

STATE OF CALIFORNIA

**Energy Resources
Conservation and Development Commission**

DOCKET	
08-AFC-4	
DATE	<u>NOV 17 2008</u>
RECD.	<u>NOV 18 2008</u>

In the Matter of:

Docket No. 08-AFC-4

Orange Grove Project

Applicant's Testimony

Executive Summary / Project Description

I. INTRODUCTION

- A. **Names:** Michael Jones, Stephen Thome, Joseph Stenger
- B. **Purpose:** This testimony addresses the Executive Summary and Project Description for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Michael Jones is presently the Director of J-Power USA Development Co. He has a Bachelor's Degree in Marine Engineering and has over 22 years of experience engineering, constructing, and operating power plants.

Stephen Thome is presently the Vice President of Development for J-Power USA Development Co. He has a Bachelor's Degree in Civil Engineering, a Master's Degree in Law and Diplomacy, and has over 10 years of experience in power development.

Joseph Stenger is presently employed with TRC Companies, Inc. as a Project Director. He has a Bachelor's Degree in Geology and is registered as a Professional Geologist and Environmental Assessor in California and Environmental Manager in Nevada. He has over 20 years of technical consulting and management experience encompassing a wide variety of infrastructure and industrial plants.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Section 1.0** – Executive Summary, **Section 2.0** – Generation Facility Description, Design and Operation, and
- **Exhibit 18(a)** (Witness Declarations and Resumes).

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own or that of other qualified professionals working under my direction with which I concur. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

Air Quality

I. INTRODUCTION

- A. **Names:** Doug Murray
- B. **Purpose:** This testimony addresses Air Quality analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Doug Murray is presently employed with TRC Companies, Inc. as a program manager and expert in areas including air quality planning and analysis, experimental design and field project management, dispersion modeling and model evaluation, air toxics evaluation, and air quality and meteorological monitoring. He has a Bachelor's Degree in Atmospheric Sciences and a Masters Degree in Geoscience/Atmospheric sciences. He has over 29 years of environmental consulting experience.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Section 6.2, Appendices 6.2A – I.** (Section 6.2 – Air Quality, Appendix 6.2-A – Meteorological Data Summaries, Appendix 6.2-B – Supplement Ambient Air Quality Data, Appendix 6.2-C – Emission Calculation Data, Appendix 6.2-D – Modeling Inputs, Appendix 6.2-E – Modeling Files, Appendix 6.2-F – Specifications for Black Start Engine, Appendix 6.2-G – Specifications for Firepump Engine, Appendix 6.2-H – Application Completeness Determination, Appendix 6.2-I – BACT Analysis.)
- **Exhibit 7** (Orange Grove Project Responses to Data Requests 1-73), **Responses 1-17, Exhibits 1-1, 3-1, 4-1, 6-1, 6-2, 6-3, 10-1, 10-2, 11-1 through 11-7 & 13-1.** (Exhibit 1-1 - Emissions Table for 1,200 Facility Operating Hours (Two Turbines), Exhibit 3-1 – Offsite On-Road Fugitive Dust Emissions Summary, Delivery of Water for Operations (Rev. 8/21/08), Exhibit 4-1 – Table 6.2C-16 Offsite On-Road Fugitive Dust Emissions Summary, Delivery of Water for Operations (Rev. 8/21/08), Exhibit 6-1 – revised Orange Grove Project Application for Certification, Tables 6.2-13 Through 6.2-15 (Rev. 8/21/08), Exhibit 6-2 – revised Orange Grove Project Application for Certification, Tables 6.2-19 and 6.2-20 (Rev. 8/21/08), Exhibit 6-3 –revised Orange Grove Project Application for Certification, Table 6.2C-12 (Rev. 8/21/08), Exhibit 10-1 – Map of Rosemary's Mountain Quarry, Exhibit 10-2 – Rosemary's Mountain Quarry Emission Estimates, Exhibit 11-1 – Map of Proposed Gregory Canyon Landfill Project, Exhibit 11-

2 – Table F-11-1 Gregory Canyon Landfill Criteria Pollutant Summary By Year (Tons/yr), Exhibit 11-3 – Table H-1-3 Summary of Emissions Year 1 – Annual, Exhibit 11-4 – Table H-1-10 Summary of Emissions Year 17 – Annual, Exhibit 11-5 – Table H-2-3 Summary of Emissions Year 1 – Maximum Hourly, Exhibit 11-6 – Table H-2-4 Summary of Emissions Year 2 – Maximum Hourly, Exhibit 11-7 – Table H-2-19 Summary of Emissions Year 17 – Maximum Hourly, Exhibit 13-1 – Fire Pump Engine Specification Sheet Provided to SDAPCD.)

- **Exhibit 10** (Orange Grove Energy AFC – Responses to Data Requests from the September 11, 2008 Workshop and Other Data Requests, dated October 1, 2008), **pages 1-2 and Attachments 1-3**. (Pages 1-2, Attachment 1 – Example Calculations and CARB Methodology, Attachment 2 – Air Quality Portion of the Rosemary’s Mountain Quarry FEIR, Attachment 3 – Revised Exhibit 10-2 (Mitigated Controlled Emissions Estimates).)
- **Exhibit 12** (Cumulative Air Quality Impact Assessment, dated October 2008).
- **Exhibit 17** (Orange Grove Energy, L.P. Comments to the Orange Grove Project Preliminary Determination of Compliance), and
- **Exhibit 18(b)** (Witness Declarations and Resumes) Air Quality.

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

As part of my testimony I will be able to discuss the findings and conclusions contained in the following exhibit:

- **Exhibit 60** (San Diego Air Pollution Control District Final Determination of Compliance, Orange Grove Project).

Biological Resources

I. INTRODUCTION

- A. **Names:** Elisha Back, H. Ceri Williams-Dodd
- B. **Purpose:** This testimony addresses the Biological Resources analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Elisha Back is presently employed with TRC Companies, Inc. as a Principal of the Natural Science and Permitting Group. She has a Bachelor's Degree in Political Science and has over 17 years of experience with environmental project management.

H. Ceri Williams-Dodd is presently employed with Vandermost Consulting Services, Inc. as Project Manager and Senior Biologist. She has a Bachelor's Degree in Ecology and Environmental Management, a Master's Degree in Monitoring, Modeling and Management of Environmental Change, a Ph.D. in Biosciences, is a Chartered Biologist, and has more than 9 years of experience as a project manager or biologist.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Section 6.6 – Biological Resources, Appendices 6.6-A to E & 6.6-H.** (Appendix 6.6-A – Regional Special-Status Wildlife and Plant Species Potentially Occurring Within 1 Mile of the FPU D Freshwater Pickup Station, Appendix 6.6-B – 2007/2008 Winter and 2008 Breeding Coastal California Gnatcatcher Survey Report for the Proposed Orange Grove Project, Appendix 6.6-C – 2008 Quino Checkerspot Butterfly Protocol Surveys for the Orange Grove Project, Appendix 6.6-D – Biological Resources report for the FPU D Reclaimed Water Pickup Location, Appendix 6.6-E – Results of a Habitat Assessment for the Federally Endangered Stephen's Kangaroo Rat for the Orange Grove Energy Project, Appendix 6.6-H – Results of Arroyo Toad Habitat Assessment for the Orange Grove Project.)
- **Exhibit 2** (Supplement to the Application for Certification – Orange Grove Project, dated July 2008), **Section 2.0 – Biological Resources, Exhibits A, B, C.1 & C.2.** (Exhibit A – CNDDDB Forms, Exhibit B – Biologist Resumes, Exhibit C.1 – Least Bell's Vireo Survey Report, Exhibit C.2 – Southwestern Willow Flycatcher Survey Report.)

- **Exhibit 7** (Orange Grove Project Responses to Data Requests 1-73, dated August 29, 2008), **Responses 22-40, Exhibits 22-1, 22-2, 26-1, 28-1, 29-1, 30-1, 30-2, 31-1, 33-1, 37-1, 37-2, 38-1, 38-2, 39-1, 40-1.** (Exhibit 22-1 – Limited Construction Period Area for Southern Riparian Forest Habitat, Exhibit 22-2 – Limited Construction Period Area for California Coastal Gnatcatcher Nest, Exhibit 26-1 – E-mail Correspondence From Ms. Laurie Monarres Concerning U.S. Army Corps Jurisdiction, Exhibit 28-1 – Vegetation Impact Map, Exhibit 29-1 – Revised Drawing C350, Exhibit 30-1 – CDFG Streambed Alteration Agreement Application (Compact Disc), Exhibit 30-2 – Habitat Loss Permit Application (Compact Disc), Exhibit 31-1 – Project Disturbance Map, Exhibit 33-1 – Gnatcatcher Survey Report Maps 1 and 2, Exhibit 37-1 – Revised Orange Grove Project Application for Certification, dated June 2008 Figure 6.6-4 B, Exhibit 37-2 – Additional Parry’s Tetracoccus CNDDDB Forms, Exhibit 38-1 – Parry’s Tetracoccus Impact Map, Exhibit 38-2 – Regional Parry’s Tetracoccus CNDDDB Records, Exhibit 39-1 – Parry’s Tetracoccus Conceptual Mitigation Plan, Exhibit 40-1 – Spring 2008 Floristic Survey Report.)
- **Exhibit 10** (Orange Grove Energy AFC – Responses to Data Requests from the September 11, 2008 Workshop and Other Data Requests, dated October 1, 2008), **pages 3-4, 11; Attachments 4 & 9.** (Attachment 4 – Revised Exhibit 39-1 (Parry’s Tetracoccus Conceptual Mitigation Plan); Attachment 9 – Record of Conversation Regarding Fire Marshal Review of the Proposed Fuel Modification Zones.)
- **Exhibit 13** (E-mail from E. Back to M. Moreno Regarding Orange Grove HLP, dated October 21, 2008), and
- **Exhibit 18(c)** (Witness Declarations and Resumes) Biological Resources.

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own or that of other professionals that I judge to be qualified. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

As part of my testimony I will be able to discuss the comments and meeting notes contained in the following exhibits:

- **Exhibit 53** (United States Fish and Wildlife Service - Comments on the Orange Grove Project Biological Report, dated September 3, 2008), and
- **Exhibit 55** (Meeting with the U.S. Fish and Wildlife Service and the CA Department of Fish and Game Agenda, dated September 18, 2008).

Cultural Resources

I. INTRODUCTION

- A. **Names:** Thomas Jackson, Wendy Tinsley, Joseph Stenger
- B. **Purpose:** This testimony addresses the Cultural Resources analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Thomas Jackson is presently employed with Pacific Legacy Incorporated as a Principal Investigator and Archaeologist. He has a Bachelor of Arts Degree in Anthropology, a Masters Degree in Anthropology, and a Ph.D. in Anthropology. He has over 35 years of experience as a professional archaeologist in cultural resources management. Dr. Jackson meets the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation, Professional Qualifications Standards as a Principal Investigator in Archaeology. He is a member of the Register of Professional Archaeologists (#16120).

Wendy Tinsley is a Principal Historian / Preservation Planner with Urbana Preservation and Planning. She has a Bachelor's Degree in History with a Public History and Urban Design Concentration, and a Master's Degree in City Planning with a Historic Preservation and Urban Design Concentration. She has approximately 12 years of experience working with issues related to history, architectural history, and urban planning, with particular emphasis on issues relating to historic preservation. Ms. Tinsley also maintains professional certification through the American Institute of Certified Planners (AICP). She meets the Secretary of the Interior's Professional Qualifications Standards for Historic Preservation Professionals in the disciplines of history and architectural history.

Joseph Stenger is presently employed with TRC Companies, Inc. as a Project Director. He has a Bachelor's Degree in Geology and is registered as a Professional Geologist and Environmental Assessor in California and Environmental Manager in Nevada. He has over 20 years of technical consulting and management experience encompassing a wide variety of infrastructure and industrial plants.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Section 6.7** – Cultural Resources, **Appendix 6.7-A** – Resumes of Key Personnel.
- **Exhibit 7** (Orange Grove Project Responses to Data Requests 1-73), **Responses 41-47, Exhibits 41-1, 42-1, 45-1, 46-1, 47-1.** (Exhibit 41-1 – Project Site and Linear Facilities Built Environment Survey – Technical Report, Exhibit 42-1 – Orange Grove Project Additional Historical and Cultural Resource Surveys for the Freshwater and Reclaimed Water Pickup Stations, Exhibit 45-1 – Gas Pipeline Design Drawing GP-C107, Exhibit 46-1 – Boring Report, Exhibit 47-1 – Office of Historical Preservation Response E-mail Concerning the Gregory Mountain Nomination.)
- **Exhibit 10** (Orange Grove Energy AFC – Responses to Data Requests from the September 11, 2008 Workshop and Other Data Requests, dated October 1, 2008), **pages 5-6; Attachments 5, 6 & 7.** (Attachment 5 – Map Showing Geologic Contact of the Holocene Alluvium Geologic/Geomorphic Unit in the Vicinity of the Gas Pipeline; Attachment 6 – Photographs of the Holocene Alluvium Outcrop; Attachment 7 – Record of Conversation Regarding the Fenton Sand Mine Operations), and
- **Exhibit 18(d)** (Witness Declarations and Resumes) Cultural Resources.

Following are the confidential documents are not included in the exhibits provided to parties

- **Exhibit 3** (Information Submitted Under Confidentiality Pursuant to 20 CCR §2505, Cultural Resources Surveys and Records Searches, Orange Grove Project; dated June 25, 2008 consisting of Cover Letter, Application for Confidential Designation, and Orange Grove Project Application for Certification Appendix 6.7-B – Technical Reports and Consultation Documentation for the Project, Appendix 6.7-C – SCIC Records Search and Appendix 6.7-D – Pacific Legacy Records Search), and
- **Exhibit 11** (Confidential Cultural Resources Submittal Consisting of Cover Letter, Application for Confidential Designation, and Supplemental Archaeological Survey Report for the Monserate to Pala Substation Transmission Line Reconductoring, dated October 6, 2008).

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own or that of other professionals that I judge to be qualified. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

As part of my testimony I will be able to discuss the determinations made by the Executive Director contained in the following exhibits:

- **Exhibit 57** (Grant of Confidential Designation of Information Submitted Under Confidentiality Pursuant to 20 CCR §2505, Cultural Resources Surveys and Records Searches from June 25, 2008), and

- **Exhibit 58** (Grant of Confidential Designation of Supplemental Archaeological Survey Report for the Monserate to Pala Substation Transmission Line Reconductoring from October 6, 2008).

Hazardous Materials Handling

I. INTRODUCTION

- A. **Names:** Todd Stanford, Joseph Stenger
- B. **Purpose:** This testimony addresses the Hazardous Materials handling analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Todd Stanford is presently employed with TRC Companies, Inc. as a program manager. He has a Bachelor's Degree Environmental and Occupational Health, and a Masters Degree in Environmental Health. He has over 20 years of experience in site assessment, soil and groundwater remediation, pharmacology, risk assessment, occupational health and safety, and air toxics.

Joseph Stenger is presently employed with TRC Companies, Inc. as a Project Director. He has a Bachelor's Degree in Geology and is registered as a Professional Geologist and Environmental Assessor in California and Environmental Manager in Nevada. He has over 20 years of technical consulting and management experience encompassing a wide variety of infrastructure and industrial plants.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Section 6.15** – Hazardous Materials Handling, **Appendices 6.15-A through 6.15-C**. (Appendix 6.15-A – Offsite Consequences Analysis, Appendix 6.15-B – Modeling Outputs, Appendix 6.15-C – Ammonia Storage Area Conceptual Design.)
- **Exhibit 7** (Orange Grove Project Responses to Data Requests 1-73), **Responses 48-51, Exhibit 48-1** – revised Orange Grove Project Application for Certification Table 2.8-1 – Operations Hazardous Materials (Rev. 8/28/08).
- **Exhibit 10** (Orange Grove Energy AFC – Responses to Data Requests from the September 11, 2008 Workshop and Other Data Requests, dated October 1, 2008), **pages 7-8, Attachment 8** – Dimensions of Specialty Products Single Unit Trucks for Aqueous Ammonia Deliveries, and
- **Exhibit 18(e)** (Witness Declarations and Resumes) Hazardous Materials Handling.

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own or that of other professionals that I judge to be qualified. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

Land Use

I. INTRODUCTION

- A. **Names:** Robert Prohaska, Joseph Stenger
- B. **Purpose:** This testimony addresses the Land Use analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Robert Prohaska is employed with TRC Companies, Inc. as a Project and Program Manager. He has a Bachelor's Degree in Geography, a Master's Degree in Environmental Health Science, and has over 24 years of experience preparing environmental assessments and reports.

Joseph Stenger is presently employed with TRC Companies, Inc. as a Project Director. He has a Bachelor's Degree in Geology and is registered as a Professional Geologist and Environmental Assessor in California and Environmental Manager in Nevada. He has over 20 years of technical consulting and management experience encompassing a wide variety of infrastructure and industrial plants.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Section 6.9 – Land Use, Appendix 6.9-A – Zoning Ordinances Summary**, and
- **Exhibit 18(f)** (Witness Declarations and Resumes) Land Use.

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own or that of other professionals that I judge to be qualified. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

Noise and Vibration

I. INTRODUCTION

- A. **Names:** Robert Mantey
- B. **Purpose:** This testimony addresses the Noise and Vibration analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Robert Mantey is presently employed with Alliance Acoustical Consultants, Inc. as a Principal Consultant and Project Manager. He has a Bachelor's Degree in Engineering and various certifications related to noise modeling and assessment. He has over 29 years of managerial and technical experience in the field of applied engineering acoustics and industrial noise control.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Section 6.12 – Noise, Appendices 6.12-A through B.** (Appendix 6.12-A – Ambient Noise Survey Details, Appendix 6.12-B – Construction Noise Analysis, Appendix 6.12-C – Power Plant Predictive Noise Modeling and Analysis), and
- **Exhibit 18(g)** (Witness Declarations and Resumes) Noise.

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

Public Health

I. INTRODUCTION

- A. **Names:** Doug Murray, Karen Vetrano
- B. **Purpose:** This testimony addresses the Public Health analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Doug Murray is presently employed with TRC Companies, Inc. as a program manager and expert in areas including air quality planning and analysis, experimental design and field project management, dispersion modeling and model evaluation, air toxics evaluation, and air quality and meteorological monitoring. He has a Bachelor's Degree in Atmospheric Sciences and a Masters Degree in Geoscience/Atmospheric sciences. He has over 29 years of environmental consulting experience.

Karen Vetrano is presently employed with TRC Companies, Inc. as a toxicology expert. She has both Bachelor's and Ph.D Degrees in Toxicology and has 18 years of experience encompassing human exposure and risk assessment, ecological hazard characterization and risk assessment, toxicological evaluations, exposure assessments, and other specialties.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Section 6.16 – Public Health, Appendix 6.16-A – HARP Input and Output Files.**
- **Exhibit 7** (Orange Grove Project Responses to Data Requests 1-73), **Responses 52-53, Exhibits 52-1, 52-2 & 53-1.** Exhibit 52-1 – Calculated Water Truck Diesel Emissions Risks, Exhibit 52-2 – HARP Modeling Files, Exhibit 53-1 – HARP Transaction File (Compact Disc), and
- **Exhibit 18(h)** (Witness Declarations and Resumes) Public Health.

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such

opinions are my own or that of other professionals that I judge to be qualified. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

Socioeconomics

I. INTRODUCTION

- A. **Name:** Joseph Stenger
- B. **Purpose:** This testimony addresses the Socioeconomics analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Joseph Stenger is presently employed with TRC Companies, Inc. as a Project Director. He has a Bachelor's Degree in Geology and is registered as a Professional Geologist and Environmental Assessor in California and Environmental Manager in Nevada. He has over 20 years of technical consulting and management experience encompassing a wide variety of infrastructure and industrial plants.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Section 6.10** – Socioeconomics, **Appendix 6.10-A** –LAFCO Letter to CEC.
- **Exhibit 7** (Orange Grove Project Responses to Data Requests 1-73), **Responses 54-56**, **Exhibit 54-1** – North County Fire Protection District Letter, **Exhibit 55-1** – Annexation Parcel Map, and
- **Exhibit 18(i)** (Witness Declarations and Resumes) Socioeconomics.

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own or that of other professionals that I judge to be qualified. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

Soil and Water Resources

I. INTRODUCTION

- A. **Names:** Joseph Stenger, Michael Jones, Joseph Bondank
- B. **Purpose:** This testimony addresses the Soil and Water Resources analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Joseph Bondank is presently employed with Sega Inc. as a Project Manager and Senior Electrical Engineer. He has a Bachelor's Degree in Electrical Engineering, a Bachelor's Degree in Mathematics, a Master's Degree in Engineering Management, and is a Registered Professional Engineer. He has over 16 years of experience providing technical and managerial expertise to civil, mechanical, architectural, and control systems, including power generation projects.

Joseph Stenger is presently employed with TRC Companies, Inc. as a Project Director. He has a Bachelor's Degree in Geology and is registered as a Professional Geologist and Environmental Assessor in California and Environmental Manager in Nevada. He has over 20 years of technical consulting and management experience encompassing a wide variety of infrastructure and industrial plants.

Michael Jones is presently the Director of J-Power USA Development Co. He has a Bachelor's Degree in Marine Engineering and has over 22 years of experience engineering, constructing, and operating power plants.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Sections 6.4 & 6.5, Appendices 6.4-A through C, 6.5-A through H, 2-D, 2-E.1 & 2-E.2.** (Section 6.4 – Agriculture and Soils, Appendix 6.4-A – Water Pickup Station Soil Maps, 6.4-A.1 – Fallbrook Public Utility District Fresh Water Pickup Station Soils Map, 6.4-A.2 – Fallbrook Public Utility District Reclaimed Water Pickup Station Soils Map and Soil Characteristics (Map and Table), Appendix 6.4-B – Estimated Excavation and Fill Quantities for Major Project Elements, Appendix 6.4-C – Soil Loss Calculations, Section 6.5 – Water Resources, Appendix 6.5-A – Hydrology and Hydraulics Calculations, Appendix 6.5-B – Jurisdictional Waters and Wetland Delineation Report,

Appendix 6.5-C – Watershed Protection, Stormwater Management and Discharge Control Ordinance, Appendix 6.5-D – Draft Stormwater Management Plan, Appendix 6.5-E – FPUD Water Chemistry, Appendix 6.5-F – Notice of Intent for the State NPDES General Permit for Storm Water Discharges from Construction Sites and State General Permit, Appendix 6.5-G.1 – FPUD Recycled Water Option Agreements, Appendix 6.5-H – Onsite Wastewater Treatment System Design, Appendix 2-D – System Water Balance, Appendix 2-E.1 – Reclaim Water Pickup Station Layouts Prepared by FPUD, Appendix 2-E.2 – Fresh Water Pickup Station Layouts.)

- **Exhibit 2** (Supplement to the Application for Certification – Orange Grove Project, dated July 2008), **Section 4.0** – Water Resources, **Exhibit F** – Potable Water Option Agreement.
- **Exhibit 7** (Orange Grove Project Responses to Data Requests 1-73), **Responses 57-64, Exhibits 57-1, 64-1, 64-2 & 64-3.** (Exhibit 57-1 – Draft Drainage, Erosion and Sediment Control Plan, Exhibit 64-1 – Gas Pipeline Design Drawing GP-852, Exhibit 64-2 – Gas Pipeline Design Drawing GP-803, Exhibit 64-3 – Gas Pipeline Design Drawing GP-802.)
- **Exhibit 10** (Orange Grove Energy AFC – Responses to Data Requests from the September 11, 2008 Workshop and Other Data Requests, dated October 1, 2008), **pages 9 and 12, Attachment 10.** (Attachment 10 – E-mail from Rainbow Municipal Water District.)
- **Exhibit 14** (E-mail from J. Stenger to J. Adams Regarding Orange Grove Energy Initial Water Hauling, dated October 24, 2008), and
- **Exhibit 18(j)** (Witness Declarations and Resumes) Soil and Water Resources.

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own or that of other professionals that I judge to be qualified. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

As part of my testimony I will be able to discuss the letters and e-mail contained in the following exhibits:

- **Exhibit 51** (California Regional Water Quality Control Board, San Diego Region - Comments on the Application for Certification for the Orange Grove Power Plant Project, California Energy Commission; dated August 26, 2008.)
- **Exhibit 52** (Rainbow Municipal Water District - Comments on Orange Grove Project, dated August 27, 2008), and
- **Exhibit 56** (E-mail from Michael Porter of Regional Water Quality Control Board, San Diego, to Cheryl Closson Regarding Orange Grove Power Plant Project in Northern San Diego County, dated October 3, 2008.)

Traffic and Transportation

I. INTRODUCTION

- A. **Names:** Ruth Davis, Joseph Stenger
- B. **Purpose:** This testimony addresses the Traffic and Transportation analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Ruth Davis is presently employed with TPG Consulting as a Senior Civil Engineer. She has a Bachelor's Degree in Civil Engineering and Advanced Studies in Transportation Planning, a Bachelor's Degree in Physics/Earth Science, is registered as a Professional Engineer, is certified as a Professional Traffic Operations Engineer, and has several years of experience in transportation planning, travel demand modeling, traffic engineering, congestion management programs, and conducting traffic evaluations and impact studies.

Joseph Stenger is presently employed with TRC Companies, Inc. as a Project Director. He has a Bachelor's Degree in Geology and is registered as a Professional Geologist and Environmental Assessor in California and Environmental Manager in Nevada. He has over 20 years of technical consulting and management experience encompassing a wide variety of infrastructure and industrial plants.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Section 6.11** – Traffic and Transportation, **Appendices 6.11-A through 6.11-F**. (Appendix 6.11-A – Existing LOS Worksheets, Appendix 6.11-B – No Project LOS Worksheets, Appendix 6.11-C – Construction LOS Worksheets, Appendix 6.11-D – Operational LOS Worksheets, Appendix 6.11-E – School Bus Stop Locations/Routes, Appendix 6.11-F – WB-50 Truck Profile Schematic.)
- **Exhibit 4** (Circulation Element Draft and Agency E-Mail Contacts, dated June 30, 2008).
- **Exhibit 5** (E-mail From Joe Stenger to Jim Adams Regarding Orange Grove Water Trucks, dated July 24, 2008).
- **Exhibit 8** (Axle Count and Daily Classification Report, E-mailed to CEC Staff on September 2, 2008, and dated March 15, 2008 and March 20, 2008).

- **Exhibit 9** (E-Mail from Joe Stenger to Jim Adams Regarding SR 76 California Legal Advisory Route, dated September 3, 2008), and
- **Exhibit 18(k)** (Witness Declarations and Resumes) Traffic and Transportation.

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own or that of other professionals that I judge to be qualified. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

Transmission Line Safety and Nuisance

This subject area is addressed in Engineering Assessment: Facility Design, Power Plant Efficiency, Power Plant Reliability, Transmission System Engineering.

Visual Resources

I. INTRODUCTION

- A. **Names:** Joseph Stenger
- B. **Purpose:** This testimony addresses the Visual Resources analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Joseph Stenger is presently employed with TRC Companies, Inc. as a Project Director. He has a Bachelor's Degree in Geology and is registered as a Professional Geologist and Environmental Assessor in California and Environmental Manager in Nevada. He has over 20 years of technical consulting and management experience encompassing a wide variety of infrastructure and industrial plants.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Section 6.13** – Visual Resources, **Appendices 6.13-A through C**. (Appendix 6.13-A – Aesthetic Viewshed Study, Appendix 6.13-B – Scenic Quality Inventory & Evaluation Chart, Appendix 6.13-C – San Diego Light Pollution Code), and
- **Exhibit 18(I)** (Witness Declarations and Resumes) Visual Resources.

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

Waste Management

I. INTRODUCTION

- A. **Names:** Joseph Stenger
- B. **Purpose:** This testimony addresses the Waste Management analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Joseph Stenger is presently employed with TRC Companies, Inc. as a Project Director. He has a Bachelor's Degree in Geology and is registered as a Professional Geologist and Environmental Assessor in California and Environmental Manager in Nevada. He has over 20 years of technical consulting and management experience encompassing a wide variety of infrastructure and industrial plants.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Section 6.14** – Waste Management, **Appendix 6.14-A** – Phase I Environmental Site Assessment
- **Exhibit 7** (Orange Grove Project Responses to Data Requests 1-73), **Responses 68-71**, **Exhibit 68-1** – Phase I ESA For Utility Construction Areas, **Exhibit 71-1** – Recycling Facilities.
- **Exhibit 10** (Orange Grove Energy AFC – Responses to Data Requests from the September 11, 2008 Workshop and Other Data Requests, dated October 1, 2008), **page 10**, and
- **Exhibit 18(m)** (Witness Declarations and Resumes) Waste Management.

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

Worker Safety

I. INTRODUCTION

- A. **Names:** Michael Jones, Joseph Stenger
- B. **Purpose:** This testimony addresses the Worker Safety and Fire Protection analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Michael Jones is presently the Director of J-Power USA Development Co. He has a Bachelor's Degree in Marine Engineering and has over 22 years of experience engineering, constructing, and operating power plants.

Joseph Stenger is presently employed with TRC Companies, Inc. as a Project Director. He has a Bachelor's Degree in Geology and is registered as a Professional Geologist and Environmental Assessor in California and Environmental Manager in Nevada. He has over 20 years of technical consulting and management experience encompassing a wide variety of infrastructure and industrial plants.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Section 6.17** – Worker Safety, **Appendix 6.17-A** – Construction Health and Safety Plan Outline, **Appendix 6.17-B** – Emergency Response Plan Outline.
- **Exhibit 7** (Orange Grove Project Responses to Data Requests 1-73), **Responses 72-73**.
- **Exhibit 10** (Orange Grove Energy AFC – Responses to Data Requests from the September 11, 2008 Workshop and Other Data Requests, dated October 1, 2008), **pages 7-8, 11; Attachment 9** – Record of Conversation Regarding Fire Marshal Review of the Proposed Fuel Modification Zones, and
- **Exhibit 18(n)** (Witness Declarations and Resumes) Worker Safety.

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own or that of other professionals that I judge to be qualified. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

As part of my testimony I will be able to discuss the letter contained in the following exhibit:

- **Exhibit 54** (Mercy Medical Transportation, Inc. - Letter Regarding EMS Services, Orange Grove Project; dated September 6, 2008).

Engineering Assessment: Facility Design, Power Plant Efficiency, Power Plant Reliability, Transmission System Engineering

I. INTRODUCTION

- A. **Names:** Michael Jones, Joseph Bondank, Ronald Thomas
- B. **Purpose:** This testimony addresses the Engineering and Facility Design analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Michael Jones is presently the Director of J-Power USA Development Co. He has a Bachelor's Degree in Marine Engineering and has over 22 years of experience engineering, constructing, and operating power plants.

Joseph Bondank is presently employed with Sega Inc. as a Project Manager and Senior Electrical Engineer. He has a Bachelor's Degree in Electrical Engineering, a Bachelor's Degree in Mathematics, a Master's Degree in Engineering Management, and is a Registered Professional Engineer. He has over 16 years of experience providing technical and managerial expertise to civil, mechanical, architectural, and control systems, including power generation projects.

Ronald Thomas is a self-employed consultant who provides supervision and management across all engineering and construction disciplines including power generation. He has numerous professional licenses including a General Engineering Contractor License, and has over 30 years of experience in industrial and process construction.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Sections 2.0, 3.0 & 4.0, Appendices 1-A, 2-A, 2-B, 2-C, 2-D, 2-E.1, 2-E.2.** (Section 2.0 – Generation Facility Description, Design, and Operation; Section 3.0 – Transmission System Design, Safety and Nuisance; Section 4.0 – Facility Closure; Appendix 1-A – Adjacent Land Owners Names and Addresses; Appendix 2-A – Selected Design Drawings; Appendix 2-B – Native Tree and Shrub Species; Appendix 2-C – Process Flow Diagram; Appendix 2-D – System Water Balance; Appendix 2-E.1 – Reclaim

Water Pickup Station Layouts Prepared by Fallbrook Public Utility District; Appendix 2-E.2 – Fresh Water Pickup Station Layouts.)

- **Exhibit 2** (Supplement to the Application for Certification – Orange Grove Project, dated July 2008), **Section 3.0** – Facility Design; **Exhibit D** – Supplemental Information for Foundations, Facility Structures, and Major Mechanical and Electrical Equipment; **Exhibit E** – Dimensions, Surface Area Requirements, and Design Criteria for the Power Generation System, the Heat Dissipation System, Atmospheric Emission Control System, and Switchyards/Transformers
- **Exhibit 6** (Grading Permit Application for the Orange Grove Project, dated August 26, 2008).
- **Exhibit 7** (Orange Grove Project Responses to Data Requests 1-73), **Responses 64 and 73, Exhibits 64-1, 64-2 & 64-3.** (Exhibit 64-1 – Gas Pipeline Details Drawing GP-C852, Exhibit 64-2 – Gas Pipeline Design Drawing GP-803, Exhibit 64-3 – Gas Pipeline Design Drawing GP-802), and
- **Exhibit 18(o)** (Witness Declarations and Resumes) Engineering Assessment: Facility Design, Power Plant Efficiency, Power Plant Reliability, Transmission System Engineering.

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own or that of other professionals that I judge to be qualified. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

As part of my testimony I will be able to discuss the comments contained in the following exhibits:

- **Exhibit 50** (Caltrans - Comments on Orange Grove Project, dated August 13, 2008), and
- **Exhibit 51** (California Regional Water Quality Control Board, San Diego Region - Comments on the Application for Certification for the Orange Grove Power Plant Project, California Energy Commission; dated August 26, 2008).

Engineering Assessment: Geology and Paleontology

I. INTRODUCTION

- A. **Name:** Joseph Stenger
- B. **Purpose:** This testimony addresses the Geologic Hazards and Resources and Paleontology analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Joseph Stenger is presently employed with TRC Companies, Inc. as a Project Director. He has a Bachelor's Degree in Geology and is registered as a Professional Geologist and Environmental Assessor in California and Environmental Manager in Nevada. He has over 20 years of technical consulting and management experience encompassing a wide variety of infrastructure and industrial plants.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Sections 6.3 & 6.8, Appendices 6.3-A through 6.3-D.2.** (Section 6.3 – Geologic Hazards and Resources, Section 6.8 -Paleontological Resources, Appendix 6.3-A – Geotechnical Reports, 6.3-A.1 - Pala Substation Geotechnical Report, 6.3-A.2 - Site Geotechnical Report, Appendix 6.3-B – Geologic Maps (Figures 6.3-B.1 through 6.3-B.6), Appendix 6.3-C – Probabilistic Ground Motions (Color), Appendix 6.3-D – Liquefaction Analysis from Gregory Canyon Landfill EIR, 6.3-D.1 – Location of Borings Tested, 6.3-D.2 – Gregory Canyon Landfill Final EIR Excerpts), and
- **Exhibit 18(p)** (Witness Declarations and Resumes) Engineering Assessment: Geology and Paleontology.

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own or that of other professionals that I judge to be qualified. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

Alternatives

I. INTRODUCTION

- A. **Names:** Joseph Stenger, Michael Jones, Stephen Thome
- B. **Purpose:** This testimony addresses the Alternatives analyses conducted for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Joseph Stenger is presently employed with TRC Companies, Inc. as a Project Director. He has a Bachelor's Degree in Geology and is registered as a Professional Geologist and Environmental Assessor in California and Environmental Manager in Nevada. He has over 20 years of technical consulting and management experience encompassing a wide variety of infrastructure and industrial plants.

Michael Jones is presently the Director of J-Power USA Development Co. He has a Bachelor's Degree in Marine Engineering and has over 22 years of experience engineering, constructing, and operating power plants.

Stephen Thome is presently the Vice President of Development for J-Power USA Development Co. He has a Bachelor's Degree in Civil Engineering, a Master's Degree in Law and Diplomacy, and has over 10 years of experience in power development.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following documents submitted in this proceeding:

- **Exhibit 1** (Orange Grove Project Application for Certification, dated June 2008), **Section 5.0** – Alternatives Analysis, **Appendix 5-A** – SDG&E Project Support Letter.
- **Exhibit 7** (Orange Grove Project Responses to Data Requests 1-73), **Responses 18-21**, **Exhibit 19-1** – Revised Orange Grove Project Application for Certification Figure 5.2-3, **Exhibit 19-2** – revised Orange Grove Project Application for Certification Figure 5.2-4, and
- **Exhibit 18(q)** (Witness Declarations and Resumes) Alternatives Analysis.

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own or that of other professionals that I judge to be qualified. I make these

statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

Conditions of Certification

I. INTRODUCTION

- A. **Names:** Joseph Stenger, Michael Jones
- B. **Purpose:** This testimony addresses the Conditions of Certification for the Orange Grove Project Application for Certification.
- C. **Qualifications:** Joseph Stenger is presently employed with TRC Companies, Inc. as a Project Director. He has a Bachelor's Degree in Geology and is registered as a Professional Geologist and Environmental Assessor in California and Environmental Manager in Nevada. He has over 20 years of technical consulting and management experience encompassing a wide variety of infrastructure and industrial plants.

Michael Jones is presently the Director of J-Power USA Development Co. He has a Bachelor's Degree in Marine Engineering and has over 22 years of experience engineering, constructing, and operating power plants.

II. PRIOR FILINGS

In addition to the statements herein, this testimony includes by reference the following document submitted in this proceeding:

- **Exhibit 19** (Applicant's Comments Regarding Conditions of Certification).

To the best of my knowledge, all of the facts contained in this testimony (including all referenced documents) are true and correct. To the extent this testimony contains opinions, such opinions are my own or that of other professionals that I judge to be qualified. I make these statements, and render these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Docket No. 08-AFC-4

Orange Grove Project

**Declaration of
Elisha Back**

I, Elisha Back, declare as follows:

1. I am presently employed by TRC Companies, Inc. as a Principal of the Natural Sciences and Permitting Group.
2. A copy of my professional qualifications and experience is incorporated by reference in this Declaration.
3. The attached testimony relating to Biological Resources for the Orange Grove Project was either prepared by me or under my direction or, for portions not prepared by me directly or under my direction, I have other direct knowledge of the preparers and judge them to be qualified for their respective contributions.
4. It is my professional opinion that the attached prepared testimony is true and accurate with respect to the issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at Irvine, California on November 17, 2008.



Elisha Back

STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Docket No. 08-AFC-4

Orange Grove Project

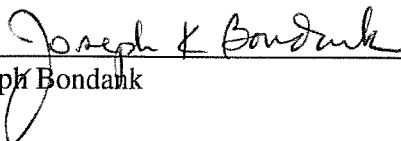
**Declaration of
Joseph Bondank**

I, Joseph Bondank, declare as follows:

1. I am presently employed by Sega Inc. as a Project Manager and Senior Electrical Engineer.
2. A copy of my professional qualifications and experience is incorporated by reference in this Declaration.
3. The attached testimony relating to the Generation Facility Description, Design, Engineering and Operation and related Water Resources for the Orange Grove Project, were either prepared by me or under my direction or, for portions not prepared by me directly or under my direction, I have other direct knowledge of the preparers and judge them to be qualified for their respective contributions.
4. It is my professional opinion that the attached prepared testimony is true and accurate with respect to the issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at

SEGA INC., Stilwell, KS on November 18, 2008.



Joseph Bondank

STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Docket No. 08-AFC-4

Orange Grove Project

**Declaration of
Ruth Davis**

I, Ruth Davis, declare as follows:

1. I am presently employed by TPG Consulting as a Senior Civil Engineer.
2. A copy of my professional qualifications and experience is incorporated by reference in this Declaration.
3. The attached testimony relating to the Traffic and Transportation for the Orange Grove Project was either prepared by me or under my direction or, for portions not prepared by me directly or under my direction, I have other direct knowledge of the preparers and judge them to be qualified for their respective contributions.
4. It is my professional opinion that the attached prepared testimony is true and accurate with respect to the issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at

Dallas, Texas on November 17, 2008.

Ruth Davis
Ruth Davis

STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Docket No. 08-AFC-4

Orange Grove Project

Declaration of
Thomas Jackson

I, Thomas Jackson, declare as follows:

1. I am presently employed by Pacific Legacy Incorporated as a Principal Investigator and Archaeologist.
2. A copy of my professional qualifications and experience is incorporated by reference in this Declaration.
3. The attached testimony relating to Cultural Resources for the Orange Grove Project was either prepared by me or under my direction or, for portions not prepared by me directly or under my direction, I have other direct knowledge of the preparers and judge them to be qualified for their respective contributions.
4. It is my professional opinion that the attached prepared testimony is true and accurate with respect to the issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at Santa Cruz, California on November 17, 2008.


Thomas Jackson

STATE OF CALIFORNIA
Energy Resources
Conservation and Development Commission

In the Matter of:

Docket No. 08-AFC-4

Orange Grove Project

**Declaration of
Michael Jones**

I, Michael Jones, declare as follows:

1. I am presently a Director of J-Power USA Development Co.
2. A copy of my professional qualifications and experience is incorporated by reference in this Declaration.
3. The attached testimony relating to the Facility Description, Design, Engineering and Operation, Soils, Water Resources, Worker Safety, Alternatives and Conditions of Certification for the Orange Grove Project were either prepared by me or under my direction or, for portions not prepared by me directly or under my direction, I have other direct knowledge of the preparers and judge them to be qualified for their respective contributions.
4. It is my professional opinion that the attached prepared testimony is true and accurate with respect to the issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at Castle Rock, Colorado on November 17, 2008.



Michael Jones

STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Docket No. 08-AFC-4

Orange Grove Project

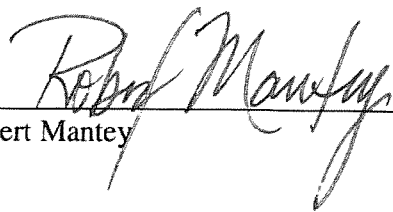
**Declaration of
Robert Mantey**

I, Robert Mantey, declare as follows:

1. I am presently employed by Alliance Acoustical Consultants, Inc. as a Principal Consultant and Project Manager.
2. A copy of my professional qualifications and experience is incorporated by reference in this Declaration.
3. The attached testimony relating to Noise for the Orange Grove Project was either prepared by me or under my direction or, for portions not prepared by me directly or under my direction, I have other direct knowledge of the preparers and judge them to be qualified for their respective contributions.
4. It is my professional opinion that the attached prepared testimony is true and accurate with respect to the issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at

Irvine, California on Nov 17th, 2008.



Robert Mantey

STATE OF CALIFORNIA
Energy Resources
Conservation and Development Commission

In the Matter of:

Docket No. 08-AFC-4

Orange Grove Project

**Declaration of
Doug Murray**

I, Doug Murray declare as follows:

1. I am presently employed by TRC Companies, Inc. as a program manager and expert in areas including air quality planning and analysis, experimental design and field project management, dispersion modeling and model evaluation, air toxics evaluation, and air quality and meteorological monitoring.
2. A copy of my professional qualifications and experience is incorporated by reference in this Declaration.
3. The attached testimony relating to Air Quality and Public Health for the Orange Grove Project were either prepared by me or under my direction or, for portions not prepared by me directly or under my direction, I have other direct knowledge of the preparers and judge them to be qualified for their respective contributions.
4. It is my professional opinion that the attached prepared testimony is true and accurate with respect to the issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at

Windsor, Connecticut on November 17, 2008.



Doug Murray

STATE OF CALIFORNIA
Energy Resources
Conservation and Development Commission

In the Matter of:

Docket No. 08-AFC-4


Orange Grove Project

**Declaration of
Robert Prohaska**

I, Robert Prohaska, declare as follows:

1. I am presently employed by TRC Companies, Inc. as a Project and Program Manager.
2. A copy of my professional qualifications and experience is incorporated by reference in this Declaration.
3. The attached testimony relating to Land Use for the Orange Grove Project was either prepared by me or under my direction or, for portions not prepared by me directly or under my direction, I have other direct knowledge of the preparers and judge them to be qualified for their respective contributions.
4. It is my professional opinion that the attached prepared testimony is true and accurate with respect to the issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at Carlsbad, California on November 17, 2008.


Robert Prohaska

STATE OF CALIFORNIA
Energy Resources
Conservation and Development Commission

In the Matter of:

Docket No. 08-AFC-4


Orange Grove Project

**Declaration of
Todd Stanford**

I, Todd Stanford, declare as follows:

1. I am presently employed by TRC Companies, Inc. as a program manager.
2. A copy of my professional qualifications and experience is incorporated by reference in this Declaration.
3. The attached testimony relating to the Application for Certification, Section 6.15 - Hazardous Materials Handling for the Orange Grove Project (Exhibit 1), was either prepared by me or under my direction or, for portions not prepared by me directly or under my direction, I have other direct knowledge of the preparers and judge them to be qualified for their respective contributions.
4. It is my professional opinion that the attached prepared testimony is true and accurate with respect to the issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at Chatsworth, California on November 17, 2008.



Todd Stanford

STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Docket No. 08-AFC-4

Orange Grove Project

**Declaration of
Joseph Stenger**

I, Joseph Stenger, declare as follows:

1. I am presently employed by TRC Companies, Inc. as a Project Director.
2. A copy of my professional qualifications and experience is incorporated by reference in this Declaration.
3. The attached testimony relating to the Generation Facility Description, Design, and Operation, Alternatives, Geologic Hazards and Resources, Agriculture and Soils, Water Resources, Cultural Resources, Paleontologic Resources, Land Use, Socioeconomics, Traffic and Transportation, Visual Resources, Waste Management, Hazardous Materials Handling, Worker Safety and Conditions of Certification for the Orange Grove Project, were either prepared by me or under my direction or, for portions not prepared by me directly or under my direction, I have other direct knowledge of the preparers and judge them to be qualified for their respective contributions.
4. It is my professional opinion that the attached prepared testimony is true and accurate with respect to the issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at Los Osos, California on November 17, 2008.



Joseph Stenger

STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Docket No. 08-AFC-4


Orange Grove Project

Declaration of
Ronald Thomas

I, Ronald Thomas, declare as follows:

1. I am a self-employed consultant who provides supervision and management expertise on matters related to engineering and construction.
2. A copy of my professional qualifications and experience is incorporated by reference in this Declaration.
3. I will be available to assist in answering questions related to project design, engineering and construction.
4. It is my professional opinion that the attached prepared testimony is true and accurate with respect to the issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at SAN MARCOS, CALIFORNIA on Nov. 16, 2008.



Ronald Thomas

STATE OF CALIFORNIA
Energy Resources
Conservation and Development Commission

In the Matter of:

Docket No. 08-AFC-4

Orange Grove Project

Declaration of
Stephen Thome

I, Stephen Thome, declare as follows:

1. I am presently the Vice President of Development for J-Power USA Development Co.
2. A copy of my professional qualifications and experience is incorporated by reference in this Declaration.
3. The attached testimony relating to the Generation Facility Description Design and Alternatives Analysis for the Orange Grove Project were prepared with my input and under my direction.
4. It is my professional opinion that the attached prepared testimony is true and accurate with respect to the issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at

Schaumburg, Illinois on November 17, 2008.



Stephen Thome

STATE OF CALIFORNIA
Energy Resources
Conservation and Development Commission

In the Matter of:

Docket No. 08-AFC-4

Orange Grove Project


**Declaration of
Wendy Tinsley**

I, Wendy Tinsley, declare as follows:

1. I am a Principal Historian / Preservation Planner with Urbana Preservation and Planning.
2. A copy of my professional qualifications and experience is incorporated by reference in this Declaration.
3. The attached testimony relating to Cultural Resources for the Orange Grove Project was either prepared by me or under my direction or, for portions not prepared by me directly or under my direction, I have other direct knowledge of the preparers and judge them to be qualified for their respective contributions.
4. It is my professional opinion that the attached prepared testimony is true and accurate with respect to the issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at

San Diego California on November 17, 2008.



Wendy Tinsley

STATE OF CALIFORNIA
Energy Resources
Conservation and Development Commission

In the Matter of:

Docket No. 08-AFC-4

Orange Grove Project

**Declaration of
Karen Vetrano**

I, Karen Vetrano, declare as follows:

1. I am presently employed by TRC Companies, Inc. as a toxicology expert.
2. A copy of my professional qualifications and experience is incorporated by reference in this Declaration.
3. The attached testimony relating to Public Health for the Orange Grove Project was either prepared by me or under my direction.
4. It is my professional opinion that the attached prepared testimony is true and accurate with respect to the issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at

Windsor, CT on November 17, 2008.



Karen Vetrano

STATE OF CALIFORNIA
Energy Resources
Conservation and Development Commission

In the Matter of:

Docket No. 08-AFC-4

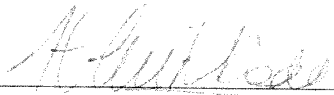
Orange Grove Project

**Declaration of
H. Ceri Williams-Dodd**

I, H. Ceri Williams-Dodd, declare as follows:

1. I am presently employed by Vandermost Consulting Services, Inc. as Project Manager and Senior Biologist.
2. A copy of my professional qualifications and experience is incorporated by reference in this Declaration.
3. The attached testimony relating to the Biological Resources for the Orange Grove Project was either prepared by me or under my direction or, for portions not prepared by me directly or under my direction, I have other direct knowledge of the preparers and judge them to be qualified for their respective contributions.
4. It is my professional opinion that the attached prepared testimony is true and accurate with respect to the issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at _____, 9:30am on November 18, 2008.



H. Ceri Williams-Dodd

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION
ORANGE GROVE POWER PLANT**

DOCKET NO. 08-AFC-4

**PROOF OF SERVICE
(Revised 10/27/08)**

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-4
1516 Ninth Street, MS-15
Sacramento, CA 95814-5512
docket@energy.state.ca.us

<p><u>APPLICANT</u></p> <p>Stephen Thome J-Power USA Development 1900 East Golf Road, Suite 1030 Schaumburg, IL 60173 sthome@jpowerusa.com</p>	<p><u>COUNSEL FOR APPLICANT</u></p> <p>Jane Luckhardt Downey Brand, LLP 621 Capital Mall, 18th Floor Sacramento, CA 95814 jluckhardt@downeybrand.com</p>
<p>Mike Dubois J-Power USA Development 1900 East Golf Road, Suite 1030 Schaumburg, IL 60173 mdubois@jpowerusa.com</p>	<p>Wayne Song Morgan, Lewis & Bockius LLP 300 S Grand Avenue, 22nd Floor Los Angeles, CA 90071 wsong@morganlewis.com</p>
<p><u>APPLICANT CONSULTANT</u></p> <p>Joe Stenger, PG. REA TRC 21 Technology Drive Irvine, CA 92619 usingh@trcsolutions.com</p>	<p><u>INTERESTED AGENCIES</u></p> <p>Ca. Independent System Operator 151 Blue Ravine Road Folsom, CA 95630 e-recipient@caiso.com</p>

Steve Taylor San Diego Gas & Electric 8306 Century Park Court San Diego, CA 92123 srtaylor@semprautilities.com	<u>ENERGY COMMISSION</u> JAMES D. BOYD Presiding Member jboyd@energy.state.ca.us
	ARTHUR ROSENFELD Associate Member pflint@energy.state.ca.us
<u>INTERVENORS</u> Anthony J. Arand 219 Rancho Bonito Fallbrook, CA 92028 (760) 728-7388 Voice tony@envirepel.com	Kenneth Celli Hearing Officer kcelli@energy.state.ca.us Felicia Miller Project Manager fmiller@energy.state.ca.us
Alliance for a Cleaner Tomorrow (ACT) c/o Arthur S. Moreau, Klinedinst, PC 501 West Broadway, Suite 600 San Diego, CA 92101 amoreau@klinedinstlaw.com	Jared Babula Staff Counsel jbabula@energy.state.ca.us Public Adviser's Office pao@energy.state.ca.us
Archie D. McPhee 40482 Gavilan Mountain Road Fallbrook, CA 92028 ArchieD1@earthlink.net	


DECLARATION OF SERVICE

I, Lois Navarrot, declare that on November 18, 2008, I deposited a copy of the attached **Applicant's Testimony** in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of the California Code of Regulations, title 20, sections 1209, 1209.5 and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

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



Lois Navarrot