year following the 6^h full calendar year following the commercial operation date for the life of the project.
- c. If the water conservation benefits of the water supply conversion of the PSNGC and the irrigation management program projects cannot be sustained for any reason according to a) and b) above, the project owner shall revise its Water Conservation Plan, obtain CPM approval, and implement additional water conservation projects that will achieve fresh water conservation equal to the requirements of a) and b) above, including the makeup of any deficits in meeting the water conservation requirements of a) and b) of this condition.
- d. To ensure that this volume of water conservation is achieved over the life of the project, the project owner will evaluate and report the effectiveness of the water conservation projects annually to the CPM following the commercial operation date, and identify whether additional water conservation projects must be undertaken.
- e. If additional projects must be undertaken to comply with the intent of this condition, the project owner must submit within 6 months following the annual report a revised Water Conservation Plan proposal to the CPM for implementation of additional water conservation projects in the Upper

Coachella Valley Groundwater Basin to achieve fresh water conservation in accordance with a) and b) of this condition.

Verification:

EVALUATION OF IMPACTS TO PRIVATE WELLS

SOIL & WATER 12: The project owner shall take the following steps to assess potential impacts to private well owners and to mitigate any such impacts.

The project owner will determine whether there are any private wells within a 3 mile radius of the project. If there are any such wells, the project owner will conduct groundwater modeling analysis to determine what type of impacts may result at these wells based on the site specific conditions and well construction details. The project owner shall use the URS model developed during the AFC process for this project, and shall base its conclusions on the following values (to be determined prior to publication of the FSA):

If this analysis indicates that the project will create a drawdown of five feet or more at any private well, the project owner shall provide the following mitigation to the well owner:

- a. Payment or reimbursement (at the affected well owner's option) for increased energy costs calculated pursuant to **SOIL&WATER-10** due to the project's impacts; or
- b. Payment or reimbursement of an amount equal to the customary local cost of lowering the well owner's pump setting necessary to accommodate the decline in water level caused by the project, unless the project owner can demonstrate to the satisfaction of the CPM that the existing pump setting is sufficiently deep that lowering is unnecessary. In the event that the pump setting cannot be lowered without deepening the well, the project owner shall pay or reimburse the private well owner an amount equal to the customary local cost of deepening the well. If the well cannot be deepened, the project owner shall pay or reimburse the private well owner an amount equal to the customary local cost of installation of a new well.

Verification:

MITIGATION OF ENERGY USE IMPACTS ON PRIVATE WELLS

SOIL & WATER 13: Where it is determined that the project owner shall reimburse a private well owner for increased energy costs identified as a result of analysis performed in Condition of Certification **SOIL&WATER-11** the project owner shall calculate the compensation owed to any owner of an impacted well as described

below. The compensation shall consist of two components. The project owner shall compensate impacted well owners for the increase in energy costs, according to the formula described below:

Increased cost for energy = change in lift/total system head x total energy consumption x costs/unit of energy

Where:

change in lift (ft) = calculated change in water level in the well resulting from project

total system head (ft) = elevation head + discharge pressure head

elevation head (ft) = difference in elevation between wellhead discharge pressure gauge and water level in well during pumping.

discharge pressure head (ft) = pressure at wellhead discharge gauge (psi) X 2.31

At least 30 days prior commencement of production pumping, the project owner shall submit to the CPM for review and approval the documentation showing which well owners must be compensated for increased energy costs and that the proposed amount is sufficient compensation to comply with the provisions of this condition.

- Any reimbursements (either lump sum or annual) to impacted well owners shall be only to those well owners whose wells were in service within six months of the Commission decision and within a 3-mile radius of the project site.
- The project owner shall notify all owners of the impacted wells within one month of the CPM approval of the compensation analysis for increase energy costs.
- Compensation shall be provided on either a one-time lump-sum basis, or on an annual basis, as described below.

Annual Compensation: Compensation provided on an annual basis shall be calculated prospectively for each year by estimating energy costs that will be incurred to provide the additional lift required as a result of the project. With the permission of the impacted well owner, the project owner shall provide energy meters for each well or well field affected by the project. The impacted well owner to receive compensation must provide documentation of energy consumption in the form of meter readings or other verification of fuel

consumption. For each year after the first year of operation, the project owner shall include an adjustment for any deviations between projected and actual energy costs for the previous calendar year.

One-Time Lump-Sum Compensation: Compensation provided on a one-time lump-sum basis shall be based on a well-interference analysis, assuming the maximum project-pumping rate of 1,100 AFY. Compensation associated with increased pumping lift for the life of the project shall be estimated as a lump sum payment as follows:

- The current cost of energy to the affected party considering time of use or tiers of energy cost applicable to the party's billing of electricity from the utility providing electric service, or a reasonable equivalent if the party independently generates their electricity;
- An annual inflation factor for energy cost of 3 percent; and
- A net present value determination assuming a term of 30 years and a discount rate of 9 percent;

Verification:

COUNTY SEPTIC FACILITY PERMIT REQUIREMENTS

SOIL&WATER-14: The project owner will comply with the requirements of the Riverside County Department of Health and Human Services, Riverside County Ordinance Code 592.1, regarding a Septic Facility Permit for sanitary waste disposal facilities such as septic systems and leach fields.

Verification: The project owner will submit all necessary information and the appropriate fee to the county of Riverside to ensure that the project has complied with the county's sanitary waste disposal facilities requirements. A written assessment prepared by Riverside County of the project's compliance with these requirements must be provided to the CPM 60 days prior to the start of operation.

ZERO LIQUID DISCHARGE SYSTEM REQUIREMENTS

SOIL&WATER-14: The project owner shall treat all process wastewater streams with a Zero Liquid Discharge (ZLD) system that results in a residual solid waste. The solid waste shall be disposed of in the appropriate class of landfill suitable for the constituent concentrations in the waste. Surface or subsurface disposal of process wastewater from the CPV Sentinel is prohibited. The project owner shall operate the ZLD system in accordance with a ZLD management plan approved by the CPM. The ZLD management plan shall include the following elements:

- a. A flow diagram showing all water sources and wastewater disposal methods at the power plant;

- b. A narrative of expected operation and maintenance of the ZLD system;
- c. A narrative of the redundant or back-up wastewater disposal method to be implemented during periods of ZLD system shutdown or maintenance;
- d. A maintenance schedule;
- e. A description of on-site storage facilities and containment measures;
- f. A table identifying influent water quality; and
- g. A table characterizing the constituent concentrations of the solid waste or brine and specifying the permit limits of the selected landfill.

The CPV Sentinel operation and wastewater production shall not exceed the treatment capacity of the ZLD system or result in an industrial wastewater discharge.

Verification: At least 60 days prior to the start of commercial operation, the project owner shall submit to the CPM evidence that the final design of the ZLD system has the approval of the Chief Building Officer. At least 60 days prior to the start of commercial operation, the project owner shall prepare a ZLD management plan for review and approval by the CPM. The ZLD management plan shall be updated by the project owner and submitted to the CPM for review and approval if a change in water source or infrastructure is needed.

In the annual compliance report, the project owner shall submit a status report on operation of the ZLD system, including dates and length of disruptions, maintenance activities performed, volumes of interim wastewater streams stored on site, monthly volumes of residual salt cake or brine generated, and results of at least one annual sampling of the waste solids or brine comparing the constituent concentrations to the permit limits of the landfill. The annual compliance report shall contain an evaluation of whether the ZLD is being operated within the parameters described in the ZLD management plan. The ZLD management plan shall be updated by the project owner if the CPM has determined it is necessary based on the project owner's Annual Compliance Report.



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

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

**DOCKET No. 07-AFC-3
PROOF OF SERVICE**
(Revised 10/01/2008)

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

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

APPLICANT

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*** Public Adviser's Office**
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Maria Santourdjian, declare that on October 3, 2008, I deposited copies of the attached Draft Conditions of Certification for the Soil and Water Section of the CPV Sentinel FSA (07-AFC-3) in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

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

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



Maria Santourdjian