



BEFORE THE ENERGY RESOURCES CONSERVATION AND
DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814

DOCKET

07-AFC-3

DATE	NOV 24 2010
RECD.	NOV 24 2010

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

DOCKET No. 07-AFC-3

ERRATA TO THE PRESIDING MEMBER'S PROPOSED DECISION

After reviewing the comments submitted by the parties and the public on or before the October 28, 2010, deadline for comments, we recommend the following changes¹ to the October 5, 2010 Presiding Member's Proposed Decision (PMPD):

INTRODUCTION

- 1. Page 2, Paragraph 3, change to read:**
Project construction is expected to occur over an 18-month period with an estimated on-line date of Summer 2013 ~~May 2010~~.
- 2. Page 4, Paragraph 2, change to read:**
The 37-acre proposed power plant site is ~~currently vacant, with the exception of an unoccupied dwelling unit at the southeastern corner of the site.~~
- 3. Page 2, Paragraph 4, change to read:**
~~There were no formal intervenors.~~ California Communities Against Toxics and Communities for a Better Environment were formal intervenors in the proceedings.
- 4. Page 6, insert the following as a separate second paragraph:**
An additional evidentiary hearing convened on July 19, 2010 limited to evidence on Air Quality.

PROJECT DESCRIPTION

- 5. Project Description, Page 4, Figure 3.**
Project Description Figure 3 of the PMPD should be replaced with Figure 2.4-1 (Revised) of Exhibit 134.

¹ Where paragraphs are revised, changes are shown in underline/~~strikeout~~.

6. Project Description, Page 6, Second Paragraph, change to read:

The project consists of eight natural gas-fired, GE Energy LMS100 combustion turbine generators (CTGs) operating in simple-cycle mode. Each exhaust stack will be 13.5 feet in diameter and 90 feet tall. The project will produce up to 850 MW. The facility will employ Best Available Control Technology (BACT) to minimize gas turbine emissions. To achieve BACT, the emissions control system will use water-injected combustors with selective catalytic reduction and oxidation catalyst. Auxiliary equipment will include an evaporative cooling spray mist fogging system for cooling the inlet combustion air to improve efficiency and output of the facility; a turbine intercooler; ~~two mechanical draft cooling towers (one five cell and one three cell)~~ eight single cell cooling towers, each with circulating water pumps; natural gas compressors; generator step-up transformers; ~~emergency generator~~; fire water pump skid; and water storage tanks. The project will use a crystallizer ZLD system to handle project wastewater. (Ex. 2, p. 2-4; Ex. 134, pp. 5, 9 and 10.)

7. Project Description, Page 8, Last Paragraph, change to read:

The project is expected to be operated by approximately 10 full-time employees and four part-time staff. CPV Sentinel will sign an operations and maintenance agreement with a third party operations and maintenance provider who will be responsible for hiring full-time and part-time employees. The facility will be capable of operation 24 hours per day, 7 days per week. However, it is anticipated that operations of ~~five of the eight units~~ will not exceed 2,803 hours per year, ~~while three of the eight units are not anticipated to operate more than 3,406 hours~~, given the permit limits. The facility is expected to operate during the hottest hours of the summer when demand for electricity is the highest. The planned life of the generating facility is 30 years. (Ex. 2, pp. 2-26; 2-29; Ex. 134, pp. 5, 9 and 10.)

8. Project Description, Page 11, Finding of Fact No. 2, change to read:

The CPV Sentinel Energy Project is a nominal 850 MW power plant consisting of eight natural gas-fired GE Energy LMS100 combustion turbine generators operating in simple-cycle mode utilizing ~~two mechanical draft~~ eight single cell cooling towers.

RELIABILITY

9. Reliability, Page 3, Section 3 Fuel and Water Availability, change to read:

Potable water will be supplied via either on-site wells or a 3,200 foot long line extension that will connect to an existing municipal water line located near Dillon Road.

TRANSMISSION SYSTEM ENGINEERING

10. Transmission System Engineering, Page 12, Condition of Certification TSE-2, Paragraph 3, change to read:

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

11. Transmission System Engineering, Page 14, Condition of Certification TSE-5, change to read:

Termination facilities shall comply with applicable ~~PG&E~~ SCE interconnection standards.

12. Transmission System Engineering, Page 15, Condition of Certification TSE-5, Verification paragraph g), change to read:

The Operational study report based on 2010 or current COD system conditions (including operational mitigation measures) from the CAISO and/or ~~PG&E~~ SCE.

GREENHOUSE GAS EMISSIONS

13. GHG, Page 3, add the following to the bottom right hand cell of Greenhouse Gas Table 1:

(As a peaking facility, the proposed project is not subject to the Emissions Performance Standard set forth in Title 20, California Code of Regulations, section 2900 et seq.)

14. Pages 10 – 11, Findings of Fact, change as follows:

7. The maximum annual CO₂ emissions from the ~~SENTINEL'~~ Sentinel Project's operation will be 960,504 MTCO₂E, which constitutes an emissions performance factor of 0.451 MTCO₂E / MWh.

13. Even as more renewable generation is added to the California electricity system, gas-fired power plants such as the Sentinel Project will be necessary to meet local capacity requirements and to provide intermittent generation support, grid operations support, extreme load and system emergencies support, and general energy support.

14. There is no evidence in the record that construction or operation of the Sentinel Project will be inconsistent with the loading order.
15. When it operates, the Sentinel Project will have a heat rate of 8,468 ~~8.468~~ Btu/kWh.
16. When it operates, the Sentinel Project will displace generation from less-efficient (i.e., higher-heat-rate and therefore higher-GHG-emitting) power plants in the Los Angeles Basin Local Capacity Requirements Area.
19. Intermittent generation needs dispatchable generation, such as the ~~SENTINEL~~, Sentinel Project in order to be integrated effectively into the electricity system.

15. Page 12, Conclusions of Law

6. The ~~SENTINEL's~~ Sentinel Project's construction and operation will be consistent with California's loading order for power supplies.
10. The Sentinel Project ~~project~~ will not interfere with generation from existing renewables or with the integration of new renewable generation; and
11. Taking into account Conclusions of Law 9 and 10 above, the Sentinel Project ~~project~~ will reduce system-wide GHG emissions.

AIR QUALITY

16. AIR QUALITY TABLE 1, under the "Lead" Pollutant add the following:

Lead	30 Day Average	1.5 µg/m ³	--
	Calendar Quarter	--	1.5 µg/m ³
	Rolling 3-Mo. Ave	--	0.15 µg/m³

17. Page 4. Second paragraph, second sentence, change to read:

"The entire area within the boundaries of an air basin district is usually evaluated to determine the basin SCAQMD attainment status. However, the project is located in the Salton Sea Air Basin (SSAB), and local attainment status is classified separate from the South Coast Air Basin. **AIR QUALITY Table 2** lists the attainment and non-attainment status of the Coachella Valley located in the Salton Sea Air Basin (SSAB) ~~District~~ for each criteria pollutant for both the federal and state ambient air quality standards."

18. Page 5. Second paragraph, change to read:

In the power plant certification process, the District's FDOC serves as an in-lieu Authority to Construct (ATC) permit or is the basis of an ATC permit, which is

required for new air pollution sources within the District's jurisdiction. The District also requires a Title V permit to be issued by the District before construction may begin. The ATC cannot be implemented unless the Energy Commission certifies the project. (Pub. Res. Code § 25500; Cal. Code Regs, tit. 20, §§ 1744.5, 1752.3.)

19. Page 5. Third paragraph, change to read:

Ambient air quality data has been collected extensively in the air basin. The maximum ambient measurements for the years ~~1999~~ 2001 through ~~2005~~ 2007 show that as of 2007 ozone, PM10, and PM2.5 continue to violate applicable standards while CO, NO₂ and SO₂ do not violate the standard. ~~The record indicates the new federal short-term NO₂ standard was not evaluated because the application for this project was submitted before this new standard was proposed for adoption. The EPA has not developed a dispersion model post-processor to calculate the statistical compliance with the new standard, and a determination of the air basin attainment status is not scheduled until January 2012. (Ex. 214, pp. 2.1-7 to 2.1-8). U.S. EPA has issued a new standard for short-term NO₂ impacts that became effective in April 2010. EPA has subsequently issued guidance indicating that the standard is applicable to federal Prevention of Significant Deterioration (PSD) projects. Sentinel does not trigger PSD thresholds and does not require a PSD permit, so the new standard is inapplicable.~~

20. Page 6. First paragraph, change to read:

At the time the project application was submitted, ~~†~~The SCAQMD is was designated as severe-17 non-attainment for the 8-hour ozone standard (the second worst classification), ~~meaning that the South Coast air basin ambient ozone design concentration is 0.280 ppm or above and it did not reach attainment before 2007. Since that time EPA has re-designated the South Coast air basin as "extreme" non-attainment for the 8-hour ozone standard.~~ Efforts to achieve ozone attainment typically focus on controlling the ozone precursors, which are NO_x and VOC. SCAQMD-published state implementation plans (SIP) largely rely on the CARB to control mobile sources, the U.S. EPA to control emission sources under federal jurisdiction, and SCAQMD to control local industrial sources. Through these control measures, California and the SCAQMD are required to reach attainment of the federal 8-hour ozone ambient air quality standard by ~~2024~~ 2024 (~~2013~~ 2019 in the Coachella Valley). (Ex. 214, p. 2.1-10.)

21. Page 7, First paragraph, last sentence, change as follows:

~~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.)

22. Page 7. Third paragraph, change to read:

~~“San Bernardino County (but not the entire~~ The South Coast Air Basin~~) has been designated as non-attainment area for the federal 24-hour and annual PM10 ambient air quality standards.”~~

23. Page 8, change to read as follows:

~~San Bernardino County (but not the entire~~ The South Coast air basin ~~has been designated a non-attainment area for the federal 24-hour and annual PM10 ambient air quality standards. The SCAQMD has recently taken action to have the Salton Sea Air Basin (SSAB), which includes the project site, redesignated as attainment for PM10. The SCAQMD and CARB Governing Boards have already approved the SSAB PM10 Redesignation and Maintenance Plan (RMP) for submittal to EPA for inclusion in the SIP (Ex. 146). However, the area is still classified as non-attainment for Federal PM10 standards until EPA approves the SIP, which would likely occur within one to two years. The South Coast air basin (including a portion of San Bernardino County within the basin) has been designated as a non-attainment zone for the state 24-hour and annual PM10 ambient air quality standards. AIR QUALITY Figure 2 below shows the number of days each year on which exceedances of the state 24-hour PM10 standard occurred for three representative monitoring regions: coastal, project site, and inland. The data shows some improvement over the period, but overall the PM10 problem persists. (Ex. 214, pp. 2.1-12 to 2.1-13.)~~

24. Page 9, First Paragraph after Figure 3, add the following text:

Although the South Coast air basin is designated as non-attainment for all state and federal PM2.5 AAQS, the record indicates that SCAQMD has not yet finished preparing a PM2.5 SIP. The record shows that SCAQMD has submitted a PM2.5 SIP, and once the plan is approved by USEPA, the SCAQMD will prepare revised NSR rules that will likely require offsetting of PM2.5 emissions to the extent required by federal law. The SCAQMD is thus unlikely to address PM2.5 in their rules within the schedule of this proposed project. Nevertheless, the record establishes that the Salton Sea Air Basin (SSAB) is not classified as non-attainment for federal and state ambient air quality standards for PM2.5. (SSAB is Unclassified for state and Unclassified/Attainment for federal.) Therefore, offsets are not specifically required for PM2.5 to demonstrate compliance with the Clean Air Act. (Ex. 214, pp. 2.1-15; 2.1-43.)

25. Page 15, First Paragraph, change to read as follows:

~~Those emissions must be mitigated to a level of insignificance. The record discloses that the NO2 results in AIR QUALITY Table 5 are not in the form required to evaluate compliance with the new federal 1-hour NO2 standard. The new federal short-term NO2 standard is not evaluated because the application for the Sentinel project was submitted well before this new standard was proposed for adoption. The U.S. EPA has not developed a dispersion model post-processor to calculate the statistical compliance with the new standard and a determination of the air basin attainment status is not expected until January~~

2012. (Ex. 214, p. 2.1-25.) U.S. EPA has issued a new standard for short-term NO2 impacts that became effective in April 2010. EPA has subsequently issued guidance indicating that the standard is applicable to federal Prevention of Significant Deterioration (PSD) projects. Sentinel does not trigger PSD thresholds and does not require a PSD permit, so the new standard is inapplicable.

26. Air Quality, Page 20, third paragraph, change to read:

Similarly, the direct SO2 impacts from the CPV Sentinel project, which do not cause a violation of the SO2 ambient air quality standards, will need to be offset with either Emission Reduction Credits (ERCs) or offsets from the District's internal emission offset accounts pursuant to AB 1318 Priority Reserve Credits (PRCs) . . .

27. Page 23: Second full paragraph, change text as follows:

Oxidizing Catalyst, CO ~~six ppm 3-hour average~~ should be changed to 4.0 ppm 1-hour average.

28. Page 23. Third full paragraph, change to read:

Ordinarily, unless exempt under SCAQMD Rule 1304, the project must would need to obtain sufficient offsets to satisfy either SCAQMD Rule 1303 (which requires Emission Reduction Credits (ERCs) or Priority Reserve offsets) and Regulation XX (which requires participation in the RECLAIM program for NOx) as well as to mitigate the project impacts under CEQA. Pursuant to AB 1318 (Health and Safety Code § 40440.14), the SCAQMD is required to provide PM and SOx offsets from its internal bank for this project. AIR QUALITY Table 8 summarizes the project plan to offset or otherwise mitigate the CPV Sentinel project emission impacts. (Ex. 214, p. 2.1-33.)

29. Page 23: Table 8:

VOC offsets should be "456" lbs/day instead of "441" lbs/day.

30. Page 26. Second full paragraph, add the following:

"The record indicates that for the purposes of the AB 1318 Tracking System, which consists of the U.S. EPA-approved Tracking system in place prior to the passage of Rule 1315, plus minor source shutdowns and reductions since 1990, the SCAQMD has identified...."

31. Page 26, change the sentence to read:

The record indicates that for the purposes of the AB 1318 Tracking System, which consists of the U.S. EPA-approved tracking system in place prior to the passage of Rule 1315 plus minor source reductions and shutdowns, the SCAQMD has identified a series of emission offsets for PM10 and SOx (see **AIR QUALITY ATTACHMENTS A and B**) which have been created as a result of reductions from permitted equipment that permanently ceased operation in SCAQMD.

32. Pages 26-27, change to read:

The emission reductions have occurred during the calendar years ~~2002~~ 1999 and 2008 for PM10 credits and during calendar years ~~2002~~ 1999 through ~~2006~~ 2008 for SOx credits. (Ex. 144-149, Appendix N pp. 16-7)

33. Page 35, Third Paragraph, change to read:

The emissions of NOx and SOx from the CPV Sentinel project do have the potential (if left unmitigated) to cumulatively contribute to higher PM10/PM2.5 levels in the region. These impacts could be considered significant because they would contribute to ongoing violations of the state and federal PM10 ~~2.5~~ ambient air quality standards. However, emission offsets that will be provided by CPV Sentinel reduce potential impacts to a level that would be cumulatively less than significant. (Ex. 214, p. 2.1-56.)

34. Air Quality, Page 36

In the discussion regarding District Rule 212, at page 36, change the last sentence as follows:

Rule 212 requires that a person shall not build, erect, install, alter, or replace any equipment, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce, or control the issuance of air contaminants without first obtaining written authorization for such construction from the Executive Officer. A public notice ~~will be~~ was issued followed by a 30-day public comment period prior to issuance of ~~a~~ the permit. Compliance is expected. (Ex. 214, p. 2.1-54.)

35. Page 37: Rule 407:

CO BACT limit of ~~6.0 ppmvd~~ should be changed to 4.0 ppmvd.

36. Page 37: insert Rule 431.2:

RULE 431.2. SULFUR CONTENT OF LIQUID FUELS

The purpose of this rule is to limit the sulfur content in diesel and other liquid fuels for the purpose of both reducing the formation of sulfur oxides and particulates during combustion and to enable the use of add-on control devices for diesel fueled internal combustion engines. The rule applies to all refiners, importers, and other fuel suppliers such as distributors, marketers and retailers, as well as to users of diesel, low sulfur diesel, and other liquid fuels for stationary source applications in the District. The rule also affects diesel fuel supplied for mobile source applications.

37. Page 38: At the top of the page, change as follows:

The PM10 mass emission from CPV Sentinel turbines should be changed from 6 lbs/hr to 5 lbs/hr.

38. Page 39: Rule 1303(b)(2), change to read:

Since CPV Sentinel is a new facility with an emissions increase, offsets will be required for all criteria pollutants. CPV Sentinel will be included in NOx RECLAIM and as such, NOx increases will be offset with RTCs at a 1.0 to 1 ratio. Non-RECLAIM non-attainment criteria pollutants, or their precursors (VOC, SOx, and PM10) will be offset by either the purchase of Emission Reduction Credits (ERCs) at a 1.2 to 1 ratio and/or other means, as allowed under District Rules and Regulations, at a 1.2 to 1 ratio state law, and the SIP amendment regarding AB 1318 for SOx and PM10 at a 1:1 offset ratio. CPV Sentinel has indicated that the required amounts of offsets will be provided prior to issuance of the Facility Permit. Compliance with offset requirements of Rules 1303(b)(2) and 2005(b)(2) is expected. (Ex. 214, p. 2.1-59.)

39. Page 41. Regulation XVII – PSD, add the following language:

. . . A major source for a simple-cycle combustion turbine is defined as any one pollutant exceeding 250 tons per year. Since the emissions from the CPV Sentinel project are not expected to exceed 250 tons per year, PSD does not apply. (Ex. 214, pp. 2.1-60 to 2.1-61) Since the project was evaluated, on July 25, 2007 SCAQMD has received partial delegation from EPA to implement PSD, including for new sources. However, as noted above, PSD does not apply to this project.

40. Page 43, Regulation XXX-Title V, change to read:

“The initial Title V permit was ~~will be~~ processed and the required public notice was ~~will be~~ sent along with the Rule 212(g) Public Notice which is also required for the project.”

41. Page 43: Rule 2005(h) – Public Notice, change to read:

CPV Sentinel ~~will comply~~ has complied with the requirements for Public Notice found in Rule 212. Therefore compliance with Rule 2005(h) is demonstrated. (Ex. 214, p. 2.1-62.)

42. Page 43: Rule 2005(j) Compliance with State and Federal NSR, change to read:

“CPV Sentinel will comply with the provisions of this rule by having demonstrated compliance with SCAQMD NSR Regulations–XIII, AB 1318 as applicable, and Rule 2005 NSR for RECLAIM.”

43. Page 43, REGULATION XXX - change to read:

CPV Sentinel is a Title V facility because the cumulative emissions will exceed the Title V major source thresholds and because it is also subject to the federal acid rain provisions. The initial Title V permit ~~will be~~ was processed and the required public notice ~~will be~~ was sent along with the Rule 212(g) Public Notice, which is also required for this project. U.S. EPA ~~is~~ was afforded the opportunity to review and comment on the project within a 45-day review period. (Ex. 214, p. 2.1-62.)

44. Comments were received from the SCAQMD, Applicant, Staff and the Riverside County Fire Department. All comments have been incorporated into the Decision.
45. **Page 45 et seq: Findings 23 through 32, change to read:**
23. SCAQMD has created internal offset accounts for each pollutant and has verified that the sources from which the offsets were generated had valid permits, that those permits are inactive, that the source has been shut down or “overcontrolled,” and that the owner never claimed or was not eligible to claim emission reduction credits for such reductions.
24. SCAQMD established an “AB 1318 Tracking System” to account for the offsets it will transfer to the Sentinel project.
25. The tracking system identifies offsets only from facilities whose permits have been “inactivated,” and are identified in Tables A and B of SCAQMD’s May 12, 2010, filing with the Commission (Ex. 141).
26. The tracking system incorporates multiple verification steps, and uses conservative assumptions in determining the amount of offsets that are available for the Sentinel project.
27. The AB 1318 Tracking System identifies 132,816 pounds of PM10 and 24,550 pounds of SOx offsets, after preliminary surplus adjustments, available to the Sentinel project.
28. Prior to the issuance of a permit to construct for the Sentinel project, SCAQMD will review and adjust each of the AB 1318 Tracking System offsets as necessary to assure that it remains surplus, and such adjustment will include reductions to reflect the requirements of any federal, state, or local air pollution laws that have become applicable to that source category since the time of shutdown.
29. SCAQMD has performed a preliminary “surplus adjustment” for the offsets contained in Tables A and B of Exhibit 141, and determined that there are more than sufficient offsets to meet the requirements of the Sentinel project.
30. ~~23~~The evidence establishes that the pool of identified offsets exceeds the amount necessary for the CPV Sentinel project to offset its SOx and PM10 emissions.
31. ~~24~~Condition of Certification **AQ-19** requires the project owner to supply proof that the EPA has approved the adoption of the provisions of AB 1318 into the SIP prior to commencement of operation of the CPV Sentinel project.

32. ~~25~~SCAQMD's internal offset credits to be transferred to the CPV Sentinel project to offset its SOx and PM10 emissions satisfy all applicable legal requirements.
33. ~~26~~There is more than adequate PM10 and SOx offsets available for the CPV Sentinel project.
34. ~~27~~The offsets and the limits imposed by Conditions of Certification **AQ-1** and **AQ-2** mitigate impacts due to VOC emissions below significance.
35. ~~28~~The offsets and the limits imposed by Conditions of Certification **AQ-2**, **AQ-3** and **AQ-16** mitigate impacts due to NOx emissions below significance.
36. ~~29~~The offsets and the limits imposed by Conditions of Certification **AQ-SC8**, **AQ-1**, **AQ-5**, **AQ-7** and **AQ-19** mitigate project impacts due to PM10, PM2.5 and SOx emissions below significance.
37. ~~30 All~~The project-related PM2.5 emissions will do not need to be offset, since the location of the project is in SSAB, which is unclassified, and therefore, not considered as nonattainment for PM2.5. However, many of the PM10 offsets being provided are from combustion sources and mostly PM2.5.
38. ~~31~~The project's potential impacts on the CO ambient air quality standards are not significant.
39. ~~32~~Emission offsets that would be provided by CPV Sentinel reduce potential impacts to a level that would be less than cumulatively considerable.

46. Page 46, add to CONCLUSIONS OF LAW:

3. The Sentinel project is an "eligible electric generating facility" as that term is used in Health and Safety Code Section 40440.14 and related provisions.
4. SCAQMD's "AB 1318 Tracking System" complies with the requirements of Health and Safety Code Section 40440.14.
5. The offsets identified by the "AB 1318 Tracking System" are federally enforceable, or otherwise will become federally enforceable prior to operation of the project, consistent with EPA guidance.
6. All offsets identified as available for the Sentinel project pursuant to the "AB 1318 Tracking System" are surplus.

7. The offsets to be credited and transferred to the Sentinel project satisfy all applicable legal requirements, as required by Health and Safety Code Section 40440.14.

47. Page 53, Condition of Certification AQ-SC8

The text of Condition of Certification AQ-SC8 should be revised as follows (the table contained in AQ-SC8 is correct):

AQ-SC8 The project owner shall provide emission offsets ~~reduction credits~~ to offset turbine exhaust and emergency equipment NO_x, VOC, SO_x, and PM₁₀ ~~and PM_{2.5}~~ emissions in the form and amount required by the District. RECLAIM Trading Credits (RTCs) shall be provided for NO_x as is necessary to demonstrate compliance with Condition of Certification **AQ-16**.

Emission offsets ~~reduction credits~~ (ERCs) shall be provided from the District's internal offset accounts as provided in AB 1318, pursuant to California Health & Safety Code Section 40440.14 for SO_x (13,928 lb/year, includes the offset ratio of 1.0); and PM₁₀ (118,120 lb/year, includes offset ratio of 1.0). Emission reduction credits (ERCs) shall be provided for ~~and~~ VOC (444 456 lb/day, includes offset ratio of 1.2).

The project owner shall surrender the ERCs for ~~SO_x, VOC and PM₁₀~~ from among those that are listed in the table below or a modified list, as allowed by this condition. . . .

48. Page 55, AQ-1, change to read:

The emission limit from each gas turbine should be "2,425" lbs/month of PM₁₀, instead of ~~"2,428" lbs/month~~; "6,477" lbs/month of CO instead of ~~"8,2016,477" lbs/month~~; "293" lbs/month SO_x instead of ~~"288,293" lbs/month~~; and "1,432" lbs/month VOC instead of ~~"1,425" lbs/month~~. Also the PM₁₀ emission factor should be "5.71 lbs/mmscf" instead of ~~"5 lbs/hr"~~.

49. Page 55, Condition of Certification AQ-1, Table

The table contained includes typographical errors that should be corrected as follows: for CO, the limit should be 6,477 lbs in any one month; for SO_x, the limit should be 293 lbs in any one month. (See Exhibit 141, SCAQMD Addendum to Determination of Compliance, Condition A63.1.)

50. Page 56, Condition of Certification AQ-1, Third Paragraph

The project owner shall calculate the commissioning emissions for VOC, SO_x and PM₁₀ for the commissioning month (beginning of the month to the last day of commissioning) using the equation below and the following emission factors: VOC: 2.06 lb/mmcf; PM₁₀: ~~2.99~~ 2.49 lb/mmcf; and SO_x: 0.12 lb/mmcf.

51. Page 59, Condition of Certification AQ-7, Second Bullet

- The initial source test shall be conducted no later than 180 days following the date of first fire or three hundred hours of operations after start-up.

52. Page 65: AQ-16, The amount of NOx RTCs should be revised to read as follows:

To comply with this condition, the project owner, for the first year commissioning and operation, shall hold a minimum of:

- 35,839 lbs. for each Units 1-8
- 77 lbs. for the operation of the firewater pump
- A first year total of 286,786 lbs NOx RTCs

To comply with this condition, the project owner, for the second year operation, shall hold a minimum of:

- 30,110 lbs. for each Units 1-8
- 77 lbs. for the operation of the firewater pump
- A second year total of 240,958 lbs NOx RTCs

53. Page 66, AIR QUALITY ATTACHMENT A

AIR QUALITY ATTACHMENT A should be replaced with **AIR QUALITY** Table 17a from Exhibit 216, Errata to the Final Staff Assessment Air Quality Addendum. Exhibit 216 provided an update to the table from the South Coast Air Quality Management District.

54. Page 70, AIR QUALITY ATTACHMENT B

AIR QUALITY ATTACHMENT B should be replaced with **AIR QUALITY** Table 18a from Exhibit 216, Errata to the Final Staff Assessment Air Quality Addendum, dated May 19, 2010. Exhibit 216 provided an update to the table from the South Coast Air Quality Management District.

PUBLIC HEALTH

55. Page 6, Table 2:

Public Health Table 2, total Individual Cancer Risk from project (including cooling towers) should be " 0.5×10^{-6} " instead of " 0.856×10^{-6} ."

WORKER SAFETY

56. Page 3, Third 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.)

57. Page 3, Finding #5:

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

58. Page 3, Finding #7:

7. The CPV Sentinel Project will not create cumulative adverse impacts upon the fire and emergency response capabilities of the RPSCFD.

59. Page 5, First Full Paragraph:

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.

60. Page 5, Verification for WORKER SAFETY-1:

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

61. Page 5, First Paragraph after bullet points in WORKER SAFETY-2:

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.

62. Page 5, Verification for WORKER SAFETY-2:

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.

WASTE MANAGEMENT

63. Page 1, Fifth Paragraph, change to read:

As described previously in this Decision, the Sentinel Project will be located on a 37-acre site in unincorporated Riverside County about 1.3 miles east of State Route 62, 1.7 miles north of I-10, and 1.3 miles west of Indian Avenue. The site is ~~currently vacant, with the exception of an unoccupied dwelling unit and garage at the southeastern corner of the site.~~ The surrounding area is characterized by industrial use with extensive development of wind energy facilities and transmission lines. (Ex. 19, p. 7.13-1; Ex. 200, p. 4.13-6; Ex. 82, p.8; Ex. 64, pp. 29-2 and 31-1.)

SOIL AND WATER RESOURCES

64. Page 11, Condition of Certification SOIL&WATER-2, change Verification to read as follows:

1. No later than 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 for acquire a grading permit from the County of Riverside. The submittal must be reviewed by the County of Riverside and approved by the CPM.
2. No later than 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 for acquire a building permit from the County of Riverside. The submittal must be reviewed by the County

65. Page 15, Condition of Certification SOIL&WATER-6, change Verification to read as follows:

Verification: No later than thirty (30) days prior to start of project construction the project owner shall provide documentation showing the results of the mail notification and identification of any impacted well owners. If any private well owners are identified, the project owner shall submit an ~~and if so the~~ analysis showing the what types of impacts. This documentation should be provided to the CPM for review and approval prior to implementing appropriate measures or methods of mitigation for impacts.

66. Page 16, Condition of Certification SOIL&WATER-7, last paragraph, change to read:

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.

67. Page 18, Condition of Certification SOIL&WATER-8, paragraph (a)

a. Prior to the use of groundwater for commercial operation, the project owner shall install and maintain metering devices as part of the water supply and distribution system to document project process water use as required to monitor and record in hundreds of cubic feet per month the total volume(s) of water supplied to the CPV Sentinel Project from this water source. The metering devices shall be operational for the life of the project. Each well to be constructed will be metered separately or provisions will be made to ensure water use from each well can be identified and documented.

68. Page 18, Condition of Certification SOIL&WATER-8, paragraph (d)(2)

d. If insufficient water has been recharged for project process needs pursuant to **SOIL&WATER-10**, the project shall not operate, unless the CPM determines that:

1. circumstances beyond the project owner's control have temporarily prevented delivery of water purchased for project process needs to Desert Water Agency's spreading grounds; and

2. the quantity of water conserved through implementation of new conservation measures 16 months or more previously in the Mission Creek Sub-basin pursuant to SOIL&WATER-15, together with any water recharged pursuant to SOIL&WATER-10 16 months or more previously that has not yet been used, ~~has resulted in conservation of water in an amount is equal to or greater than that proposed to be used for project process water needs 16 months or more in advance of the month in which it is to be used for project process needs.~~

CULTURAL

69. Page 2, SUMMARY AND DISCUSSION OF THE EVIDENCE. 1. SETTING. FIRST PARAGRAPH, SECOND SENTENCE.

It is approximately 25 miles northwest of the prehistoric shoreline of Lake Coachella-Cahuilla.

- 70. Page 2, SUMMARY AND DISCUSSION OF THE EVIDENCE. 1. Setting. First paragraph, last sentence.**
There is very little evidence to support the presence of human occupation within the Coachella Valley during the late Pleistocene or early Holocene periods.
- 71. Page 6, FINDINGS OF FACT, # 6.**
The Project Owner will report daily on all monitoring activities, and through a Cultural Resources Report (CRR).
- 72. Page 7, FINDINGS OF FACT, # 8.**
The Project Owner will obtain the services of a Native American monitor to observe ground disturbance activities in areas where Native American artifacts are may be discovered.
- 73. Page 10, Cul-2. First And Second Sentences.**
~~Prior to ground disturbance, if~~ the CRS has not previously worked on the project, the Project Owner shall provide the CRS with copies of the AFC, data responses, and confidential cultural resources reports for the project. ~~Prior to the start of preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, or construction,~~
- 74. Page 10, Cul-10 Verification # 1, Second Sentence.**
The CPM ~~shall~~ will review submittals in consultation with the CRS and approve maps and drawings suitable for cultural resources planning activities.
- 75. Page 7, Conditions Of Certification, Cul-1, Last Condition Sentence On Page, Continued To Page 8.**
No ~~preconstruction site mobilization, construction~~ ground disturbance, ~~construction grading, boring and trenching, or construction~~ shall occur prior to Compliance Project Manager (CPM) approval of the CRS unless specifically approved by the CPM.
- 76. Page 9, Conditions Of Certification, Cul-1, Verification # 1.**
At least 45 days prior to the start of ~~preconstruction site mobilization, construction~~ ground disturbance, ~~construction grading, boring and trenching, or construction,~~ the Project Owner shall submit the resume for the CRS, and alternate(s) if desired, to the CPM for review and approval.
- 77. Page 9, Conditions Of Certification, Cul-1 Verification # 3, First Sentence.**
At least 20 days prior to ~~preconstruction site mobilization, construction~~ ground disturbance, ~~construction grading, boring and trenching, or construction,~~ the CRS shall provide a letters naming anticipated CRMs for the project and stating that the identified CRMs meet the minimum qualifications for cultural resource monitoring required by this Condition.

78. Page 9, Conditions Of Certification, Cul-1 Verification #5, First Sentence.

At least 10 days prior to the start of ~~preconstruction site mobilization, construction~~ ground disturbance, ~~construction grading, boring and trenching, or construction,~~ 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.

79. Page 9, Conditions Of Certification, Cul-2, Second Sentence.

Prior to the start of ~~preconstruction site mobilization, construction~~ ground disturbance, ~~construction grading, boring and trenching, or construction,~~ the Project Owner shall also provide the CRS and the CPM with maps and drawings showing the footprint of the power plant and all linear facilities.

80. Page 10, Conditions Of Certification, Cul-2, Last Sentence Of First Paragraph.

No ~~preconstruction site mobilization, construction~~ ground disturbance ~~construction grading, boring and trenching, or construction~~ activities shall occur prior to CPM approval of maps and drawing unless specifically approved by the CPM.

81. Page 10, Conditions Of Certification, Cul-2, Verification # 1, First Sentence.

At least 40 days prior to the start of ~~preconstruction site mobilization, construction~~ ground disturbance, ~~construction grading, boring and trenching, or construction,~~ 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.

82. Page 10, Conditions Of Certification, Cul-2, Verification # 2, First Sentence.

If there are changes to any project-related footprint, revised maps and drawings shall be provided at least 15 days prior to start of ~~preconstruction site mobilization, construction~~ ground disturbance, ~~construction grading, boring and trenching, or construction,~~ for those changes.

83. Page 10, Conditions Of Certification, Cul-2, Verification # 4, First Sentence.

On a weekly basis during ~~preconstruction site mobilization, construction~~ ground disturbance, ~~construction grading, boring and trenching, or construction,~~ a current schedule of anticipated project activity shall be provided to the CRS and CPM by letter, e-mail, or fax.

84. Page 11, Conditions Of Certification Cul-3, First Sentence.

Prior to the start of ~~preconstruction site mobilization, construction~~ ground disturbance, ~~construction grading, boring and trenching, or construction,~~ the Project Owner shall submit the Cultural Resources Monitoring and Mitigation Plan (CRMMP), as prepared by or under the direction of the CRS, to the CPM for review and approval.

- 85. Page 12 Conditions Of Certification Cul-3, Verification # 2, First Sentence.**
 At least 30 days prior to the start of ~~preconstruction site mobilization, construction~~ ground disturbance, ~~construction grading, boring and trenching, or construction,~~ a letter shall be provided to the CPM indicating that the Project Owner will pay curation fees for any materials collected as a result of the archaeological investigations (survey, testing, data recovery).
- 86. Page 14 Conditions Of Certification Cul-5, First Sentence.**
 Prior to and for the duration of ~~preconstruction site mobilization, construction~~ ground disturbance, ~~construction grading, boring and trenching, or construction,~~ the Project Owner shall provide Worker Environmental Awareness Program (WEAP) training to all new workers within their first week of employment.
- 87. Page 14 Conditions Of Certification Cul-5, Last Paragraph.**
 No ~~preconstruction site mobilization, construction~~ ground disturbance, ~~construction grading, boring and trenching, or construction~~ shall occur prior to implementation of the WEAP program unless specifically approved by the CPM.
- 88. Page 15 Conditions Of Certification Cul-5, Verification # 1. First Sentence.**
 At least 30 days prior to the beginning of ~~pre construction site mobilization,~~ ground disturbance, the CRS shall provide the training program draft text and graphics, and the information brochure, to the CPM for review and approval.
- 89. Page 18 Conditions Of Certification Cul-7, Verification # 1, First Sentence.**
 At least 30 days prior to the start of ~~preconstruction site mobilization, construction~~ ground disturbance, ~~construction grading, boring and trenching, or construction,~~ 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 construction activities in the vicinity of a cultural resources discovery, and that the 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.

TRAFFIC AND TRANSPORTATION

- 90. Traffic and Transportation, Pages 5, 10 and 13-14, Condition of Certification TRANS-3, change to read:**
~~Staff's analysis is silent on the issue of the significance of the impact of these reductions in LOS. However, Applicant indicates that, without mitigation,~~ these impacts will be considered significant by state and local LOS standards (Ex16, pp. 7.10-5 through 7.10-6). The applicant proposes traffic control measures at the intersections at Indian Avenue/Dillon Road, ~~and Indian Avenue/20th Street,~~ and Indian Avenue/I-10 westbound ramps that will take place at the evening peak hour traffic to help address the LOS reduction and the increase in traffic delay introduced by project construction. These measures are contained in Condition of

Certification **TRANS-3**. The applicant also states that the majority of project-added traffic routed via SR-62 and Dillon Road will be re-routed through Indian Avenue and Dillon Road to mitigate the morning and evening peak hour impacts at SR-62 and Dillon Road. (Ex. 16, p. 7.10-15.)

As initially proposed, The record indicates that Condition of Certification **TRANS-3** would have required monitoring of the affected intersections for an even flow of traffic operation (i.e., no long queues and no excessive delays on all movements) during peak construction. (Ex. 16, p. 7.10-15.) Manual traffic control will would be implemented only when there is was an observed and immediate need to intervene and facilitate traffic flow. If the intersection is was operating efficiently at an even flow (i.e., no long queues and no excessive delays on all movements) no manual intervention should would be necessary. As initially proposed, Condition of Certification **TRANS-3** The record is was silent as to who was responsible for monitoring these intersections, and who determined the need for manual intervention. Both Indian Avenue intersections (Dillon Road and 20th Street) will be monitored for efficient traffic operation during peak construction. (Ex. 16, p. 7.10-15.) Again, no mention of who is responsible for monitoring these intersections. Staff testified that it has received no comments regarding the adequacy of the applicant's proposed traffic control measures from Caltrans District 8, the City of Palm Springs Department of Public Works, or the County of Riverside Transportation and Land Management Agency.

We are concerned that the absence of specific performance standards that address the degradation of LOS in Condition of Certification **TRANS-3** and the lack of clear mitigation for the apparent significant construction impacts will result in a lack of specificity and an impermissible deferral of mitigation.

We were concerned that absent a specific performance standard(s) stating who was responsible for monitoring the intersections, and when manual intervention was going to be required to address the degrading of the LOS at the intersections due to peak level construction related traffic, an impermissible deferral of mitigation would result.

To address our desire for greater specificity, and to further clarify that Condition of Certification **TRANS-3** will mitigate peak construction traffic impacts at the intersections both on a project-level and cumulative basis, the Applicant and Staff jointly proposed addition of the following provision to Condition of Certification **TRANS-3**. (Applicant's Comments on the Presiding Member's Proposed Decision, p. 12.)

The traffic control and implementation plan shall include and describe the following minimum requirements:

In addition to other traffic control measures, during the peak three (3) months of construction activities, provide manual

traffic control intervention for every day of construction at least 30 minutes before and during the 4-6 PM peak hour at the following intersections: Indian Avenue/Dillon Road, Indian Avenue/20th Street, and Indian Avenue/I-10 westbound ramps.

We have incorporated this additional provision into Condition of Certification **TRANS-3**.

91. Page 7, change to read as follows:

~~The underground recycled water pipeline will connect to an existing pipeline on the south side of South Murray Canyon Drive in the city of Palm Springs. Although most of the pipeline route is within an existing golf course, a portion of the pipeline will cross underneath South Murray Canyon Drive. The pipeline will be installed at the intersection of South Murray Canyon Drive and Kings Road East. This intersection provides access to residences situated along Kings Road East. The record indicates that access to residences from this intersection may be temporarily disrupted during pipeline installation. Condition of Certification **TRANS-3** alludes to ensuring access to residences and commercial property during construction in a general sense. (Ex. 200, p. 4.10-10,) We lack sufficient evidence to conclude that impacts to traffic and transportation associated with installation of the underground recycled water pipeline at the intersection of South Murray Canyon Drive and Kings Road East will be insignificant.~~

~~The construction of the recycled water pipeline under the road will require trenching and could potentially require alternating partial closure of the traveled way while trenching work is conducted on the other half of the roadway. The record reflects that one lane of South Murray Canyon Drive could be kept open to traffic in both directions at all times due to the ample width of the road. Depending on roadway median conditions, construction work on the south half of the roadway could potentially shift at least one lane of eastbound traffic to the north and vice versa to avoid total directional roadway closure. A detour will be available to potentially affected residences. Construction of the portion of the pipeline crossing South Murray Canyon Drive is expected to be completed in one day. The entire recycled water pipeline is expected to be completed within one month. (Ex. 200, pp. 4.10-10 to 4.10-11.)~~

Any disruption of access to residences along South Murray Canyon Drive during pipeline construction will be mitigated by means of an alternative route using Kings Road West (Exhibit 70, p. 13). The Applicant will provide traffic control signage for the alternative route in accordance with applicable state and local regulations.

To further ensure that access impacts are reduced to less than significant levels, we are making the following additions to Condition of Certification **TRANS-3**:

The traffic control and implementation plan shall include and describe the following minimum requirements:

- Ensure access to adjacent residential and commercial property during the construction of all linears, including but not limited to ensuring residential and commercial access during the construction of the underground recycled water pipeline by implementing the following measures: (1) during construction affecting South Murray Canyon Drive, rout affected residential or commercial traffic to an alternative access route via the intersection of Kings Road West or other more efficient alternative route; (2) use signage and traffic controls required by applicable regulations; and (3) provide load rated steel plates to cover open trenches fronting driveways, as necessary;
- Ensure homeowners and property owners will be notified in advance of construction affecting South Murray Canyon Drive and ensure the construction contractor will be required to prioritize work affecting South Murray Canyon Drive to minimize potential inconveniences to residences and businesses, and.

~~The record does not disclose any significant impacts arising from the construction of the linear ancillary facilities and we acknowledge the temporary nature of the construction phase of the CPV Sentinel project. In addition, t~~The project owner is required to obtain an encroachment permit from the Riverside County Department of Public Works and the city of Palm Springs Department of Public Works for work to be performed within the county and city public right-of-way. The encroachment permit will ensure that proper traffic control measures are implemented during installation of the recycled water pipeline. ~~Once we get clarification on the extent of the disruption associated with installation of the underground recycled water pipeline at the intersection of South Murray Canyon Drive and Kings Road East, we will be able to determine whether the construction of the linear facilities will have no significant impact on traffic and transportation. Thus, there is ample evidence in the record to support a finding that construction of the recycled water pipeline under South Murray Canyon Drive will not result in a significant traffic impact or disruption to resident's mobility (Exhibit 70, p. 13; Exhibit 117, p. 2).~~

92. Traffic and Transportation Pages 10-11

Indian Avenue is a major north-south roadway system that connects the cities of Desert Hot Springs and Palms Springs. A 1.5-mile segment of Indian Avenue from I-10 to Dillon Road will be used for project related activity. Two intersections may be affected by the identified developments. They are the Indian Avenue/Dillon Road and Indian Avenue/20th Street intersections which currently operate at LOS D or worse. The evidence shows that the above identified developments would further contribute to a degrading of existing intersection operations. Without mitigation, Mmotorists will experience increased intersection delay, which would be a . ~~The record indicates that this is a cumulatively considerable and significant impact that may not be reduced to a less than significant level without extensive road work and traffic signalization.~~

As discussed above, additional requirements have been added to Condition of Certification **TRANS-3** to mandate manual traffic control intervention at the affected intersections during peak construction periods. These additional requirements will ensure the effectiveness of the proposed mitigation in reducing any project related contribution to cumulative construction impacts associated with traffic at the affected intersections. Staff cites Condition of Certification **TRANS-3** as mitigation to reduce this impact, however, the condition merely requires the project owner to prepare a traffic control and implementation plan without specifying how the preparation of such a plan will supply the “extensive road work and traffic signalization” which staff testified is needed to mitigate the cumulative impacts of the project to insignificance. Although we acknowledge that Even without mitigation, the project’s contribution to this cumulative traffic impact will diminish to a less than significant level after completion of project construction, we require the parties to identify exactly what mitigation will reduce the project’s contribution to the cumulative traffic impacts to insignificance by specifying the performance standard. (Ex. 200, p. 4.10-17.)

~~We seek clarification of Staff’s testimony wherein they assert “[e]ven though low income and minority populations exist in the immediate project area, staff has not identified any significant unmitigated adverse traffic and transportation impacts with the project or cumulative impacts; therefore, no significant adverse impacts to minority or low-income populations are expected to occur.” (Ex. 200, p. 4.10- 17.) Two sentences earlier, staff testified that “the project’s construction peak workforce will introduce a significant impact to the identified intersections during the peak construction period for the project.” In the sentence before that, staff proposes Condition of Certification **TRANS-3** but qualifies, “this cumulatively considerable and significant impact may not be reduced to a less than significant level without extensive road work and traffic signalization.” These inconsistencies must be resolved before the Committee could recommend certification of the project.~~

The project’s temporary construction traffic impacts and operational impacts are fully evaluated by the analysis provided in the AFC (Exhibit 16, Application for Certification, Section 7.10, Traffic and Transportation, pp. 7.10-7 through 7.10-12, TRA-1 and TRA-2), the FSA (Exhibit 200, pp. 4.10-7 through 4.10-12, TRANS-1 through TRANS-4), and in expert testimony (Exhibit 117, Declaration of N. Casil regarding Traffic and Transportation, dated October 16, 2008). With implementation of Conditions of Certification **TRANS-1** through **TRANS-6**, including the additions that have been made to Staff’s proposals in the FSA that are discussed above, the project will not result in any significant project related impacts or cause a cumulatively considerable contribution to a cumulative traffic-related significant impact. (Exhibit 16, p. 7.10-14; Exhibit 200, p. 4.10-16 through 4.10-17.) Project construction traffic will not significantly impact any low income or minority populations. (Exhibit 1, Application for Certification, Section 7.10, Introduction and Project Description, p. 1-7; Exhibit 200, p. 4.10-17.)

93. Page 11, Findings of Fact 4 and 11, change to read as follows:

4. ~~The parties must~~ Condition of Certification TRANS-3 will mitigate the increased delay at these intersections below the level of significance.

11. Identified developments in the area will further contribute to the increase of intersection delay resulting in a potentially cumulatively considerable and significant cumulative impact that ~~may not~~ will be reduced to a less than significant level ~~without extensive road work and traffic signalization~~ with implementation of Condition of Certification TRANS-3.

94. Page 13-14, Condition of Certification TRANS-3, add the following language:

The traffic control and implementation plan shall include and describe the following minimum requirements:

- ...
- Ensure access to adjacent residential and commercial property during the construction of all linears, including but not limited to ensuring residential and commercial access during the construction of the underground recycled water pipeline by implementing the following measures: (1) during construction affecting South Murray Canyon Drive, rout affected residential or commercial traffic to an alternative access route via the intersection of Kings Road West or other more efficient alternative route; (2) use signage and traffic controls required by applicable regulations; and (3) provide load rated steel plates to cover open trenches fronting driveways, as necessary;
 - Ensure homeowners and property owners will be notified in advance of construction affecting South Murray Canyon Drive and ensure the construction contractor will be required to prioritize work affecting South Murray Canyon Drive to minimize potential inconveniences to residences and businesses; and

Dated: November 24, 2010, at Sacramento, California.



JAMES D. BOYD
Vice Chair and Presiding Member
Sentinel AFC Committee



**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)**

APPLICANT

CPV Sentinel, LLC
Mark O. Turner, Director
Competitive Power Ventures, Inc.
55 2nd Street, Suite 525
San Francisco, CA 94105
mturner@cpv.com

APPLICANT'S CONSULTANT

Dale Shileikis - URS Corporation
221 Main Street, Suite 600
San Francisco, CA 94105-1916
dale_shileikis@urscorp.com

COUNSEL FOR APPLICANT

Michael J. Carroll
LATHAM & WATKINS LLP
650 Town Center Drive, 20th Floor
Costa Mesa, CA 92626-1925
michael.carroll@lw.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

Mohsen Nazemi, PE
South Coast AQMD
21865 Copley Drive
Diamond Bar, CA 91765-4178
mnazemi@aqmd.gov

INTERVENORS

Angela Johnson Meszaros
CA Communities Against Toxics
1107 Fair Oaks Avenue, #246
South Pasadena, CA 91030
Angela@CleanAirMatters.net

Communities for a Better Environment
c/o Shana Lazerow
1904 Franklin Street, Suite 600
Oakland, California 94612
slazerow@cbeocal.org

ENERGY COMMISSION

JAMES D. BOYD
Vice Chair and Presiding Member
jboyd@energy.state.ca.us

Kenneth Celli, Hearing Officer
kcelli@energy.state.ca.us

John Kessler, Project Manager
jkessler@energy.state.ca.us

*Tim Olson
Advisor to Commissioner Boyd
tolson@energy.state.ca.us

Caryn Holmes, Staff Counsel
cholmes@energy.state.ca.us

*Dick Ratliff, Staff Counsel
dratliff@energy.state.ca.us

Jennifer Jennings
Public Adviser
E-mail preferred
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Maggie Read, declare that on November 24, 2010, I served and filed a document entitled, Errata to the Presiding Member's Proposed Decision. The original document, 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."

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

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CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 07-AFC-3

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.state.ca.us

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.

Original signed by: _____

MAGGIE READ

Hearing Adviser's Office