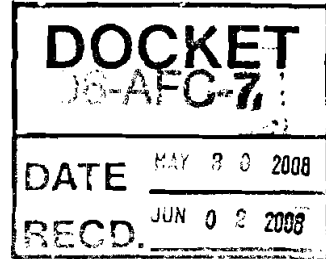


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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application for Certification for the
Humboldt Bay Repowering Project

DOCKET NO. 06-AFC-7

**PACIFIC GAS & ELECTRIC
COMPANY AND CEC STAFF JOINT
STIPULATION ON MODIFICAITONS
TO FSA AND PROPOSED
CONDITIONS OF CERTIFICATION**

As directed by the Committee at the PreHearing Conference on May 28, 2008, Pacific Gas & Electric Company (PG&E) and CEC Staff hereby file this joint stipulation that the Proposed Conditions of Certification contained in the Final Staff Assessment (FSA) should be modified as follows.

AIR QUALITY

Air Quality Table 19, p. 4.1-28

The title to Air Quality Table 19 should be modified to "**Summary of Emission Reductions Required by the NCUAQMD**".

FSA, Page 4.1-44

The paragraph at page 4.1-44 of the FSA should be modified as follows.

“The Engineering Evaluation for the FDOC (NCUAQMD 2008b) quantifies the reductions that occur from closure of the existing HBPP ~~without including any to~~ **include** periods of “~~emergency use~~” such as fuel-oil firing in Humboldt Bay Power Plant Unit 2 (HB2). **The District has determined that** this is consistent with the definition of Historic Actual Emissions, per NCUAQMD Rule 110, Section 6.2.2 that excludes emissions that are unrepresentative of normal operations.”

FSA, Page 4.1-47

The paragraph at page 4.1-47 of the FSA should be modified as follows.

~~If the issues identified above can be satisfactorily resolved, then~~ Staff proposes the following Conditions of Certification (identified as the AQ-SCx series of conditions) to provide mitigation during the construction phase of the project and to report greenhouse gas (GHG) emissions. [FSA p. 4.1-47]

Proposed Condition of Certification AQ-SC5

Item B of **Proposed Condition of Certification AQ-SC5** at page 4.1-50 of the FSA should be modified as follows.

“...In the event a Tier 1 engine is not available for any off-road engine larger than 100 hp, that engine shall be equipped with a ~~catalyzed~~ diesel particulate filter (~~soot filter~~ **DPF**) unless certified by engine manufacturers or the on-site AQCM 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 seat filter **DPF** that has been **verified** certified by either the California Air Resources Board or U.S. Environmental Protection Agency for the engine in question...”

BIOLOGICAL RESOURCES

Proposed Condition of Certification BIO-5, Verification

The verification of **Proposed Condition of Certification BIO-5** at page 4.2-27 of the FSA should be modified as follows.

Verification: At least 60 days prior to the start of any site (or related facilities) mobilization, the project owner shall provide to the CPM two copies of the proposed WEAP and all supporting written materials and electronic media prepared or reviewed by the Designated Biologist and a resume of the person(s) administering the program. ***At least 10 days prior to site and related facilities mobilization, submit two copies of the CPM-approved materials, if the materials originally submitted to the CPM required modification. The training may be presented in the form of a multi-media presentation in VHS, CD-ROM, or DVD format.***

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, submit two copies of the CPM-approved materials.~~

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

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

Proposed Condition of Certification LAND-2, Verification

The verification of **Proposed Condition of Certification LAND-2** at page 4.5-18 of the FSA should be modified as follows.

Verification: ~~At least 30 days prior to the~~ ***Within 180 days after the*** start of construction, the project owner shall provide to the CPM a receipt demonstrating

the deposit of \$230,000 with the City of Eureka in a dedicated account for the Truesdale Vista Point to Hilfiker Land Trail component of the Elk River Access Project.

SOIL AND WATER RESOURCES

Proposed Condition of Certification SOIL & WATER-1

The **Proposed Condition of Certification SOIL & WATER-1** at page 4.9-20 of the FSA should be modified as follows.

SOIL & WATER-1 ~~Prior to site mobilization,~~ The project owner shall obtain CPM approval for a site-specific Drainage, Erosion and Sedimentation Control Plan (DESCP) that ensures protection of water quality and soil resources of the HBRP site and all linear facilities for both the construction and operational phases of the project. This plan shall address appropriate methods and actions, both temporary and permanent, for the protection of water quality and soil resources, demonstrate no increase in off-site flooding potential, meet local requirements, and identify all monitoring and maintenance activities. The plan shall be consistent with the grading and drainage plan as required by condition of certification **CIVIL-1** and may incorporate by reference any Storm Water Pollution Prevention Plan (SWPPP) developed in conjunction with any NPDES permit. The DESCPC shall contain the following elements:

- Vicinity Map – A map shall be provided indicating the location of all project elements with depictions of all significant geographic features including swales, storm drains, and sensitive areas.
- Site Delineation – The Project, which includes the actual facility, lay down area, all linear facilities, and other project elements, shall be delineated showing boundary lines of all construction areas and the location of all existing and proposed structures, pipelines, roads, and drainage facilities.
- Watercourses and Critical Areas – The DESCPC shall show the location of all nearby watercourses including swales, storm drains, and drainage ditches. Indicate the proximity of those features to the HBRP construction site; lay down area, and all pipeline and transmission line construction corridors.
- Drainage – The DESCPC shall provide a topographic site map showing all existing, interim and proposed drainage systems; drainage area boundaries and water shed size(s) in acres; the hydraulic analysis to support the selection of Best Management Practices (BMPs) to divert off-site drainage around or through the HBRP site and laydown areas.

On the map, spot elevations are required where relatively flat conditions exist. The spot elevations and contours shall be extended off-site for a minimum distance of 100 feet in flat terrain.

- Clearing and Grading – The plan shall provide a delineation of all areas to be cleared of vegetation and areas to be preserved. The plan shall provide elevations, slopes, locations, and extents of all proposed grading as shown by contours, cross sections or other means. The locations of any disposal areas, fills, or other special features will also be shown. Illustrate existing and proposed topography tying in proposed contours with existing topography. The DESCP shall include a statement of the quantities of material excavated or filled for each element of the HBRP (project site, lay down area, transmission corridors, and pipeline corridors), whether such excavations or fill is temporary or permanent, and the amount of such material to be imported or exported.
- Project Schedule – The DESCP shall identify on the topographic site map the location of the site specific BMPs to be employed during each phase of construction (initial grading, project element excavation and construction, and final grading/stabilization). Separate BMP implementation schedules shall be provided for each project element for each phase of construction.
- Best Management Practices – The DESCP shall show the location, timing, and maintenance schedule of all erosion and sediment control BMPs to be used prior to initial grading, during project element excavation and construction, final grading/stabilization, and following construction. BMPs shall include measures designed to control dust and stabilize construction access roads and entrances. BMPs shall include measures designed to prevent wind and water erosion in areas with existing soil contamination. The maintenance schedule should include post-construction maintenance of erosion control BMPs.
- Erosion Control Drawings -- The erosion control drawings and narrative must be designed and sealed by a professional engineer/erosion control specialist.

Verification: No later than 90 days prior to ***the start of site mobilization each phase of construction (Phase 1 consisting of site mobilization, demolition of existing facilities within the footprint of HBRP, completion of site remediation and associated backfill in accordance with Condition of Certification WASTE-7, and construction of the access road, and Phase 2 consisting of all other construction activity)***, the project owner shall submit a copy of the ***corresponding*** DESCP to the Humboldt Community Services Department for review and comment. No later than 60 days prior to ***the*** start of

~~site mobilization~~ **each phase of construction**, the project owner shall submit the **corresponding** DESC and comments to the CPM for review and approval. During construction, the project owner shall provide an analysis in the monthly compliance report on the effectiveness of the drainage, erosion and sediment control measures and the results of monitoring and maintenance activities.

No later than 90 days prior to commercial operation, the project owner shall submit a copy of the operational DESC to the Humboldt Community Services Department for review and comment. No later than 60 days prior to commercial operation, the project owner shall submit the operational DESC and comments to the CPM for review and approval. Once operational, the project owner shall provide in the annual compliance report information on the results of monitoring and maintenance activities.

Proposed Condition of Certification SOIL & WATER-4, Verification

The verification of **Proposed Condition of Certification SOIL & WATER-4** at page 4.9-22 of the FSA should be modified as follows.

Verification: At least 30 days prior to **placement of engineered fill for building pads** ~~HBRP site mobilization~~, the project owner shall provide the CPM with a copy of its Flood Plain Development Permit.

TRAFFIC AND TRANSPORTATION

Proposed Condition of Certification TRANS-1

The **Proposed Condition of Certification TRANS-1** at page 4.10-18 of the FSA should be modified as follows.

TRANS-1 The project owner shall prepare and implement a construction traffic control and implementation plan for the HBRP and its associated facilities, containing:

- A Traffic Management Plan (TMP) addressing the movement of vehicles and materials, including arrival and departure schedules outside of peak travel periods and school bus pick-up/drop-off and designated workforce and delivery routes and coordination with Caltrans, and other traffic related activities and resulting impacts during construction of the project.
- Redirection of construction traffic with a flag person.

- Signing, lighting, and traffic control device placement.
- A Heavy Haul Plan (HHP), addressing the transport and delivery of heavy and oversized loads requiring permits from Caltrans or other state and federal agencies.
- A Parking Plan to ensure designated parking areas are adequate to accommodate construction workforce vehicles and parking spaces comply with county length and width dimensions.
- Access and entry for emergency service vehicles to the project site.

The project owner shall consult with the Coastal Commission, Humboldt County Public Works Department, and Caltrans in the preparation and implementation of the traffic control and implementation plan and shall submit the proposed traffic control plan to the Coastal Commission, Humboldt County and Caltrans in sufficient time for review and comment and to the Energy Commission Compliance Project Manager (CPM) for review and approval prior to the proposed start of construction and implementation of the plan. The project owner shall provide a copy of any written comments from the Coastal Commission, Humboldt County or Caltrans and any changes to the traffic control plan to the CPM prior to the proposed start of construction.

Verification: At least ~~90~~ **60** calendar days prior to the start of **each phase of construction (*Phase 1 consisting of site mobilization, demolition, site remediation and construction of the access road, and Phase 2 consisting of all other construction activity*)**, ~~including any grading or site remediation on the power plant site or its associated easements,~~ the project owner shall submit the **corresponding** proposed traffic control and implementation plan to the Coastal Commission, Humboldt County Public Works Department and Caltrans for review and comment and shall provide at least ~~60~~ **30** days for these agencies to respond and comment on the plan. Additionally, the project owner shall submit the proposed traffic control and implementation plan to the CPM for review and approval. The project owner shall also provide the CPM with a copy of the transmittal letter to the Coastal Commission, Humboldt County and Caltrans requesting review and comment.

At least 30 calendar days prior to the start of **each phase of** construction, the project owner shall provide copies of any comment letters received from either

the Coastal Commission, Humboldt County or Caltrans, along with any changes to the proposed plan to the CPM for review and approval.

VISUAL RESOURCES

Proposed Conditions of Certification VIS-3 through VIS-6, verification

The verification language in **Proposed Conditions of Certification VIS-3 through VIS-6** at pages 4.12-37 through 4.12-41 should be modified by replacing the current language "at least 30 days to provide comment" with "30 days to provide comment".

GEOLOGY

Proposed Condition of Certification, GEO-1

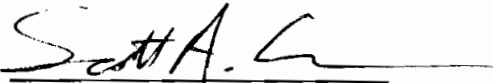
The **Proposed Condition of Certification GEO-1**, at page 5.2-16 of the FSA should be modified as follows.

GEO-1 All occupied structures (***Control Room/Office/Workshop Buildings***) shall be designed to withstand a reasonable level of vertical and horizontal fault offset, directly beneath the building.

The parties hereby stipulate to the modifications as outlined herein.


Dated: May 30, 2008

Agreed:



Scott A. Galati
Counsel to PG&E

Agreed:



Lisa M. DeCarlo
CEC Senior Staff Counsel