

Memorandum

Date: November 2, 2010
 Telephone: (916) 654-4679

To: Commissioner Jeffrey Byron, Presiding Member
 Commissioner James D. Boyd, Associate Member

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

Subject: **ENERGY COMMISSION STAFF'S COMMENTS, SET 2, ON THE PRESIDING MEMBER'S PROPOSED DECISION FOR THE CPV SENTINEL ENERGY PROJECT (07-AFC-3)**

DOCKET	
07-AFC-3	
DATE	<u>11/02/10</u>
RECD.	<u>11/02/10</u>

Energy Commission staff (staff) hereby submits Set 2 of its comments to the Presiding Member's Proposed Decision (PMPD) for the CPV Sentinel Energy Project. Staff inadvertently left a clarification to the Worker Safety and Fire Protection section out of its previous comments as filed October 29, 2010. In addition, staff is suggesting some minor edits to the Air Quality section of the PMPD. Staff has reviewed the applicant's proposed changes to the Traffic and Transportation section as reflected in the PMPD Draft Errata dated November 1, 2010, and finds these edits acceptable.

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Energy Commission Staff's Comments, Set 2, on the Presiding Member's Proposed Decision for the CPV Sentinel Energy Project (07-AFC-3)

B. AIR QUALITY

Staff's recommended edits to the Air Quality section of the PMPD for the CPV Sentinel Energy Project correct a typographical error and provide clarifying language.

Page 45, New Finding of Fact #27 – Please remove the space in 132,816

27. The AB 1318 Tracking System identifies 132,816 pounds of PM10 and 24,550 pounds of SOx offsets available to the Sentinel project.

Page 7, 1st paragraph, Ozone (O3)

Though there are a significant number of exceedances of the ozone ambient air quality standards throughout the South Coast air basin, improvements have occurred in recent years. The record shows that SCAQMD leads the nation in air quality management methods and its regulatory programs have significantly improved the air quality in spite of the growing population and industrial and commercial enterprises. **AIR QUALITY Figure 1** shows the improvements in ozone air quality levels over the past 16 years in the South Coast air basin, especially in the intermediate region near the proposed project site. As shown in **AIR QUALITY Figure 1**, in 2003 there was a slight increase over prior years in the number of exceedances recorded. Since 2003 however, the downward trend has returned, approaching the 2002 lower number of exceedances. ~~However, the trends for Redlands and Palm Springs suggest these areas will not meet the original federal attainment date of 2010, but instead will~~ meet federal **8-hour** attainment in 2013 for the Coachella Valley and ~~2024~~ **2024** for the remainder of the South Coast air basin. (Ex. 214, p. 2.1-11.)

D. WORKER SAFETY AND FIRE PROTECTION

The Riverside County fire Department submitted comments (TN 47733) regarding the PMPD indicating that they have jurisdiction over the Sentinel Project, not the Palm Springs Fire Department as was indicated in staff's analysis. Staff proposes the attached changes to the Worker Safety Fire Protection Section of the PMPD to address the Fire Department's comments. This change does not change staff's conclusion regarding potential for impacts. The proposed project will not pose a significant impact on fire protection services (significant risk of drawdown on fire protection resources) due to its low risk profile and low staffing levels. Response times to the project site also remain acceptable.

Page 3, Fire Protection and Emergency Response, last paragraph

The project will be under the jurisdiction of the Riverside County Palm Springs Fire Department (RPSCFD). Response time from the closest station to the project is about ten minutes. The RPSCFD will also be the first responder to hazardous materials incidents, with backup support provided by the Riverside County Department of Environmental Health's Hazardous Materials Incident Response Team. The evidence shows that this entity is capable of handling any hazardous materials related incident that might occur at the facility. (Ex. 200, p. 4.4-3.)

Page 4, Findings of Fact, #5

5. The Riverside County Palm Springs Fire Department (RPSCFD) will provide fire protection and emergency response services to the project.

Page 5, Conditions of Certification, WORKER SAFETY-1 and -2

WORKER SAFETY-1 The project owner shall submit to the Compliance Project Manager (CPM) a copy of the Project Construction Safety and Health Program containing the following:

- a Construction Personal Protective Equipment Program;
- a Construction Exposure Monitoring Program;
- a Construction Injury and Illness Prevention Program;
- a Construction Emergency Action Plan; and
- a Construction Fire Prevention Plan.

The Personal Protective Equipment Program, the Exposure Monitoring Program, and the Injury and Illness Prevention Program shall be submitted to the CPM for review and approval concerning compliance of the programs with all applicable Safety Orders. The Construction Emergency Action Plan and the Fire Prevention Plan shall be submitted to the Riverside County Palm Springs Fire Department for review and comment prior to submittal to the CPM for approval.

Verification: At least 30 days prior to the start of construction, the project owner shall submit to the CPM for review and approval a copy of the Project Construction Safety and Health Program. The project owner shall provide a copy of a letter to the CPM from the Riverside County Palm Springs Fire Department stating the Fire Department's comments on the Construction Fire Prevention Plan and Emergency Action Plan.

WORKER SAFETY-2 The project owner shall submit to the CPM a copy of the Project Operations and Maintenance Safety and Health Program containing the following:

- an Operation Injury and Illness Prevention Plan;
- an Emergency Action Plan;
- a Hazardous Materials Management Program;
- an Operation Fire Prevention Program (8 Cal. Code Regs., § 3221); and
- a Personal Protective Equipment Program (8 Cal. Code Regs., §§ 3401-3411).

The Operation Injury and Illness Prevention Plan, Emergency Action Plan, and Personal Protective Equipment Program shall be submitted to the CPM for review and comment concerning compliance of the programs with all applicable Safety Orders. The Operation Fire Prevention Plan, the Hazardous Materials Management Program, and the Emergency Action Plan shall also be submitted to the Riverside County Palm Springs Fire Department for review and comment.

Verification: At least 30 days prior to the start of first fire or commissioning, the project owner shall submit to the CPM for approval a copy of the Project Operations and Maintenance Safety and Health Program. The project owner shall provide a copy of a letter to the CPM from the Riverside County Palm Springs Fire Department stating the Fire Department's comments on the Operations Fire Prevention Plan and Emergency Action Plan.



**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 7/1/2010)**

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DECLARATION OF SERVICE

I, Maria Santourdjian, declare that on November 2, 2010, I served and filed copies of the attached Staff's Transmittal of Set 2 Comments on Sentinel PMPD, dated November 2, 2010. The original documents, filed with the Docket Unit, are accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[\[http://www.energy.ca.gov/sitingcases/sentinel/index.html\]](http://www.energy.ca.gov/sitingcases/sentinel/index.html)

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery;

by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 07-AFC-3

1516 Ninth Street, MS-4

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I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Originally Signed by: _____
Maria Santourdjian