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DOCKET	
07-AFC-5	
DATE	<u>AUG 26 2010</u>
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August 26, 2010

Paul Kramer
California Energy Commission
Systems Assessment and Facilities Siting Division
1516 9th Street
Sacramento, CA 95814-5504


RE: Clerical Errors In PMPD Condition Language for the Ivanpah Solar Electric Generating System (07-AFC-5)

Dear Mr. Kramer:

Per the discussion at the August 24, 2010 Committee Conference and Evidentiary Hearing for the Ivanpah Solar Electric Generating System Project, please find attached a list of certain conditions in the *Presiding Member's Proposed Decision* ("PMPD") that Applicant believes contain clerical errors (Attachment 1). Also attached for the Commission's consideration is condition language that Applicant believes reflects the correct version of the condition language (Attachment 2), as set forth in Staff's March 29, 2010 filing, *Energy Commission Staff's Compilation of Edits to Recommended Conditions of Certification- Ivanpah Solar Electric Generating System (07-AFC-05)*. These documents are exactly the same as those distributed to the Commission and other parties at the August 24, 2010 Committee Conference and Evidentiary Hearing, with the exception of additional explanatory footnotes regarding BIO-9 and BIO-12.

Please contact me if you have any questions.

Sincerely,


Samantha G. Pottenger

Attorneys for Ivanpah Solar Project

Attachment 1

Ivanpah Solar Electric Generating System
07-AFC-5

PMPD Condition Language
Staff and Applicant Agreement
Table of Clerical Errors

**Ivanpah Solar Electric Generating System
PMPD Condition Language
Staff and Applicant Agreement
Table of Clerical Errors**

Condition	PMPD Version	Comments
AQ-SC5	FSA	Does not adopt the revised 3/29/10 version agreed to by Staff and Applicant.
AQ-SC6	FSA	Does not adopt the revised 3/29/10 version agreed to by Staff and Applicant.
BIO-6	FSA	Does not adopt the revised 3/29/10 version agreed to by Staff and Applicant.
BIO-9	FSA	Does not adopt the revised 3/29/10 version agreed to by Staff and Applicant. ¹
BIO-12	FSA	Does not adopt the revised 3/29/10 version agreed to by Staff and Applicant. ²
BIO-13	FSA	Does not adopt the revised 3/29/10 version agreed to by Staff and Applicant.
MECH-3	---	Missing the "verification" designation.
SOIL&WATER- 3	3/29/10 version, with 180 days, instead of 90.	Requires a Groundwater Monitoring and Management Plan to be submitted to the County 180 days prior to the construction of the onsite groundwater wells, instead of 90 days. ³
SOIL &WATER- 7	---	Deleted; inadvertent omission from the PMPD? This condition is referenced in p. 12 of Soils and Water section and the Findings of Fact (p.16), but not included in the list of COCs.
TRANS-3	---	Appears to have a typo with double verification sections.
TRANS-5	---	Deleted; inadvertent omission from the PMPD? This condition is referenced on p. 10 of the AQ section, but not included in the list of COCs.
VIS-1	FSA	Does not adopt the revised version agreed to by Staff and Applicant.
VIS-3	FSA	PMPD retains this condition despite Staff and Applicant agreement that this condition should be deleted.
VIS-4	FSA	Does not adopt the revised 3/29/10 version agreed to by Staff and Applicant.

¹ The language proposed in Attachment 2 for BIO-9 reflects the language agreed to by Staff and Applicant in Staff's March 29th, 2010 filing, *Energy Commission Staff's Compilation of Edits to Recommended Conditions of Certification- Ivanpah Solar Electric Generating System (07-AFC-05)*, with the exception of the verification language, which has been revised to clarify the approving authorities in the verification so as to be consistent with the condition language, as proposed by Staff during the August 24th hearing.

² Staff and Applicant reached an agreement regarding the language of BIO-12, which is reflected in Staff's March 29th, 2010 filing. However, during the August 24, 2010 Committee Conference and Evidentiary Hearing, Staff proposed additional language recommending a fee of \$105 dollars per acre of fees for raven management. As the legal basis for this fee was not discussed during evidentiary hearings, or even identified to Applicant, Applicant supports adoption of the 3/29/10 version agreed to by Staff and Applicant.

³ Although Energy Commission Staff's Compilation of Edits to Recommended Conditions of Certification- Ivanpah Solar Electric Generating System (07-AFC-05), March 29, 2010 also uses 180 days, Applicant believes that Staff and Applicant had come to an agreement regarding 90 days. Applicant is reviewing its documents to ensure that this is correct.

Attachment 2

Ivanpah Solar Electric Generating System
07-AFC-5

PMPD Condition Language
Staff and Applicant Agreement

Ivanpah Solar Electric Generating System
PMPD Condition Language
Staff and Applicant Agreement

AQ-SC5

Diesel-Fueled Engine Control: The AQCMM shall submit to the CPM in the Monthly Compliance Report a construction mitigation report that demonstrates compliance with the Air Quality Construction Mitigation Plan (AQCMP) mitigation measures for purposes of controlling diesel construction-related emissions. Any deviation from the AQCMP mitigation measures shall require prior CPM notification and approval.

Verification:

The AQCMM shall include in the Monthly Compliance Report (**COMPLIANCE-6**) the following to demonstrate control of diesel construction-related emissions:

- A. A summary of all actions taken to maintain compliance with this condition;
- B. A list of all heavy equipment used on site during that month, including the owner of that equipment and a letter from each owner indicating that equipment has been properly maintained; and
- C. Any other documentation deemed necessary by the CPM, and the AQCMM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.

The following off-road diesel construction equipment mitigation measures shall be included in the Air Quality Construction Mitigation Plan (AQCMP) required by **AQ-SC2**.

- a. All diesel-fueled engines used in the construction of the facility shall have clearly visible tags issued by the on-site AQCMM showing that the engine meets the conditions set forth herein.
- b. All construction diesel engines with a rating of 50 hp or higher shall meet, at a minimum, the Tier 3 California Emission Standards for Off-Road Compression-Ignition Engines, as specified in California Code of Regulations, Title 13, section 2423(b)(1), unless a good faith effort to the satisfaction of the CPM that is certified by the on-site AQCMM demonstrates that such engine is not available for a particular item of equipment. In the event that a Tier 3 engine is not available for any offroad equipment larger than 100 hp, that equipment shall be equipped with a Tier 2 engine, or an engine that is equipped with retrofit controls to reduce exhaust emissions of nitrogen oxides (NOx) and diesel particulate matter (DPM) to no more than Tier 2 levels unless certified by engine manufacturers or the on-site AQCMM that the use of such devices

is not practical for specific engine types. For purposes of this condition, the use of such devices is “not practical” for the following, as well as other, reasons.

1. There is no available retrofit control device that has been verified by either the California Air Resources Board or U.S. Environmental Protection Agency to control the engine in question to Tier 2 equivalent emission levels and the highest level of available control using retrofit or Tier 1 engines is being used for the engine in question; or
 2. The construction equipment is intended to be on site for 5 days or less.
 3. The CPM may grant relief from this requirement if the AQCMM can demonstrate a good faith effort to comply with this requirement and that compliance is not practical.
- c. The use of a retrofit control device may be terminated immediately, provided that the CPM is informed within 10 working days of the termination and that a replacement for the equipment item in question meeting the controls required in item “b” occurs within 10 days of termination of the use, if the equipment would be needed to continue working at this site for more than 15 days after the use of the retrofit control device is terminated, if one of the following conditions exists :
1. The use of the retrofit control device is excessively reducing the normal availability of the construction equipment due to increased down time for maintenance, and/or reduced power output due to an excessive increase in back pressure.
 2. The retrofit control device is causing or is reasonably expected to cause engine damage.
 3. The retrofit control device is causing or is reasonably expected to cause a substantial risk to workers or the public.
 4. Any other seriously detrimental cause which has the approval of the CPM prior to implementation of the termination.
- d. All heavy earth-moving equipment and heavy duty construction-related trucks with engines meeting the requirements of (b) above shall be properly maintained and the engines tuned to the engine manufacturer’s specifications.
- e. All diesel heavy construction equipment shall not idle for more than five minutes. Vehicles that need to idle as part of their normal operation (such as concrete trucks) are exempted from this requirement.
- f. Construction equipment will employ electric motors when feasible.

AQ-SC6

The project owner, when obtaining dedicated on-road or off-road vehicles for mirror washing activities and other facility maintenance activities, shall only obtain new model year vehicles that meet California on-road vehicle emission standards or appropriate U.S.EPA/California off-road engine emission standards for the model year when obtained.

Verification:

At least 60 days prior to the start commercial operation, the project owner shall submit to the CPM a copy of the plan that identifies the size and type of the on-site vehicle and equipment fleet and the vehicle and equipment purchase orders and contracts and/or purchase schedule. The plan shall be updated every other year and submitted in the Annual Compliance Report (**COMPLIANCE-7**).

BIO-6

The project owner shall develop and implement an Ivanpah SEGS-specific Worker Environmental Awareness Program (WEAP) and shall secure approval for the WEAP from BLM's Authorized Officer and the CPM. The USFWS and CDFG shall also be provided a copy of the WEAP for review and comment. The WEAP shall be administered to all onsite personnel including surveyors, construction engineers, employees, contractors, contractor's employees, supervisors, inspectors, subcontractors, and delivery personnel. The WEAP shall be implemented during site mobilization, ground disturbance, grading, construction, operation, and closure. The WEAP shall:

1. Be developed by or in consultation with the Designated Biologist and consist of an on-site or training center presentation in which supporting written material and electronic media, including photographs of protected species, is made available to all participants.
2. Discuss the locations and types of sensitive biological resources on the project site and adjacent areas, and explain the reasons for protecting these resources; provide information to participants that Gila monsters are venomous and should not be handled, and that no snakes, reptiles, or other wildlife shall be harmed;
3. Place special emphasis on desert tortoise, including information on physical characteristics, distribution, behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protection measures;

4. Include a discussion of fire prevention measures to be implemented by workers during project activities; request workers dispose of cigarettes and cigars appropriately and not leave them on the ground or buried;
5. Present the meaning of various temporary and permanent habitat protection measures;
6. Identify whom to contact if there are further comments and questions about the material discussed in the program; and
7. Include a training acknowledgment form to be signed by each worker indicating that they received training and shall abide by the guidelines. The specific program can be administered by a competent individual(s) acceptable to the Designated Biologist.

Verification:

At least 60 days prior to the start of any project-related site disturbance activities, the project owner shall provide to BLM's Authorized Officer and the CPM a copy of the draft WEAP and all supporting written materials and electronic media prepared or reviewed by the Designated Biologist and a resume of the person(s) administering the program.

The project owner shall provide in the Monthly Compliance Report the number of persons who have completed the training in the prior month and a running total of all persons who have completed the training to date. At least 10 days prior to site and related facilities mobilization, the project owner shall submit two copies of the BLM- and CPM-approved final WEAP.

Training acknowledgement forms signed during construction shall be kept on file by the project owner for at least six months after the start of commercial operation.

Throughout the life of the project, the worker education program shall be repeated annually for permanent employees, and shall be routinely administered within one week of arrival to any new construction personnel, foremen, contractors, subcontractors, and other personnel potentially working within the project area. Upon completion of the orientation, employees shall sign a form stating that they attended the program and understand all protection measures. These forms shall be maintained by the project owner and shall be made available to BLM's Authorized Officer and the CPM and upon request. Workers shall receive and be required to visibly display a hardhat sticker or certificate that they have completed the training.

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

BIO-9

The project owner shall develop and implement a final Desert Tortoise Relocation/Translocation Plan (Plan) that is consistent with current USFWS approved guidelines, and meets the approval of BLM's Authorized Officer, USFWS and the CPM, in consultation with CDFG. The final Plan shall be based on the draft Desert Tortoise Relocation/Translocation Plan prepared by the applicant dated May 2009 and shall include all revisions deemed necessary by BLM's Authorized Officer, USFWS, and the CPM, in consultation with CDFG.

Verification:

Within 60 days of publication of the Energy Commission Decision the project owner shall provide BLM's Authorized Officer and the CPM with the final version of a Desert Tortoise Relocation/Translocation Plan that has been reviewed and approved by BLM, USFWS, and the CPM in consultation with CDFG. BLM's Authorized Officer and the CPM will determine the plan's acceptability within 15 days of receipt of the final plan. All modifications to the approved translocation must be made only after consultation with BLM's Authorized Officer, USFWS and the CPM, in consultation with CDFG.

Within 30 days after initiation of translocation activities, the Designated Biologist shall provide to BLM's Authorized Officer and the CPM for review and approval, a written report identifying which items of the Plan have been completed, and a summary of all modifications to measures made during implementation of the Plan.

BIO-12

The project owner shall implement a Raven Management Plan that is consistent with the most current USFWS-approved raven management guidelines, and which meets the approval of USFWS, BLM's Authorized Officer, and the CPM in consultation with CDFG. The draft Raven Management Plan submitted by the applicant (CH2M Hill 2008f) shall provide the basis for the final plan, subject to review and revisions from USFWS, CDFG, BLM's Authorized Officer and the CPM in consultation with CDFG.

Verification:

At least 60 days prior to start of any project-related ground disturbance activities, the project owner shall provide BLM's Authorized Officer, the CPM, USFWS, and CDFG with the final version of a Raven Management Plan that has been reviewed by USFWS, CDFG, BLM, and the Energy Commission staff. The CPM and BLM's Authorized Officer will determine the plan's acceptability within 15 days of receipt of the final plan. All modifications to the approved Raven Management Plan shall be made only after approval by BLM's Authorized Officer and the CPM, in consultation with USFWS and CDFG.

Within 60 days after completion of project construction, the project owner shall provide to the CPM for review and approval, a written report identifying which items of the Raven Management Plan have been completed, a summary of all modifications to mitigation measures made during the project's construction phase, and which items are still outstanding.

BIO-13

The project owner shall implement a Weed Management Plan that meets the approval of BLM and the CPM. The draft Weed Management Plan submitted by the applicant (CH2M Hill 2008e) shall provide the basis for the final plan, subject to review and approval from BLM and the CPM, in consultation with USFWS, and CDFG. In addition to describing weed eradication and control methods, and a reporting plan for weed management during and after construction, the final Weed Management Plan shall include at least the following Best Management Practices to prevent the spread and propagation of noxious weeds:

1. Limit the size of any vegetation and/or ground disturbance to the absolute minimum, and limit ingress and egress to defined routes.
2. Maintain vehicle wash and inspection stations and closely monitor the types of materials brought onto the site.
3. Reestablish vegetation quickly on disturbed sites.
4. Monitoring and rapid implementation of control measures to ensure early detection and eradication for weed invasions.
5. Use only weed-free straw or hay bales used for sediment barrier installations, and weed-free seed.
6. Reclamation and revegetation shall occur on all temporarily disturbed areas, including pipelines, transmission lines, and staging areas.

Verification:

At least 60 days prior to start of any project-related ground disturbance activities, the project owner shall provide BLM's Authorized Officer and the CPM with the final version of a Weed Management Plan. BLM's Authorized Officer and the CPM will determine the plan's acceptability within 15 days of receipt of the final plan. All modifications to the approved Weed Control Plan must be made only after consultation with the CPM and BLM's Authorized Officer, in consultation with USFWS, and CDFG.

Within 30 days after completion of project construction, the project owner shall provide to BLM's Authorized Officer and the CPM for review and approval, a written report identifying which items of the Weed Management Plan have been completed, a summary of all modifications to mitigation measures made during the project's construction phase, and which items are still outstanding.

MECH-3

The project owner shall submit to the CBO for design review and approval the design plans, specifications, calculations, and quality control procedures for any heating, ventilating, air conditioning (HVAC), or refrigeration system. Packaged HVAC systems, where used, shall be identified with the appropriate manufacturer's data sheets.

The project owner shall design and install all HVAC and refrigeration systems within buildings and related structures in accordance with the CBC and other applicable codes. Upon completion of any increment of construction, the project owner shall request the CBO's inspection and approval of that construction. The final plans, specifications, and calculations shall include approved criteria, assumptions, and methods used to develop the design. In addition, the responsible mechanical engineer shall sign and stamp all plans, drawings, and calculations and submit a signed statement to the CBO that the proposed final design plans, specifications, and calculations conform with the applicable LORS (2007 CBC, Appendix Chapter 1, section 109.3.7, Energy Efficiency Inspections; section 106.3.4, Design Professionals in Responsible Charge).

Verification:

At least 30 days (or within a project owner- and CBO-approved alternative time frame) prior to the start of construction of any HVAC or refrigeration system, the project owner shall submit to the CBO the required HVAC and refrigeration calculations, plans, and specifications, including a copy of the signed and stamped statement from the responsible mechanical engineer certifying compliance with the CBC and other applicable codes, with a copy of the transmittal letter to BLM's Authorized Officer and the CPM.

SOIL&WATER-3:

Pre-Well Installation. The project owner shall construct and operate up to two onsite groundwater wells that produce water from the IVGB. The project owner shall ensure that the wells are completed in accordance with all applicable state and local water well construction permits and requirements, including the San Bernardino County's Desert Groundwater Management Ordinance. Prior to initiation of well construction activities, the project owner shall submit for review and comment a well construction packet to the County of San Bernardino, in

accordance with the County of San Bernardino Code Title 2, Division 3, Chapter 6, Article 5, containing the all documentation, plans, and fees normally required for the county's well permit, with copies to both BLM's Authorized Officer and the CPM. The project shall not construct a well or extract and use groundwater until both BLM's Authorized Officer and the CPM provides approval to construct and operate the well.

Post-Well Installation. The project owner shall provide documentation to both BLM's Authorized Officer and 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 DWR a Well Completion Report for each well installed.

Verification:

The project owner shall ensure the Well Completion Reports are submitted and shall ensure compliance with all county water well standards and requirements for the life of the wells. The project owner shall do all of the following:

1. No later than 90 days prior to the construction of the onsite groundwater wells, the project owner shall submit a Groundwater Monitoring and Management Plan to the County of San Bernardino for review and comment (see Condition of Certification **SOIL&WATER- 6**).
2. No later than sixty (60) days prior to the construction of the onsite groundwater wells, the project owner shall submit to both BLM's Authorized Officer and the CPM a copy of the water well construction packet submitted to the County of San Bernardino for review and comment.
3. No later than thirty (30) days prior to the construction of the onsite water supply wells, the project owner shall submit a copy of any written comments received from the County of San Bernardino indicating whether the proposed well construction activities comply with all county well requirements and meet the requirements established by the county's water well permit program.
4. No later than sixty (60) days after installation of each well at the project site, the project owner shall provide to both BLM's Authorized Officer and the CPM copies of the Well Completion Reports submitted to the DWR by the well driller . 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.
5. During well construction and for the operational life of the well, the project owner shall submit two (2) copies each to BLM's Authorized Officer and the CPM for review and approval any proposed well construction or operation changes.

6. The project owner shall provide BLM's authorized officer and the CPM with (2) two copies each of all monitoring and other reports required for compliance with the County of San Bernardino water well standards and operation requirements.
7. No later than fifteen (15) days after completion of the onsite water supply wells, the project owner shall submit documentation to BLM's Authorized Officer and the CPM confirming 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).

SOIL&WATER-7:

The project owner shall recycle and reuse all process wastewater streams to the extent practicable. Prior to transport and disposal of any facility operation wastewaters that are not suitable for treatment and reuse onsite, the project owner shall test and classify the stored wastewater to determine proper management and disposal requirements. The project manager shall ensure that the wastewater is transported and disposed of in accordance with the wastewater's characteristics and classification and all applicable LORS (including any CCR Title 22 Hazardous Waste and Title 23 Waste Discharges to Land requirements).

Verification:

Prior to transport and disposal of any facility operation wastewaters that are not suitable for treatment and reuse onsite, the project owner shall test and classify the stored wastewater to determine proper management and disposal requirements. The project manager shall ensure that the wastewater is transported and disposed of in accordance with the wastewater's characteristics and classification and all applicable LORS (including any CCR Title 22 Hazardous Waste and Title 23 Waste Discharges to Land requirements).

TRANS-3

The project owner shall prepare a Heliostat Positioning Plan that would avoid potential for human health and safety hazards from solar radiation exposure.

Verification:

Within 90 days before commercial operation of any of the three ISEGS power plants, the project owner shall submit the Heliostat Positioning Plan to BLM's Authorized Officer and the CPM for review and approval. The project owner shall also submit the plan to

CalTrans, FAA, and the Clark County Department of Aviation for review and comment and forward any comments received to BLM's Authorized Officer and the CPM. The Heliostat Positioning Plan shall accomplish the following:

1. Identify the heliostat movements and positions (including reasonably possible malfunctions) that could result in potential exposure of these observers at various locations including in aircraft, motorists, pedestrians and hikers in the Clark Mountains to reflected solar radiation from heliostats;
2. Describe within the HPP how programmed heliostat operation would avoid potential for human health and safety hazards at locations of observers as attributable to momentary solar radiation exposure greater than the Maximum Permissible Exposure of 10 kw/m² (for a period of 0.25 second or less);
3. Prepare a monitoring plan that would: a) obtain field measurements in response to legitimate complaints; b) verify that the Heliostat Positioning Plan would avoid potential for human health and safety hazards including temporary or permanent blindness at locations of observers; and c) provide requirements and procedures to document, investigate and resolve legitimate complaints regarding glare.
4. The monitoring plan should be coordinated with the FAA, U.S. Department of the Navy, CalTrans, CHP, and Clark County Department of Aviation in relation to the proposed Southern Nevada Supplemental Airport and be updated on an annual basis for the first 5 years, and at 2-year intervals thereafter for the life of the project.

TRANS-5

The project owner shall ensure that each power tower is marked and lighted according to the recommendations included in the FAA aeronautical study performed for each tower. Additionally, the project owner shall submit FAA Form 7460-2 Part II, Notice of Actual Construction or Alteration, to the FAA within 5 days of completion of construction of the tower to its greatest height. The project owner shall provide evidence of compliance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting by submitting a copy of Form 7460-2 to BLM's Authorized Officer and the CPM for review and approval upon completion of construction of each power tower.

Verification:

Within 5 days of completion of construction of each of the seven power towers, the project owner shall submit the above referenced evidence to BLM's Authorized Officer and the CPM for review and approval.

VIS-1

The project owner shall treat the surfaces of all project structures and buildings visible to the public, other than surfaces that are included to direct or reflect sunlight, such that a) their colors minimize visual intrusion and contrast by blending with the existing tan and brown color of the surrounding landscape; and b) their colors and finishes do not create excessive glare. The transmission line conductors shall be non-specular and non-reflective, and the insulators shall be non-reflective and non-refractive.

The project owner shall submit for CPM review and approval, a specific Surface Treatment Plan that will satisfy these requirements.

Verification:

At least 90 days prior to specifying to the vendor the colors and finishes for each set of structures or buildings that are surface treated during manufacture, the project owner shall submit the proposed treatment plan to BLM's Authorized Officer and the CPM for review and approval and simultaneously to San Bernardino County for review and comment. If BLM's Authorized Officer and the CPM determine that the plan requires revision, the project owner shall provide to BLM's Authorized Officer and the CPM a plan with the specified revision(s) for review and approval by BLM's Authorized Officer and the CPM before any treatment is applied. Any modifications to the treatment plan must be submitted to BLM's Authorized Officer and the CPM for review and approval. BLM's Authorized Officer and the CPM shall review and approve the Surface Treatment Plan or identify any material deficiencies within thirty (30) days of receipt.

The treatment plan shall include:

- A. A description of the overall rationale for the proposed surface treatment, including the selection of the proposed color(s) and finishes;
- B. A list of each major project structure, building, tank, pipe, and wall; the transmission line towers and/or poles; and fencing, specifying the color(s) and finish proposed for each. Colors must be identified by vendor, name, and number; or according to a universal designation system;
- C. One set of color brochures or color chips showing each proposed color and finish;
- D. A specific schedule for completion of the treatment; and

- E. A procedure to ensure proper treatment maintenance for the life of the project.

The project owner shall not specify to the vendors the treatment of any buildings or structures treated during manufacture, or perform the final treatment on any buildings or structures treated in the field, until the project owner receives notification of approval of the treatment plan by BLM's Authorized Officer and the CPM. Subsequent modifications to the treatment plan are prohibited without BLM's Authorized Officer and CPM approval.

Prior to the start of commercial operation, the project owner shall notify BLM's Authorized Officer and the CPM that surface treatment of all listed structures and buildings has been completed and they are ready for inspection and shall submit to each one set of electronic color photographs from the same key observation points identified in (d) above. The project owner shall provide a status report regarding surface treatment maintenance in the Annual Compliance Report. The report shall specify a): the condition of the surfaces of all structures and buildings at the end of the reporting year; b) maintenance activities that occurred during the reporting year; and c) the schedule of maintenance activities for the next year.

VIS-4

To the extent feasible, consistent with safety and security considerations, the project owner shall design and install all permanent exterior lighting and all temporary construction lighting such that a) lamps and reflectors are not visible from beyond the project site, including any off-site security buffer areas; b) lighting does not cause excessive reflected glare; c) direct lighting does not illuminate the nighttime sky, except for required FAA aircraft safety lighting; d) illumination of the project and its immediate vicinity is minimized, and e) the plan complies with local policies and ordinances. The project owner shall submit to BLM's Authorized Officer and the CPM for review and approval and simultaneously to the County of San Bernardino for review and comment a lighting mitigation plan.

Verification:

At least 90 days prior to ordering any permanent exterior lighting or temporary construction lighting, the project owner shall contact BLM's Authorized Officer and the CPM to discuss the documentation required in the lighting mitigation plan. At least 60 days prior to ordering any permanent exterior lighting, the project owner shall submit to BLM's Authorized Officer and the CPM for review and approval and simultaneously to the County of San Bernardino for review and comment a lighting mitigation plan. If BLM's Authorized Officer and the CPM determine that the plan requires revision, the project owner shall provide to BLM's Authorized Officer and the CPM a revised plan for

review and approval by BLM's Authorized Officer and the CPM. BLM's Authorized Officer and the CPM shall approve or identify any material deficiencies in the Lighting Plan within 30 days following receipt of the Plan.

The Lighting Plan shall include the following:

- A. Location and direction of light fixtures shall take the lighting mitigation requirements into account;
- B. Lighting design shall consider setbacks of project features from the site boundary to aid in satisfying the lighting mitigation requirements;
- C. Lighting shall incorporate fixture hoods/shielding, with light directed downward or toward the area to be illuminated;
- D. Light fixtures that are visible from beyond the project boundary shall have cutoff angles that are sufficient to prevent lamps and reflectors from being visible beyond the project boundary, except where necessary for security;
- E. All lighting shall be of minimum necessary brightness consistent with operational safety and security; and
- F. Lights in high illumination areas not occupied on a continuous basis (such as maintenance platforms) shall have (in addition to hoods) switches, timer switches, or motion detectors so that the lights operate only when the area is occupied.

The project owner shall not order any exterior lighting until receiving BLM Authorized Officer and CPM approval of the lighting mitigation plan.

Prior to commercial operation, the project owner shall notify BLM's Authorized Officer and the CPM that the lighting has been completed and is ready for inspection. If after inspection, BLM's Authorized Officer and the CPM notify the project owner that modifications to the lighting are needed, within 30 days of receiving that notification the project owner shall implement the modifications and notify BLM's Authorized Officer and the CPM that the modifications have been completed and are ready for inspection.

Within 48 hours of receiving a lighting complaint, the project owner shall provide BLM's Authorized Officer and the CPM with a complaint resolution form report as specified in the Compliance General Conditions including a proposal to resolve the complaint, and a schedule for implementation. The project owner shall notify BLM's Authorized Officer and the CPM within 48 hours after completing implementation of the proposal. A copy of the complaint resolution form report shall be submitted to BLM's Authorized Officer and the CPM within 30 days.

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

Application for Certification for the IVANPAH)
SOLAR ELECTRIC GENERATING SYSTEM) Docket No. 07-AFC-5
)
)
_____)

PROOF OF SERVICE

I, Karen A. Mitchell, declare that on August 26, 2010, I served the attached letter regarding *Clerical Errors In PMPD Condition Language for the Ivanpah Solar Electric Generating System* via electronic and U.S. mail to all parties on the attached service list.

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



Karen A. Mitchell

SERVICE LIST**07-AFC-5****APPLICANT**

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