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July 22, 2012

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VIA EMAIL

Hearing Officer Raoul Renaud
California Energy Commission
1516 Ninth Avenue
Sacramento, CA 95814



**Re: Pio Pico Energy Center Project (11-AFC-01)
Condition of Certification NOISE-4**

Dear Hearing Officer Renaud:

For the past two weeks, Applicant Pio Pico Energy Center LLC ("Applicant") and Intervenor Corrections Corporation of America ("CCA") have diligently been working to resolve concerns related to Staff's proposed Condition of Certification NOISE-4. Applicant is pleased to report that Applicant and CCA have in fact resolved their dispute. Applicant and CCA each support a proposed Condition of Certification NOISE-4 that would impose a 75 dBA Leq (one hour) noise limit for the PPEC project along the northern boundary of the PPEC site as measured after the PPEC facility reaches a sustained output of 90% or greater of rated capacity.

Pursuant to the Evidentiary Hearing Order (July 12, 2012), Applicant herein provides the attached revised Condition of Certification NOISE-4 that reflects such resolution and highlights the recently agreed upon proposed changes to differentiate from the proposed revisions submitted by Applicant on June 26, 2012.

Respectfully submitted,

A handwritten signature in blue ink that reads "Melissa A. Foster".

Melissa A. Foster

MAF:jmw
cc: Proof of Service

NOISE-4

The project design and implementation shall include appropriate noise mitigation measures adequate to ensure that the operation of the project will not cause the noise levels due to plant operation alone, during the four quietest consecutive hours of the nighttime, to exceed an average of ~~36~~45 dBA Leq measured at or near monitoring location LT-1 and an average of ~~34~~39 dBA Leq measured at or near monitoring location LT-2.

~~Also, the project design and implementation shall include appropriate noise mitigation measures adequate to ensure that the operation of the project will not cause the noise levels due to plant operation alone to exceed 62.5 dBA Leq between 7 a.m. and 10 p.m. and 60 dBA Leq between 10 p.m. and 7 a.m. measured at EMDF.~~

The project shall also ensure that it includes any required noise mitigation measures to ensure it does not exceed 75 dBA at the project property line during plant operations.

No new pure-tone components shall be caused by the project. No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints.

- A. When the project first achieves a sustained output of 90% or greater of rated capacity, the project owner shall conduct a community noise survey at monitoring location LT-1 or at a closer location acceptable to the CPM. This survey shall also include measurement of one-third octave band sound pressure levels to ensure that no new pure-tone noise components have been caused by the project.

During the period of this survey, the project owner shall conduct a short-term survey of noise at the monitoring location LT-2 or at a closer location acceptable to the CPM. The short-term noise measurements at this location shall be conducted continuously during the nighttime hours of 10:00 p.m. to 7:00 a.m.

~~Also during the period of this survey, the project owner shall conduct a short-term survey of noise at EMDF. The short-term noise measurements at this location shall be conducted continuously during the nighttime hours of 10:00 p.m. to 7:00 a.m. and also during the daytime hours of 7:00 a.m. to 10:00 p.m.~~

The measurement of power plant noise for the purposes of demonstrating compliance with this condition of certification may alternatively be made at a location, acceptable to the CPM, closer to the plant (e.g., 400 feet from the plant boundary) and this measured level then mathematically extrapolated to determine the plant noise contribution at the affected residence. The character of the plant noise shall be evaluated at the

affected receptor locations to determine the presence of pure tones or other dominant sources of plant noise.

Also during the period of the above survey, the project owner shall conduct a short-term survey of noise levels at several points on its property lines, including and, if the proposed detention facility has been constructed or is under construction, an emphasis on the North property line.

- B. If the results from the noise survey indicate that the power plant noise at the affected receptor sites (LT-1 or LT-2) exceeds the above values during the four quietest consecutive hours of the nighttime, mitigation measures shall be implemented to reduce noise to a level of compliance with these limits.
- C. If the results from the **property line** noise survey indicate that the power plant noise at EMDF exceeds the above values **75 dBA** during the measurement hours, mitigation measures shall be implemented to reduce noise to a level of compliance with these limits.
- D. If the results from the noise survey indicate that pure tones are present, mitigation measures shall be implemented to eliminate the pure tones.

Verification: The survey shall take place within 45 days of the project first achieving a sustained output of 90% or greater of rated capacity. Within 15 days after completing the survey, the project owner shall submit a summary report of the survey to the CPM. Included in the survey report will be a description of any additional mitigation measures necessary to achieve compliance with the above listed noise limit, and a schedule, subject to CPM approval, for implementing these measures. When these measures are in place, the project owner shall repeat the noise survey.

Within 15 days of completion of the new survey, the project owner shall submit to the CPM a summary report of the new noise survey, performed as described above and showing compliance with this condition.



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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**APPLICATION FOR CERTIFICATION
FOR THE *PIO PICO ENERGY CENTER PROJECT***

**Docket No. 11-AFC-01
PROOF OF SERVICE
(Revised 7/10/2012)**

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DECLARATION OF SERVICE

I, Kimberly J. Hellwig, declare that on July 22, 2012, I served and filed a copy of the attached **Letter to Raoul Renaud dated July 22, 2012 re CCA and Applicant's NOISE-4 Resolution**. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: www.energy.ca.gov/sitingcases/piopico/index.html.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. 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 "e-mail service preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- by sending one electronic copy to the e-mail address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT

Attn: Docket No. 11-AFC-01
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
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I declare under penalty of perjury under the laws of the State of California 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\
Kimberly J. Hellwig