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Memorandum

TO: Christopher Meyers
Caryn Holmes

FROM: Cynthia L. Burch

DATE: October 26, 2010

SUBJECT: BNSF's Revisions to Soil & Water Conditions

As requested by the CEC Staff during the workshop yesterday evening, I am forwarding BNSF's suggested revisions to Soil and Water Conditions 1 through 14. Due to the short turn around time, I reserve the ability to make corrections to the document which I have not been able to perform a final review of prior to its mailing for the hearing this morning.

Thank you.

Cynthia Burch (hv)

Cynthia Burch

CB:hv

SOIL AND WATER RESOURCES

CONDITIONS OF CERTIFICATION

DRAINAGE EROSION AND SEDIMENTATION CONTROL PLAN

SOIL&WATER-1

Prior to ~~site mobilization~~Pre-Construction Site Mobilization, the project owner shall ~~obtain the CPM's approval of~~submit for BNSF's review, and concurrence as to those portions of deliverables relating to the study and requirements of SOIL&WATER-12, a site specific Drainage, Erosion and Sediment Control Plan (DESCP) that ensures protection of: 1) water quality and soil resources of the project site ~~and all linear facilities~~; 2) all linear facilities on the project site, including but not limited to maintenance, access and perimeter roads, SunCatchers, power feed lines and hydrogen lines; 3) all other structures on the project site; and 4) adjacent properties, including the BNSF right of way, for both the construction and ~~operation~~operational phases with the project. 30 days after delivery of the ~~project.~~DESCP to BNSF, the project owner shall deliver the DESCP to the CPM for its review and approval. This plan shall address appropriate methods and actions, both temporary and permanent, on the project site, for the protection of water quality and soil resources, and for the protection of adjacent properties, including the BNSF right of way. The plan shall demonstrate no increase in off-site flooding potential, and no increase in storm water runoff or sediment transport off the project site and onto the BNSF right of way. The plan shall protect the BNSF right of way from storm water runoff and sediment transport to existing conditions in a 100 year, 6-hour flood event. The plan shall demonstrate that project design will withstand erosional forces which could impact site operations, and that would not result in transportation of damaged materials outside the site boundary. The plan shall account for depth of scour associated with each SunCatcher support, and for natural erosion associated with lateral migration of channels. The plan shall identify all monitoring and maintenance activities. The project owner shall complete all necessary engineering plans, reports, and documents necessary for ~~Burlington Northern Santa Fe Railway (~~BNSF~~)~~ and the ~~CMP~~CPM to conduct a review of the proposed project and provide a written evaluation as to whether the proposed grading, drainage improvements, and flood management activities will comply with all requirements presented herein. The plan shall be ~~consistent with the grading and drainage plan as~~developed based upon:

1) the Initial Drainage Report prepared for the applicant by Stantec Consulting dated October 2008;

2) the Drainage Erosion and Sediment Control Plan prepared for the

applicant by Huitt Zollars dated August 25, 2009;

3) the Existing Conditions Hydrologic and Hydraulics Study prepared for the applicant by Huitt Zollars dated April 23, 2009 and the alternative mitigation recommendations contained therein; and

4) the Infiltration Report required by Condition of Certification ~~CIVIL-1 and~~SOIL&WATER-13.

The plan shall comply with, among other applicable appropriate requirements:

1) the San Bernardino County Hydrology Manual and 2007 Development Code (amended, March 25, 2010);

2) the regulations of the County of San Bernardino Department of Public Works (CSBDPW);

3) all State SWPPP requirements;

4) FEMA Guidelines for Determining Flood Hazards on Alluvial Fans and Guidelines and Specifications for Flood Hazard Mapping Partners, Appendix G, Guidance for Alluvial Fan Flooding Analyses and Mapping. Specifically, pursuant to the FEMA-administered National Flood Insurance Program adopted by San Bernardino County, the project design shall be based on the assumption that the primary flow from the apex of the alluvial fan may flow to any single location within the site. 44 C.F.R. 65.13.

The DESCP shall contain the following elements:

1) ~~•~~ Vicinity Map: A map shall be provided indicating the location of all project elements with depictions of all major geographic features both on the project site and upstream and downstream from the project site, to include watercourses, washes (including ephemeral washes), irrigation and drainage canals, major utilities, and sensitive areas.

2) ~~•~~ Site Delineation: The site and all project elements shall be delineated showing boundary lines of all construction areas and the location of all existing and proposed structures, underground utilities, roads, ~~and~~ drainage facilities and easements. Adjacent property owners shall be identified on the plan maps. All maps shall be ~~presented~~prepared at a ~~legible~~ scale~~:~~ of 1" – 50'. The site delineation shall be based on the State

Plane Coordinates System.

3) Drainage: The DESCP shall include the following ~~elements~~analyses, in order to verify compliance with the minimum performance standards set forth in SOIL&WATER-8(1)(a-o) and to prevent potential adverse impacts to the BNSF right of way:

   a. Topography. Topography for offsite areas is required to define the existing upstream tributary areas to the site and downstream to provide enough definition to map the existing storm water flow and flood hazard. Spot elevations shall be required where relatively flat conditions exist.

   b. Proposed Grade. Proposed grade contours shall be shown at a scale ~~appropriate for delineation~~ of 1" – 50' with current mapping to 1' contour interval accuracy in order to accurately delineate onsite ephemeral washes, drainage ditches, and tie-ins to the existing topography.

   c. Hydrology. Existing and proposed hydrologic calculations for onsite areas and offsite areas that drain to and from the site; include maps showing the drainage area boundaries and sizes in acres, topography and typical overland flow directions, ~~and~~ show all existing, interim, and proposed drainage infrastructure and their ~~intended~~resulting direction of flow, and depict where any proposed drainage is intended to alter the direction, velocity or volume of existing flow.

   d. Hydraulics. Provide hydraulic calculations to support the selection and sizing of the onsite drainage network, diversion facilities and Best Management Practices (BMPs) preventing impacts to project features and the BNSF right of way.

   e. Sedimentation. Calculations of existing sediment transport conditions, and an analysis of sediment transport across and off the project site shall be provided.

4) Watercourses and Critical Areas: The DESCP shall show the location of all onsite and nearby watercourses including washes (including ephemeral washes), irrigation and drainage canals, and drainage ditches, and shall indicate the proximity of those features to the project site and both sides of the BNSF right of way and other adjacent properties. [THIS SECTION OF PMPD IS CUT OFF AS PUBLISHED BY CEC]

5) Clearing and Grading: The plan shall provide a delineation of all areas to be cleared of vegetation, areas to be preserved, and areas where

vegetation would be cut to allow clear movement of the heliostats. The plan shall require that clearing be kept to a minimum, and shall provide for the planting of erosion control vegetation where applicable. The plan shall provide elevations, slopes, locations, and extent of all proposed grading as shown by contours, cross-sections, cut/fill depths or other means. The locations of any disposal areas, fills, or other special features shall also be shown. Existing and proposed topography tying in proposed contours with existing topography shall be illustrated. The DESCP shall include a statement of the quantities of material excavated at the site, whether such excavations or fill is temporary or permanent, and the amount of such material to be imported or exported or a statement explaining that there would be no clearing and/or grading conducted for each element of the project. Areas of no disturbance shall be properly identified and delineated on the plan maps.

6) ~~•~~ Soil Wind and Water Erosion Control: The plan shall address exposed soil treatments to be used during construction and operation of the proposed project for both road and non-road surfaces including the specific identification of all chemical-based dust palliatives, soil bonding, and weighting agents appropriate for use at the proposed project site that would not cause adverse effects to vegetation. BMPs shall include measures designed to prevent wind and water erosion including application of chemical dust palliatives after rough grading to limit water use. ~~All~~The plan shall identify and quantify the area of all surfaces where chemical dust palliatives, soil binders and weighting agents shall be used. The plan shall demonstrate, through these or other control measures, the prevention of changes in the direction, volume or velocity of storm water runoff, both on and off the site. The location and use of all dust palliatives, soil binders, and weighting agents shall be approved by the CPM prior to use. With regard to erosion risk and ~~stormwater~~storm water runoff, debris and detention basins shall be installed which are sized and located to intercept storm water flow from off-site areas as it enters ~~the project site. On~~and flows across the project site, unless the project owner demonstrates the feasibility of other structural controls to meet the minimum performance standards set forth in SOIL&WATER-8(1)(a-o). The plan shall provide for the regular maintenance of any such basins and other structural controls. The plan shall also demonstrate on-site roadways and other infrastructure ~~shall be~~are designed and located to avoid altering existing and proposed flow paths ~~to the extent feasible~~.

7) ~~•~~ 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 construction, and final grading/stabilization) and during operation. Separate BMP

implementation schedules shall be provided for each project element for each phase of construction and operation. This scheduling should require the installation of debris basins, detention/ infiltration basins, swales, and related storm water management facilities before construction commences on each phase.

8) Best Management Practices: The DESCP shall include BMPs which would prevent adverse impacts to project features or the BNSF right of way. 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, during final grading/stabilization, and after construction. BMPs shall include measures designed to control dust and stabilize construction access roads and entrances. The maintenance schedule shall include post-construction maintenance of treatment-control BMPs applied to disturbed areas following construction, including artificial gulleys created along or around project features during weather events.

9) Erosion Control Drawings: The erosion-control drawings and narrative shall be designed, stamped and sealed by a professional engineer or erosion-control specialist.

10) Comments: The DESCP shall include copies of recommendations, conditions, and provisions from the BNSF, County of San Bernardino, California Department of Fish and Game (CDFG), and Lahontan Regional Water Quality Control Board (RWQCB) and FEMA.

11) Monitoring Plan: Monitoring activities shall include routine measurement of the volume of accumulated sediment in the onsite drainage ditches, and storm water diversions and the requirements specified in Soil and Water Appendix B, C, and D.

Verification: The DESCP shall be consistent with the grading and drainage plan as required by Condition of Certification CIVIL-1, and relevant portions of the DESCP shall clearly show approval by the chief building official (CBO). In addition, the project owner shall do all of the following:

a) No later than ~~30~~60 days prior to the start of ~~site mobilization~~Pre-Construction Site Mobilization, the project owner shall submit a copy of the DESCP to BNSF for review, and concurrence as to those portions of deliverables relating to the study and requirements of SOIL&WATER-12. 30 days after delivery of the DESCP to BNSF, the project owner shall deliver the DESCP to the County of San Bernardino, the RWQCB, California Department of Fish and Game, FEMA Region IX, BNSF and the CPM for review and comment. The CPM shall consider comments received within 15 days, in approving the plan.

b) During construction, the project owner shall provide BNSF and the CPM 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.

c) Once operational, the project owner shall provide BNSF and the CPM information on the results of storm water BMP monitoring and maintenance activities after each major weather event (i.e., a 10 mm or greater rain or multiple storm events of sufficient volume to trigger germination, as measured at or within 1 mile of the Project site) and in the annual compliance report.

d) The project owner shall provide BNSF and the CPM with two copies each of all monitoring or other reports required for compliance with San Bernardino County Department of Public Works Flood Control District, CDFG, ~~and~~ RWQCB and FEMA.

WASTE DISCHARGE REQUIREMENTS

SOIL&WATER-2

The project owner shall comply with the Waste Discharge Requirements presented in Soil and Water Appendices B, C, D and E for the design, construction and operation of the surface impoundments (evaporation ponds) and storm water management system. These requirements relate to discharges, or potential discharges, of waste that could affect the quality of waters of the state, and were developed in consultation with staff of the State Water Resources Control Board and/or the applicable California Regional Water Quality Control Board (hereafter "Water Boards"). It is the Commission's intent that these requirements be enforceable by both the Commission and the Water Boards. In furtherance of that objective, the Commission hereby delegates the enforcement of these requirements, and associated monitoring, inspection and annual fee collection authority, to the Water Boards.

Accordingly, the Commission and the Water Board shall confer with each other and coordinate, as needed, in the enforcement of the requirements. The project owner shall pay the annual waste discharge permit fee associated with this facility to the Water Boards. In addition, the Water Boards may "prescribe" these requirements as waste discharge requirements pursuant to Water Code Section 13263 solely for the purposes of enforcement, monitoring, inspection, and the assessment of annual fees, consistent with Public Resources Code Section 25531, subdivision (c).

Verification:, No later than sixty (60) days prior to any wastewater or storm water discharge, the project owner shall provide documentation to BNSF and the CPM, with copies to the LRWQCB, demonstrating compliance with the WDRs established in Appendices B, C, D and E. Any changes to the design, construction, or operation of the ponds or storm water system shall be requested in writing to the CPM, with copies to BNSF and the LRWQCB, and approved by the CPM, in consultation with the LRWQCB, prior to initiation of any changes. The CPM shall consider comments received within 30 days from BNSF and LRWQCB, in approving the plan. The project owner shall provide to the CPM, with copies to the LRWQCB and BNSF, all monitoring reports required by the WDRs, and fully explain any violations, exceedances, enforcement actions, or corrective actions related to construction or operation of the ponds or storm water system.

STORM WATER DAMAGE MONITORING AND RESPONSE PLAN

SOIL&WATER-3 The project owner shall ensure that all SunCatcher pole foundations are designed to withstand storm water scour from surface erosion and/or channel migration based on a Scour Analysis and Pole Foundation Stability Report to be completed by a Professional Engineer and Professional Geologist. The Pole Foundation Stability Report shall establish a Minimum Depth Stability Threshold. In developing the Pole Foundation Stability Report, the engineer shall use models approved by FEMA, and shall comply with all applicable FEMA regulations and standards. The Scour Analysis shall consider the unstable nature of high-energy, debris laden stream flows based on supercritical flow depths and velocities and using the correct Equation 6.1 from the Federal Highway Administration's Hydraulic Engineering Circular 18, which has factors of K1, K2, K3, and K4. The additional factors account for the unstable nature of flood flows in steep, alluvial washes during moderate to large flood events. The project owner shall also develop a Storm Water Damage Monitoring and Response Plan to evaluate potential impacts from storm water, including pole foundations that fail due to storm water flow or otherwise break and scatter mirror debris and other SunCatcher components on to the ground surface. The Storm Water Damage Monitoring and Response Plan shall include the following elements:

1) Detailed maps showing the installed location of all SunCatcher pole foundations within each project phase, including existing and proposed drainage channels.

2) Each SunCatcher pole foundation should be identified by a unique ID number marked to show initial ground surface at its base, and the

depth to the tip of the pole below ground.

3) ~~•~~ Minimum Depth Stability Threshold to be maintained of SunCatcher pole foundations to meet long-term stability for applicable wind, water and debris loading effects, as determined by the Scour Analysis and the Pole Foundation Stability Report;

4) ~~•~~ Above and below ground construction details of a typical installed SunCatcher pole foundation.

5) ~~•~~ BMPs to be employed to ~~minimize~~prevent the potential impact of broken mirrors to soil resources.

6) ~~•~~ Methods and response time of mirror cleanup and measures that may be used to mitigate further impact to soil resources from broken mirror fragments.

7) A protocol for monitoring and responding to storm events, which shall require communication of response activities to BNSF and the CEC, and coordination with BNSF and the CEC for response activities where applicable.

Monitor and Inspect ~~Periodically,~~ Before First Seasonal and After Every Storm Event:

1) ~~•~~ Security and Tortoise Exclusion Fence: Inspect for damage and buildup of sediment or debris.

2) ~~•~~ SunCatcher Pole Foundations within Drainages or Subject to Drainage Overflow: Inspect for tilting, mirror damage, depth of scour compared to foundation depth below ground and the Minimum Depth Stability Threshold, collapse, and downstream transport.

3) ~~•~~ Drainage Channels: Inspect for substantial migration or changes in depth, and transport of broken mirror glass.

4) ~~•~~ Constructed Diversion Channels: Inspect for scour and structural integrity issues caused by erosion, and for sediment and debris buildup.

5) Documentation: A detailed summary of the periodic inspections and any necessary maintenance and repairs shall be provided to BNSF and the CEC after each inspection.

Short-Term Incident-Based Response:

1) ~~•~~ Security and Tortoise Exclusion Fence: repair damage, and remove build-up of sediment and debris.

2) ~~•~~ SunCatcher Pole Foundations: Remove broken glass, damaged structures, and wiring from the ground, and for foundations no longer meeting the Minimum Depth Stability Threshold, either replace/reinforce or remove the

SunCatcher to avoid exposure for broken glass.

3) Drainage Channels: no short-term response necessary unless changes indicate risk to facility structures.

4) Constructed Diversion Channels: repair damage, maintain erosion control measures and remove built-up sediment and debris.

Long-Term Design-Based Response:

1) Propose operation/BMP modifications to address ongoing issues. Include proposed changes to monitoring and response procedures, frequency, or standards.

2) Replace/reinforce SunCatcher Pole Foundations no longer meeting the Minimum Depth Stability Threshold or remove the SunCatchers to avoid exposure for broken glass.

3) Propose on-site design modifications to address ongoing issues. This may include construction of active on-site storm water management diversion channels, debris basins and/or detention ponds.

Inspection, short-term incident response, and long-term design-based response may include activities both inside and outside of the approved right-of-way on BLM land. For activities outside of the approved right-of-way, the Applicant will notify BLM and acquire environmental review and approval before field activities begin.

Verification: At least ~~30~~60 days prior to ~~commercial operation~~providing the DESCP for review and comment, the project owner shall submit a copy of the Scour Analysis and Pole Foundation Stability Report ~~and the Storm Water Damage Monitoring and Response Plan~~ to BNSF and to the CPM for review and ~~the CPM for review and approval~~comment. The CPM shall consider comments received within 15 days, in approving the Analysis and Report. At least 30 days prior to commercial operation~~.~~, the project owner shall submit a copy of the and the Storm Water Damage Monitoring and Response Plan to BNSF and to the CPM for review and comment. The CPM shall consider comments received within 15 days, in approving the Storm Water Damage Monitoring and Response Plan. The project owner shall retain a copy of these documents onsite at the power plant at all times. The project owner shall prepare an annual summary of the number of pole foundations failed, cause of the failures, and cleanup and mitigation performed for each failed pole foundation.

CONSTRUCTION AND OPERATIONS WATER USE

SOIL&WATER-4

The proposed project's use of groundwater for all construction activities shall not exceed 145 AFY. The proposed project's use of groundwater for all operational activities shall not exceed 21 AFY. Use of ground or other water sources in excess of these limits are prohibited unless the project owner seeks a Project Amendment.

Prior to the use of groundwater for construction, the project owner shall install and maintain metering devices as part of the water- supply and distribution system to document project water use and to monitor and record in gallons per day the total volume(s) of water supplied to the project from the water source. Documentation of the installation and operation of the metering devices shall be submitted to the Commission prior to use of any groundwater for project activities. The metering devices shall be operational for the life of the project. An annual summary of daily water use by the project shall be submitted to the CPM in the annual compliance report.

Verification: At least 30 days prior to the start of construction of the proposed project, the project owner shall submit to the CPM a copy of evidence that metering devices have been installed and are operational.

Beginning six months after the start of construction, the project owner shall prepare a semi-annual summary of amount of water used for construction purposes. The summary shall include the monthly range (daily minimum and daily maximum) and monthly average of daily water usage in gallons per day.

The project owner shall prepare an annual summary, which will include daily usage, monthly range and monthly average of daily water usage in gallons per day, and total water used on a monthly and annual basis in AF. For years subsequent to the initial year of operation, the annual summary will also include the yearly range and yearly average water use by source. For calculating the total water use, the term "year" will correspond to the date established for the annual compliance report submittal.

SEPTIC SYSTEM AND LEACH FIELD REQUIREMENTS

SOIL&WATER-5

Prior to the start of construction, the project owner shall provide the design of a sanitary waste septic system that complies with the County of San Bernardino requirements for the construction and operation of the

project's proposed sanitary waste septic system and leach field to the CPM for review and approval.

Project operation shall not commence until documentation equivalent to the County's required wastewater treatment system permits are issued by the County and approved by the CPM.

The project owner shall remain in compliance with the County requirements for the life of the project.

Verification: The Project owner shall submit all necessary information and the appropriate fee to the County of San Bernardino to ensure that the project has complied with the county's sanitary waste disposal facilities requirements. A written assessment prepared by the County of San Bernardino confirming that the design of the project's sanitary waste septic system conforms with county requirements must be provided to the CPM for review and approval 30 days prior to the start of site construction.

A written assessment prepared by the County of San Bernardino of the project's compliance with county's sanitary waste disposal facilities requirements must be provided to the CPM for review and approval 60 days prior to the start of power plant operation.

DECOMMISSIONING PLAN

SOIL&WATER-6

The Project owner shall identify likely decommissioning scenarios and and develop specific decommissioning plans for each scenario that will identify actions to be taken to avoid or mitigate long-term impacts related to or resulting from project features, including but not limited to roadways and roadway treatments, structures and SunCatchers and water and wind erosion after decommissioning. Actions may include such measures as a decommissioning SWPPP, monitored revegetation and restoration of disturbed areas, post-decommissioning maintenance, collection and disposal of project materials and chemicals, and access restrictions.

Verification: At least 30 days prior to the start of ~~site mobilization~~Pre-Construction Site Mobilization, the project owner shall submit decommissioning plans to BNSF and the CPM for review and ~~the CPM for review and approval prior to site mobilization~~comment. The CPM shall consider comments received within 15 days, in approving the plan. The project owner shall amend these documents as necessary, with approval from the CPM, should the decommissioning scenario change in the

future.

GROUNDWATER LEVEL MONITORING AND REPORTING PLAN

SOIL&WATER-7

The project owner shall submit a Groundwater Level Monitoring and Reporting Plan to BNSF, San Bernardino County, and ~~to~~ the CPM for review and ~~approval~~comment. The CPM shall consider comments received within 30 days, in approving the Plan, and the CPM's approval shall be in accordance with the County of San Bernardino Code Title 3, Division 3, Chapter 6, Article 5 (Desert Groundwater Management Ordinance).

The Groundwater Level Monitoring and Reporting Plan shall provide detailed methodology for monitoring background and site groundwater levels.

Monitoring shall be conducted prior to construction, during construction, and throughout project operation. The primary objective for the monitoring is to establish pre-construction and project related groundwater level trends that can be quantitatively compared against observed and simulated trends near the project pumping well and dedicated monitoring wells. Water level measurements in the project's water supply well shall represent non-pumped conditions, and be collected a minimum of four hours after pump shut-down.

Prior to project construction, monitoring shall commence to establish pre-construction base-line conditions and reporting shall include existing monitoring data collected in the project area useful for quantifying hydraulic gradients across the Pisgah Fault and between the Lavic Lake and Lower Mojave groundwater basins. The monitoring network shall therefore be designed to also incorporate and report relevant ongoing monitoring and reporting activities currently occurring in existing groundwater wells located within the Lavic Lake and Lower Mojave groundwater basins.

In areas where groundwater elevation data is needed but existing wells are absent or do not represent the water-bearing zone from which the project water supply well extracts groundwater, the monitoring network shall be comprised of wells screened to measure water levels representing the water-bearing zone from which the project water supply well will extract groundwater.

In addition, the project owner shall install 5 surveyed monument markers

between the Railroad ROW and the water supply well, with one marker adjacent to the supply well. If the measured static groundwater level drops 5'' or more, the project owner shall: (1) notify the CPM and BNSF of the drop and (2) prepare a Subsidence Mitigation Plan that will be reviewed and commented on by BNSF, and approved by the CPM.

Verification: The project owner shall complete the following:

1. At least two (2) months prior to power plant construction, a Groundwater Level Monitoring and Reporting Plan shall be submitted to BNSF, the County of San Bernardino, and the CPM for review and comment before completion of Condition of Certification SOIL& WATER-3, ~~and a copy of the County's comments and the plan shall be submitted the CPM for review and approval~~3. The CPM shall consider comments received within 30 days, in approving the Plan. The plan shall include a scaled map showing the site and vicinity, existing well locations, and proposed monitoring locations (both existing wells and new monitoring wells proposed for construction). The map shall also include relevant natural and man-made features (existing and proposed as part of this project). The plan also shall provide: (1) well construction information and borehole lithology for each existing well proposed for use as a monitoring well; (2) description of proposed drilling and well installation methods for new wells; (3) proposed monitoring well design; and, (4) schedule for completion of the work.

2. At least one (1) month prior to construction, a Groundwater Level Network Report shall be submitted to BNSF and the CPM. The report shall include a scaled map showing the final monitoring well network. It shall document the drilling methods employed, provide individual well construction as-builds, borehole lithology recorded from the drill cuttings, well development, and well survey results for all new wells. The well survey shall measure the location and elevation of the top of the well casing and reference point for all water level measurements, and shall include the coordinate system and datum for the survey measurements. Additionally, the report shall describe the water level monitoring equipment employed in the wells and document their deployment and use.

3. As part of the monitoring well network development, any newly constructed monitoring wells shall be permitted and constructed consistent with San Bernardino County and State specifications.

4. At least one (1) week prior to project construction, all water level monitoring data shall be provided to BNSF and the CPM. The data transmittal shall include an assessment of pre-project water level trends, a summary of available climatic information (monthly average temperature and rainfall records from the nearest weather station), and a comparison and assessment of water level data.

5 After project construction and during project operations, the project owner shall

submit the monitoring data annually to BNSF and the CPM. The summary shall document water level monitoring methods, the water level data, water level plots, and a comparison between pre- and post-project start-up water level trends. The report shall also include a summary of actual water use conditions, monthly climatic information (temperature and rainfall), and a comparison and assessment of water level data. As part of this assessment, the project owner shall calculate water level trends and complete a 5-year projection of future water levels based on these trends and an evaluation of water supply reliability.

STORMWATER CONTROL/FLOOD PROTECTION DESIGN PLANS

SOIL&WATER-8: The project owner shall submit two copies of the basis of design report, and the subsequent 30-percent, 60- percent and 90-percent design drawings for the grading and drainage and storm water mitigation facilities to BNSF for review, and concurrence as to those portions of the deliverables relating to the study and requirements of SOIL&WATER-12. 30 days later, project owner shall submit two copies of the basis of design report, and the subsequent 30-percent, 60- percent and 90-percent design drawings for the grading and drainage and storm water mitigation facilities to BNSF and the CPM for review and comment. The CPM shall consider comments received within 15 days, in approving design report and design drawings. The 30-percent, 60-percent and 90-percent design drawings for the grading ~~and~~, drainage and storm water mitigation facilities shall ~~be accompanied~~have been preceded by a basis of design report to convey and support the design approach. To prepare the grading and drainage facilities drawings and accompanying basis of design report, the project owner shall do the following:

1. At a minimum, the design report shall ensure the project meets the following performance standards:

   a. Project construction and operation shall not alter either the existing watershed or sub-watershed boundaries~~.~~, as depicted in the Hydrology Map – Existing Conditions (p. ___ of the Huitt-Zollars Existing Conditions Hydrologic and Hydraulics Study), that flow to the various structures within the BNSF right of way.

   b. Project construction and operation shall not adversely affect any railroad structure, series of structures or embankments through changes in the concentration, volume or velocity of storm water runoff ~~reaching the railroad structure~~or the volume of sediment reaching the railroad right of way and all structures within it, and shall not result in concentrations of storm water runoff or sediment that could affect the integrity and safety of the BNSF right of way or its operations. Specifically, project owner's on-site drainage improvements shall be designed and constructed to ensure the BNSF right of way is protected from sediment transport

and peak storm water flows resulting from a 100-year, 6-hour flood event. Any project owner on-site detention or debris basins shall be designed and constructed to ensure the BNSF right of way is protected from sediment transport and peak storm water flows resulting from a 100-year, 24-hour flood event. In performing this analysis a FEMA approved model for alluvial fans shall be utilized.

c. ~~No SunCatcher shall be placed in an area where adequate hydrologic studies indicate the water surface resulting from a 100 year, 24-hour storm could be more than 1.5 feet above the pre-storm ground surface.d. Post~~Subject to subparagraph b above, post development runoff from the project site shall be equal to or less than predevelopment runoff.

~~e~~d. Post development sediment transport through the project site shall be equal to predevelopment sediment transport.

~~f. At a minimum, all storm water, hydraulic and drainage reports used for project development shall comply with the requirements of the San Bernardino County Drainage Manual (SBCDM).~~

e. The project shall not increase erosion of the desert soils or divert storm water from its current path, including at site boundaries.

f. The project owner's installation grid of SunCatchers shall not result in diverting storm water across existing watershed or sub-watershed boundaries.

g. All on-site maintenance and access roads shall be constructed and aligned with existing storm water conveyance channels to ensure the maintenance of current channelization of storm water runoff patterns.

h. Once it is determined where SunCatchers can be located, the burial depth and foundation characteristics shall be based on the Pole Foundation Stability Report and Scour Analysis.

i. No SunCatcher shall be placed in an area where, in light of the engineering standards to be used in installing the SunCatchers, the hydrologic study indicates the water depth could undermine the integrity of the installation, using the FEMA standards which require the hydrologic analysis assume the primary flow from the apex of the alluvial fan flows to said SunCatcher.

j. No SunCatcher shall be placed in an area where the computed storm water flows using approved hydrologic studies from a 100-year, 24-hour storm and following appropriate FEMA guidelines and standards for the distribution of these flows, could result in

more scour than is recommended in the Scour Analysis and Pole Foundation Stability Report, using the correct and current local scour equation from the Federal Highway Administration's Hydraulic Engineering Circular 18 (HEC-18), which include not only velocity but the characteristics of the natural sediment and the possibility of unstable wave formations during moderate to large floods.

k. All detention and debris basins or other flood control structures shall fully prevent potential net increases in storm water runoff at the project boundary to the BNSF right of way.

l. Existing vegetation shall be preserved to the extent possible and erosion control vegetation shall be planted where applicable.

m. Runoff from the project site shall be controlled at all times through the use of appropriate BMP measures.

n. BMPs shall be established to ensure that all drainage control structures are properly maintained.

o. If it is determined that detention basins are needed, size, locate, and design each basin to allow the pass through design storm to move through the site unimpeded while capturing larger design storm flows and related sediment and debris to protect the proposed infrastructure and prevent any increase in quantity or velocity or change in location of storm water runoff or sediment transport to adjacent properties, including the BNSF right of way.

2. ~~Conduct an~~In the event that debris and detention basins are not included in the proposed project, the design report shall determine the feasibility of the project meeting the above performance standards.

3. Ensure that all deliverables required pursuant to this condition comply with the requirements of:

(i) the San Bernardino County Hydrology Manual and 2007 Development Code (amended, March 25, 2010);

(ii) the regulations of the County of San Bernardino Department of Public Works (CSBDPW);

(iii) all State SWPPP requirements;

(iv) FEMA Guidelines for Determining Flood Hazards on Alluvial Fans and Guidelines and Specifications for Flood Hazard Mapping Partners, Appendix G, Guidance for Alluvial Fan Flooding Analyses and Mapping. Specifically, pursuant to the FEMA-administered National Flood Insurance Program

adopted by San Bernardino County, the project design shall be based on the assumption that the primary flow from the apex of the alluvial fan may flow to any single location within the site. 44 C.F.R. 65.13.

4. Ensure that all maps, plans, surveys and site delineations shall be as current as possible and shall be at a 1"-50' scale with current mapping to 1' contour interval accuracy, such that depths of the washes can be accurately understood.

5. The design report shall include:

a. An analysis to quantify ~~the design~~ discharges and associated volumes of water, debris, and sediment associated with the 100-year storm at the apex of the ~~fan~~fans under current watershed conditions.

~~3. Conduct a~~b. A geomorphic and hydraulic analysis to determine the maximum design storm that can be routed through the site utilizing existing fluvial washes that will not result in significant damage to proposed site infrastructure. and determine the ability of the proposed site infrastructure to withstand the storm at the proposed location of said site infrastructure. The result of this analysis shall not conflict with the 100-year storm outflow requirement to the BNSF right of way. A geotechnical report for the project site shall be prepared based on site investigations and shall provide an analysis of subsurface soil, rock, and water conditions and the effectiveness of design and construction recommendations for roadways, foundations and other improvements in preventing impacts to the BNSF right of way. The report shall contain as a minimum:

(i) Summary of all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or in situ test results, and ground water information;

(ii) Interpretation and analysis of the subsurface data;

(iii)Specific engineering recommendations for design;

(iv)Specification of conditions for resolution of anticipated problems; and

(v) Recommended geotechnical special provisions.

~~4. Conduct a~~c. A geomorphic and biologic analysis to determine the minimum design storm that can be routed through the site utilizing existing fluvial washes that will provide the necessary sediment load through the site and "downstream areas" to maintain existing sensitive habitat needs, as described in the Geomorphic Assessment of Calico Solar Project Site. This analysis must consider

and address the need for fine sand to support the existing sensitive habitat and the potential episodic nature of the associated dune complex evolution that depends upon El Nino events (i.e., wet winters occurring approximately every three to seven years) delivering sediment to the lower fan and the accompanying La Nina events (i.e., dry winters occurring approximately every three to seven years) eroding and transporting fine sands to these dunes through wind action.

~~5. Determined~~d. A determination of the pass through design storm that can be routed through the site unimpeded to deliver the necessary sediment load through the site to maintain existing sensitive habitat needs in "downstream areas" and not result in significant damage to proposed site infrastructure.

~~6. If it is determined that detention basins are needed, size, locate, and design each basin to allow the pass through design storm to move through the site unimpeded while capturing larger design storm flows and related sediment and debris to protect the proposed infrastructure~~e.~~7.~~ Convey design of each basin by showing supporting calculations and design drawings to convey the basin in plan view, cross-sections, depth to spillway, amount of freeboard to top of basin, basin volume to spillway, description of sidewall slopes, method of providing pass through design storm and related sediment unimpeded, method of providing erosion protection of basin side walls, inlet design, outlet design, spillway design, spillway erosion control, combined outlet maximum flow, transition from outlet to existing downstream fluvial wash, tortoise fence location and design, maintenance of tortoise fence, maintenance of basin, maintenance of excess sediment in basin from larger flood flows. Each basin shall fully prevent potential net increases in storm water flows at the project boundary to the BNSF right of way.

f. For all flood control basin dams, at a minimum:

- specific locations of basins and dams on appropriate scale map,
- configuration of all basins and dams including basin-specific cross sections,
- a description of all materials designed to be used in the construction of the dams,
- footings designs,
- designs of cutoff walls,
- designs of keyways,
- description and design of drainage pass though methods,
- flow metering (ability to maintain maximum discharge to that

of the maximum on-site flow design) technique and design,

- method of and design of debris deflection (i.e. trash racks) for each basin,
- emergency spillway design,
- pass through pipe outlet energy dissipation method and design, and basin inlet erosion protection.

~~8.~~6. The project owner shall request comments from BNSF and the Department of Water Resources Division of Safety of Dams (DSOD) for the plans and specifications for the construction of any dam(s) or reservoir(s) that are under DSOD jurisdiction prior to beginning construction, and shall forward all comments to BNSF, DSOD and the CPM.

~~9. For all flood control basin dams, the project owner shall provide at a minimum:~~

- ~~specific locations of basins and dams on appropriate scale map,~~
- ~~configuration of all basins and dams including basin specific cross sections,~~
- ~~a description of all materials designed to be used in the construction of the dams,~~
- ~~footings designs,~~
- ~~designs of cutoff walls,~~
- ~~designs of keyways,~~
- ~~description and design of drainage pass though methods,~~
- ~~flow metering (ability to maintain maximum discharge to that of the maximum on-site flow design) technique and design,~~
- ~~method of and design of debris deflection (i.e. trash racks) for each basin,~~
- ~~emergency spillway design,~~
- ~~pass through pipe outlet energy dissipation method and design, and~~
- ~~basin inlet erosion protection.~~

~~10. In addition to the criteria discussed above, the basis of design report shall also follow the procedures outlined in the following documents as far as is applicable:~~

~~a. San Bernardino County Drainage Manual and 2007 Development Code~~

~~(amended, March 25, 2010).~~

~~b. Federal Emergency Management Agency Guidelines for Determining Flood Hazards on Alluvial Fans and Guidelines and specifications for Flood Hazard Mapping Partners.~~

~~11.~~7. The project owner shall prepare a set of design specifications to supplement the 60-percent and 90-percent design drawings for BNSF review and comment. Plans, specifications, computations and other data shall be prepared by persons properly licensed by the State of California. If the 60-percent ~~plans~~ or 90-percent plans and specifications do not comply with the appropriate Conditions of Certification, the necessary changes or revisions to the plans shall be made by the project owner. If the CPM finds that the work described in the plans and specifications conform to the Conditions of Certifications in the Energy Commission Decision and other pertinent LORS, then the project owner shall submit two copies of the 100-percent set for BNSF review and for CPM review and approval. All design drawings must be submitted on bound or stapled 24" x 36" size paper.

Verification: Prior to ~~site mobilization~~Pre-Construction Site Mobilization and submittal of the 30-percent grading and drainage facilities drawings, the project owner shall ~~prepare~~submit to BNSF for review, and concurrence as to those portions of deliverables relating to the study and requirements of SOIL&WATER-12, a basis of design report. Within 30 days, the project owner shall submit the basis of design report to BNSF and the CPM for review and comment. The CPM shall consider comments received within 15 days, in approving the basis of design report. No later than 30 days after the CPM's approval of the basis of design report, the project owner shall submit preliminary (30-percent) grading and drainage facilities drawings and accompanying basis of design report ~~for BNSF review and CPM review and approval.~~to BNSF for its review, and concurrence as to those portions of deliverables relating to the study and requirements of SOIL&WATER-12. Within 30 days, the project owner shall deliver the preliminary (30-percent) grading and drainage facilities drawings and accompanying basis of design report to BNSF and the CPM for review and comment. The CPM shall consider comments received within 15 days, in approving the 30-percent drawings and accompanying basis of design report. No later than 30 days after ~~publication~~the CPM's approval of the ~~Energy Commission Decision~~30-percent drawings, the 60-percent set of design drawings and accompanying basis of design report shall be submitted to ~~the BNSF for review and CPM for review and approval. The~~BNSF for review, and concurrence as to those portions of deliverables relating to the study and requirements of SOIL&WATER-12. Within 30 days, the project owner shall submit the ~~90~~60-percent ~~design~~ drawings and accompanying basis of design report to BNSF ~~for~~

~~review~~ and the CPM for review and ~~approval after~~comment. The CPM shall consider comments received within 15 days, in approving the 60-percent drawings. After the person who originally drew the plan or their duly authorized agent addresses BNSF's and the CPM's 60-percent submittal comments and required changes~~,~~, the 90-percent set of design drawings and accompanying basis of design report shall be submitted to BNSF for review, and concurrence as to those portions of deliverables relating to the study and requirements of SOIL&WATER-12. Within 30 days, the project owner shall submit the 90-percent drawings and accompanying basis of design report to BNSF and the CPM for review and comment. The CPM shall consider comments received within 15 days, in approving the 90-percent drawings. The 100-percent design drawings and specifications (construction documents) shall be signed and sealed by a Registered Professional Engineer in the State of California and submitted as the final, approved set of construction documents prior to ~~site mobilization~~Pre-Construction Site Mobilization. Prior to initiation of site construction, the 100-percent design drawings and specifications (construction documents) shall be submitted along with the final basis of design report signed and sealed by a Registered Professional Engineer and a Registered Professional Geologist in the State of California to ~~the CPM for review and approval~~BNSF for review, and concurrence as to those portions of deliverables relating to the study and requirements of SOIL&WATER-12. Within 30 days, the project owner shall submit the 100-percent design drawings to BNSF and the CPM for review and comment. The CPM shall consider comments received within 15 days, in approving the 100-percent drawings.

Thirty days prior to initiation of construction of any dams that would be considered under the jurisdiction of DSOD, the project owner shall receive approval for dam construction from the CPM based on comments the CPM has received from the DSOD for dam design adequacy.

WATER SUPPLY RELIABILITY

SOIL&WATER-9

The annual monitoring report required by SOIL&WATER-7 shall include an evaluation of water supply reliability. Based on the results of this evaluation, the CPM may request the project owner develop and submit a Water Conservation and Alternative Water Supply Plan. The purpose of this plan is to curtail and minimize water use to remediate observed water level and storage declines in the water bearing zone utilized by the project until the proposed alternative supply is available.

Verification: The project owner shall provide a Water Conservation Plan within within 30 days after the request of the CPM. The plan shall be implemented immediately upon approval by the CPM. Part of this plan shall include suspension .

of mirror washing until the water supply has stabilized or an alternative supply is available to provide the water. The project owner shall submit a Notice of Completion to the CPM within 30 days of securing the alternative supply. The Notice of Completion shall list each plan component and document that it has been completed. Part of the documentation shall include water use records that show the conservation savings achieved. If development of an alternative water supply was part of the plan, the project owner shall provide all documentation, permits, as-builts, proof of a contract or other right to a long term supply and test results that may be required for the water supply. The Water Conservation Plan shall remain in effect until CPM approval of the project owner's Notice of Completion.

STORM WATER PERMITS

SOIL&WATER-10 NPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITY.

The project owner shall comply with the most recent requirements of the general National Pollutant Discharge Elimination System (NPDES) permit for discharge of storm water associated with construction activity. The project owner shall submit copies of all correspondence between the project owner and the State Water Resources Control Board (SWRCB) or the LRWQCB regarding this permit to BNSF and the CPM. The project owner shall also develop and implement a construction SWPPP for construction on the Calico Solar Project main site, laydown areas, pipeline, and transmission line. The SWPPP shall include construction BMPs to prevent storm water runoff and sediment transport off the project site.

Verification: Prior to submittal of the proposed construction SWPPP to the SWRCB or the LRWQCB, the project owner shall submit the same to the CPM and BNSF for review and comment. The project owner shall submit a copy of the construction SWPPP to BNSF for review and to the CPM at least 10 days prior to ~~site mobilization~~Pre-Construction Site Mobilization for review and approval~~, and~~. The CPM shall consider comments received within 15 days, in approving the construction SWPPP. The project owner shall retain a copy of the approved SWPPP on site throughout construction. Prior to submittal of the construction NPDES permit application to the SWRCB or the LRWQCB, the project owner shall submit the same to the CPM and BNSF for review and comment. The project owner shall submit copies of all other correspondence between the project owner and the SWRCB or the LRWQCB regarding the NPDES permit for the discharge of storm water associated with construction activity to BNSF and the CPM within 10 days of its receipt or submittal. Copies of correspondence shall include the Notice of Intent sent to the SWRCB, the confirmation letter indicating receipt and acceptance of the Notice of Intent, any permit modifications or changes, and completion/permit Notice of Termination.

SOIL&WATER-11 INDUSTRIAL FACILITY SWPPP

The project owner shall comply with the requirements of the General NPDES Permit for Discharges of Storm Water Associated with Industrial Activity, including development of an Industrial Facility SWPPP. The SWPPP shall include operational BMPs to prevent storm water runoff and sediment transport off the project site. If the Regional or State Board finds the project does not require a General NPDES Permit for Discharges of Storm Water Associated with Industrial Activity, written confirmation from either board confirming this permit is not required would satisfy this Condition.

Verification: Prior to submittal of the proposed Industrial Facility SWPPP to the SWRCB or the LRWQCB, the project owner shall submit the same to the CPM and BNSF for review and comment. The project owner shall submit a copy of the Industrial Facility SWPPP for operation of the project to BNSF and the CPM at least 60 days prior to the start of commercial operation and shall retain a copy of the approved SWPPP on site throughout the life of the project. Prior to submittal of the proposed industrial NPDES to the SWRCB or the LRWQCB, the project owner shall submit the same to the CPM and BNSF for review and comment. The project owner shall submit copies of all other correspondence between the project owner and the LRWQCB regarding the general NPDES permit for discharge of storm water associated with industrial activity to BNSF and the CPM within 10 days of its receipt or submittal. Copies of correspondence shall include the Notice of Intent sent by the project owner to the SWRCB, the confirmation letter indicating receipt and acceptance of the Notice of Intent, and any permit modifications or changes.

HYDROLOGY STUDY

SOIL&WATER-12

~~Project~~Thirty days prior to the production of the deliverables required under SOIL&WATER-13, project owner shall fund a hydrologic study commissioned by BNSF to determine the erosion and sedimentation ~~impact~~impacts, if any, on BNSF infrastructure resulting from the project owner's planned emplacement of SunCatchers, flood control structures and runoff control measures and determine appropriate mitigation measures, if necessary, to be paid for by project owner.

Verification: Within ninety (90) days of completion of the hydrologic study commissioned by BNSF, the project owner shall provide documentation to the CPM that the study has been paid in full. Within thirty (30) days of completion of the hydrologic study, the results of study shall be provided to BNSF, the CPM and the project owner. Prior to the installation of any SunCatchers, project owner shall

provide documentation to the CPM that appropriate mitigation measures determined to be necessary by the study have been implemented.

INFILTRATION REPORT

SOIL&WATER-13

Prior to the deliverables required under SOIL&WATER-1, project owner shall submit to BNSF for review, and concurrence as to those portions of the deliverables relating to the study and requirements of SOIL&WATER-12, an Infiltration Report. Within 30 days, project owner shall submit the Infiltration Report to BNSF and the CPM for review and comment. The Infiltration Report shall include an analysis of rainfall on the project site, with the objective of determining the impact of the proposed project on storm water flows. The report shall include a calculation of the amount of storm water runoff for 1) the existing soil conditions, 2) the temporarily disturbed conditions resulting from construction, and 3) the final conditions after the installation of SunCatchers and the construction of roads and buildings is complete. This analysis shall be conducted using the 2-year, 5-year, 10-year, and 100-year storm intensities, considering durations of both 6 hours and 24 hours.

The Infiltration Report shall identify all areas on the project site where permeability of the ground surface may be impacted, including:

1) both the pedestals and solar concentrator dishes of the SunCatchers;

2) any areas where facilities will be constructed, fill deposited, or soil compacted;

3) any areas which will be paved or treated with soil stabilizers or soil weighting agents; and

4) any other areas where construction or operational activities may result in impacts to drainage, vegetation and soil infiltration rates.

The report shall include a model of soil-water flow to assess the significance of SunCatchers, roadways, soil binders, and construction and operational activities on the effective infiltration over the project site. The amount of impervious surface created by each project feature shall be estimated by considering worst-case conditions. In the case of SunCatchers, this means considering the impact when the SunCatchers are fully open to their maximum diameter of 38 feet. In the case of untreated dirt roads, this means considering long-term compaction caused by construction and maintenance vehicles. In the case of roads treated with soil-binding agents, this means considering treatments resulting in a road surface which is 100% impervious, or a reduced case of, for example, 50% impervious.

The Infiltration Report shall also include an analysis based on worst-case vegetation conditions over the life of the project as affected by, without limitation, the following factors: clearance, soil compaction, shading of vegetation by SunCatchers, relocation of precipitation by SunCatchers, addition of water through the washing of SunCatchers, modification of storm water flow by presence of SunCatchers and access and maintenance roads, use of dust suppressants, and use of weed management practices.

The Infiltration Report shall be used to determine the magnitude of storm water impacts caused by the project. The results of the report shall be used to determine the size, location and configuration of debris, detention, and retention basins, or other storm water and erosion mitigation measures, to be incorporated into the project. When combined with an analysis of off-site storm water runoff and sediment transport from the Cady Mountains uphill from the project, the results of the Infiltration Report shall become part of the overall Drainage, Erosion and Sediment Control Plan (DESCP) report for the project. The infiltration analysis shall be conducted using the procedures of the San Bernardino County Hydrology Manual.

Verification: At least 30 days prior to submitting the deliverables required under SOIL&WATER-1, the project owner shall submit to BNSF for review, and concurrence as to those portions of the deliverables relating to the study and requirements of SOIL&WATER-12, the Infiltration Report. Within 30 days, project owner shall submit the Infiltration Report to BNSF and the CPM for review and comment. The CPM shall consider comments received within 15 days, in approving the report.

ELECTRONIC DELIVERY OF DOCUMENTS

SOIL&WATER-14

All deliverables submitted by applicant pursuant to the Conditions of Certification, and all engineering plans, reports, documents, maps and surveys relied upon, shall be made available to BNSF and the CPM in electronic format. All surveys and plans shall be provided in AutoCAD, and all reports shall be provided in an editable format to the commenting parties.

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 CALICO SOLAR *(Formerly SES Solar One)*

Docket No. 08-AFC-13

PROOF OF SERVICE
(Revised 8/9/10)

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DECLARATION OF SERVICE

I, Harriet Vletas, declare that on October 26, 2010, I served and filed copies of the attached Intervenor, BNSF's Suggested Revisions to Soil & Water Conditions. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: **[www.energy.ca.gov/sitingcases/solarone]**.

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:

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

____ by personal delivery;

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

AND

FOR FILING WITH THE ENERGY COMMISSION:

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

OR

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

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-13
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.

Signed By: Harriet Vletas
Harriet Vletas

*indicates change