

State of California

Energy Resources Conservation and Development Commission

In the Matter of:)
Application for Small Power Plant)
Exemption for the Riverside)
Energy Resources Center)
Units 3 & 4)

Docket No. 08-SPPE-1

STAFF'S COMPLETE
PROPOSED CONDITIONS
OF EXEMPTION

DOCKET 08-SPPE-1
DATE DEC 22 2008
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Staff's Proposed Conditions of Exemption

The December 3, 2008 Notice of Prehearing Conference and Evidentiary Hearing and Prehearing Conference order issued by the Committee overseeing the application for Small Power Plant Exemption ordered staff to provide a complete set of all proposed Conditions of Exemption with all changes made since the publication of the Initial Study shown in underline and strikeout format. The Committee stated that the Conditions of Exemption shall be provided in printed format to all parties, the Committee, and the Hearing Adviser. Furthermore, the Committee requested that the Conditions of Exemption be provided electronically, in Word format, to the Hearing Adviser. The Word format version was ordered to contain a clean, final version without underline and stikeout markings.

What follows is: a) a complete list of proposed Conditions of Exemption in underline and strikeout format, indicating the changes made since initial publication; and b) a complete list of proposed Conditions of Exemption in a clean, final version without underline and strikeout markings. Please note that headings are underlined for in both versions.

The Committee requested that any Conditions of Exemption which are still in dispute be shown in red, accompanied by a brief description of the dispute. No Conditions of Exemption are in dispute.

UNDERLINE AND STRIKEOUT:

PROPOSED AIR QUALITY CONDITIONS OF EXEMPTION

AQ-SC1 Air Quality Construction Mitigation Manager (AQCMM): The project owner shall designate and retain an on-site AQCMM who shall be responsible for directing and documenting compliance with conditions AQ-SC3, AQ-SC4 and AQ-SC5 for the entire project site and linear facility construction. The on-site AQCMM may delegate responsibilities to one or more AQCMM Delegates. The AQCMM and AQCMM Delegates shall have full access to all areas of construction on the project site and linear facilities, and shall have the

authority to stop any or all construction activities as warranted by applicable construction mitigation conditions. The AQCMM and AQCMM Delegates may have other responsibilities in addition to those described in this condition. The AQCMM shall not be terminated without written consent of the CPM.

Verification: At least 60 days prior to the start of ground disturbance, the project owner shall submit to the CPM for approval, the name, resume, qualifications, and contact information for the on-site AQCMM and all AQCMM Delegates. The AQCMM and all Delegates must be approved by the CPM before the start of ground disturbance.

AQ-SC2 Air Quality Construction Mitigation Plan (AQCMP): The project owner shall provide an AQCMP, for approval, which details the steps that will be taken and the reporting requirements necessary to ensure compliance with conditions AQ-SC3, AQ-SC4 and AQ-SC5.

Verification: At least 60 days prior to the start of any ground disturbance, the project owner shall submit the AQCMP to the CPM for approval. The CPM will notify the project owner of any necessary modifications to the plan within 30 days from the date of receipt. The AQCMP must be approved by the CPM before the start of ground disturbance.

AQ-SC3 Construction Fugitive Dust Control: The AQCMM shall submit documentation to the CPM in each Monthly Compliance Report (MCR) that demonstrates compliance with the following mitigation measures for the purposes of preventing all fugitive dust plumes from leaving the project site and linear facility routes. Any deviation from the following mitigation measures shall require prior CPM notification and approval.

- A. All unpaved roads and disturbed areas in the project and linear construction sites shall be watered as frequently as necessary to comply with the dust mitigation objectives of AQ-SC4. The frequency of watering may be reduced or eliminated during periods of precipitation.
- B. No vehicle shall exceed 10 miles per hour within the construction site.
- C. The construction site entrances shall be posted with visible speed limit signs.
- D. All construction equipment vehicle tires shall be inspected and washed as necessary to be cleaned free of dirt prior to entering paved roadways.
- E. Gravel ramps of at least 20 feet in length must be provided at the tire washing/cleaning station.
- F. All unpaved exits from the construction site shall be graveled or treated to prevent track-out to public roadways.
- G. All construction vehicles shall enter the construction site through the treated entrance roadways, unless an alternative route has been submitted to and approved by the CPM.

- H. Construction areas adjacent to any paved roadway shall be provided with sandbags or other measures as specified in the Storm Water Pollution Prevention Plan (SWPPP) to prevent run-off to roadways.
- I. All paved roads within the construction site shall be swept at least twice daily (or less during periods of precipitation) on days when construction activity occurs to prevent the accumulation of dirt and debris.
- J. At least the first 500 feet of any public roadway exiting from the construction site shall be swept at least twice daily (or less during periods of precipitation) on days when construction activity occurs or on any other day when dirt or runoff from the construction site is visible on the public roadways.
- K. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.
- L. All vehicles that are used to transport solid bulk material on public roadways and that have the potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least two feet of freeboard.
- M. Wind erosion control techniques (such as windbreaks, water, chemical dust suppressants, and/or vegetation) shall be used on all construction areas that may be disturbed. Any windbreaks installed to comply with this condition shall remain in place until the soil is stabilized or permanently covered with vegetation.

Verification: The project owner shall include in the MCR (1) a summary of all actions taken to maintain compliance with this condition, (2) copies of any complaints filed with the air district in relation to project construction, and (3) any other documentation deemed necessary by the CPM and AQCMM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.

AQ-SC4 Dust Plume Response Requirement: The AQCMM or an AQCMM Delegate shall monitor all construction activities for visible dust plumes. Observations of visible dust plumes that have the potential to be transported (1) off the project site or (2) 200 feet beyond the centerline of the construction of linear facilities or (3) within 100 feet upwind of any regularly occupied structures not owned by the project owner indicate that existing mitigation measures are not resulting in effective mitigation. The AQCMM or Delegate shall implement the following procedures for additional mitigation measures in the event that such visible dust plumes are observed:

Step 1: The AQCMM or Delegate shall direct more intensive application of the existing mitigation methods within 15 minutes of making such a determination.

Step 2: The AQCMM or Delegate shall direct implementation of additional methods of dust suppression if Step 1 specified above fails to result in adequate mitigation within 30 minutes of the original determination.

Step 3: The AQCMM or Delegate shall direct a temporary shutdown of the activity causing the emissions if Step 2 specified above fails to result in effective mitigation within one hour of the original determination. The activity shall not restart until the AQCMM or Delegate is satisfied that appropriate additional mitigation or other site conditions have changed so that visual dust plumes will not result upon restarting the shutdown source. The owner/operator may appeal to the CPM any directive from the AQCMM or Delegate to shut down an activity, provided that the shutdown shall go into effect within one hour of the original determination, unless overruled by the CPM before that time.

Verification: The AQCMP shall include a section detailing how the additional mitigation measures will be accomplished within the time limits specified.

AQ-SC5 Diesel-Fueled Engines Control: The AQCMM shall submit to the CPM, in the MCR, a construction mitigation report that demonstrates compliance with the following mitigation measures for the purposes of controlling diesel construction-related emissions. Any deviation from the following mitigation measures shall require prior CPM notification and approval.

- A. All diesel-fueled engines used in the construction of the facility shall be fueled only with ultra-low sulfur diesel, which contains no more than 15 ppm sulfur.
- B. All diesel-fueled engines used in the construction of the facility shall have clearly visible tags issued by the on-site AQCMM showing that the engine meets the conditions set forth herein.
- C. All construction diesel engines, which have a rating of 50 hp or more, shall meet, at a minimum, the Tier 2 California Emission Standards for Off-Road Compression-Ignition Engines as specified in California Code of Regulations, Title 13, section 2423(b)(1) unless certified by the on-site AQCMM that such engine is not available for a particular item of equipment. In the event a Tier 2 engine is not available for any off-road engine larger than 50 hp, that engine shall be equipped with a Tier 1 engine. In the event a Tier 1 engine is not available for any off-road engine larger than 50 hp, that engine shall be equipped with a catalyzed diesel particulate filter (soot filter), unless certified by engine manufacturers or the on-site AQCMM that the use of such devices is not practical for specific engine types. For purposes of this condition, the use of such devices is "not practical" if, among other reasons:
 1. There is no available soot filter that has been certified by either the California Air Resources Board or U.S. Environmental Protection Agency for the engine in question; or

2. The construction equipment is intended to be on-site for ten (10) days or less.
 3. The CPM may grant relief from this requirement if the AQCMM can demonstrate that they have made a good faith effort to comply with this requirement and that compliance is not possible.
- D. The use of a soot filter may be terminated immediately if one of the following conditions exists, provided that the CPM is informed within ten (10) working days of the termination:
1. The use of the soot filter is excessively reducing normal availability of the construction equipment due to increased downtime for maintenance, and/or reduced power output due to an excessive increase in backpressure.
 2. The soot filter is causing or is reasonably expected to cause significant engine damage.
 3. The soot filter is causing or is reasonably expected to cause a significant risk to workers or the public.
 4. Any other seriously detrimental cause which has the approval of the CPM prior to the termination being implemented.
- E. All heavy earthmoving equipment and heavy duty construction related trucks with engines meeting the requirements of (c) above shall be properly maintained and the engines tuned to the engine manufacturer's specifications.
- F. All diesel heavy construction equipment shall not remain running at idle for more than five minutes, to the extent practical.

Verification: The project owner shall include in the MCR (1) a summary of all actions taken to maintain compliance with this condition, (2) copies of all diesel fuel purchase records, (3) a list of all heavy equipment used on site during that month, including the owner of that equipment and a letter from each owner indicating that equipment has been properly maintained, and (4) any other documentation deemed necessary by the CPM and AQCMM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.

AQ-SC6 The project owner shall provide the Energy Commission Compliance Project Manager (CPM) copies of all District issued air quality permits, construction and operation permits, for the facility.

The project owner shall submit to the CPM for review ~~and approval~~ any modification proposed by the project owner to any project air permit. The project owner shall submit to the CPM any modification to any permit proposed by the District or U.S. EPA, and any revised permit issued by the District or U.S. EPA, for the project.

Verification: The project owner shall submit any air quality permit and any proposed air permit modification to the CPM within five working days of its submittal either by (1) the project owner to an agency, or (2) receipt of proposed modifications from an agency. The project owner shall submit all modified air permits to the CPM within 15 days of receipt.

AQ-SC7 Until the ARB enacts a program to report and restrict GHG emissions from the electricity sector under the California Global Warming Solutions Act of 2006 (AB32), the project owner shall either participate in a climate action registry approved by the CPM or report on an annual basis to the CPM the quantity of greenhouse gases (GHG) emitted as a direct result of facility electricity production. When ARB's GHG reporting regulations become effective, the project owner shall comply with the requirements of that GHG program, and the reporting requirements of this condition of exemption shall cease, provided that the Energy Commission continues to receive the data required by the ARB program. Until then, the project owner shall do what is described in the following paragraphs.

The project owner shall maintain a record of fuel types and carbon content used on-site for the purpose of power production. These fuels shall include but are not limited to each fuel type burned: (1) in combustion turbines, (2) HRSGs (if applicable) or auxiliary boiler (if applicable), (3) internal combustion engines, (4) flares, and (5) for the purpose of startup, shutdown, operation or emission controls.

The project owner may perform annual source tests of CO₂ and CH₄ emissions from the exhaust stacks while firing the facility's primary fuel, using the following test methods or other test methods as approved by the CPM. The project owner shall produce fuel-based emission factors in units of lbs CO₂ equivalent per MMBtu of fuel burned from the annual source tests. If a secondary fuel is approved for the facility, the project owner may also perform these source tests while firing the secondary fuel.

Pollutant	Test Method
CO ₂	EPA Method 3A
CH ₄	EPA Method 18 (POC measured as CH ₄)

As an alternative to performing annual source tests, the project owner may use the Intergovernmental Panel on Climate Change (IPCC) Methodologies for Estimating Greenhouse Gas Emissions (MEGGE). If MEGGE is chosen, the project owner shall calculate the CO₂, CH₄ and N₂O emissions using the appropriate fuel-based carbon content coefficient (for CO₂) and the appropriate fuel-based emission factors (for CH₄ and N₂O).

The project owner shall convert the N₂O and CH₄ emissions into CO₂ equivalent emissions using the current IPCC Global Warming Potentials (GWP). The project owner shall maintain a record of all SF₆ that is used for replenishing on-site high voltage equipment. At the end of each reporting period, the project owner shall total the mass of SF₆ used and convert that to a CO₂ equivalent emission using the IPCC GWP for SF₆. The project owner shall maintain a record of all PFCs and HFCs that are used for replenishing on-site refrigeration and chillers directly related to electricity production. At the end of each reporting period, the project owner shall total the mass of PFCs and HFCs used and not recycled and convert that to a CO₂ equivalent emission using the IPCC GWP.

On an annual basis, the project owner shall report the CO₂ and CO₂ equivalent emissions from the described emissions of CO₂, N₂O, CH₄, SF₆, PFCs, and HFCs.

Verification: The project annual GHG emissions shall be reported as required by the ARB under the California Global Warming Solutions Act of 2006 (AB32) and, until such requirements are enacted, as a CO₂ equivalent, by the project owner to a climate action registry approved by the Energy Commission, or to the Energy Commission by January 31st for each previous year's GHG emission inventory.

PROPOSED CULTURAL CONDITION OF EXEMPTION

CUL-1 During and after construction, the project owner shall fulfill the requests received by the RPU and by Energy Commission staff from Native American tribes, groups, or individuals to:

- be consulted if significant cultural resources are found;
- be consulted on the formulation of any archaeological treatment plan required for discovered cultural resources found to be significant;
- receive copies of all project-related archaeological reports and site records;
- engage in consultation with the project owner and the City of Riverside's Energy Commission Compliance Manager (CoRCM) regarding the treatment and disposition of any recovered artifacts; and
- be involved in all cultural resources consultation throughout the project.

Verification: No later than 30 days following the discovery of any Native American cultural materials or the completion of any archaeological reports or records concerning Native American cultural resources, the project owner shall submit to the Energy Commission's Compliance Project Manager (CPM) copies of the transmittal letters sent to the Chairperson of the Native American tribes or groups to whom the requested information and/or copies of reports and records were sent. Additionally, the project owner shall submit to the CPM copies of letters of transmittal for all subsequent

responses to Native American requests for notification and consultation, and copies of any agreements or other joint documents.

PROPOSED HAZARDOUS MATERIALS CONDITIONS OF EXEMPTION

HAZ-1 The project owner shall not use any hazardous material not listed in Appendix A below unless approved in advance by the Riverside County Community Health Agency, Department of Environmental Health.

Verification: The project owner shall provide to the Riverside County Community Health Agency, Department of Environmental Health, in the Annual Compliance Report, a list of hazardous materials contained at the facility that are used in the new equipment installed as part of the project, in reportable quantities.

HAZ-2 The project owner shall update the existing Business Plan and submit to the local Certified Unified Program Agency (CUPA), the Riverside County Community Health Agency, Department of Environmental Health.

Verification: At least 60 days prior to first receiving any hazardous material on the Project Site, the project owner shall provide a copy of a final Business Plan to the Riverside County Community Health Agency, Department of Environmental Health.

HAZ-3 The project owner shall submit to the Riverside County Community Health Agency, Department of Environmental Health, a copy of the Project Construction Safety and Health Program containing the following:

- a Construction Personal Protective Equipment Program;
- a Construction Exposure Monitoring Program;
- a Construction Injury and Illness Prevention Program;
- a Construction Emergency Action Plan; and
- a Construction Fire Prevention Plan.

The Personal Protective Equipment Program, the Exposure Monitoring Program, and the Injury and Illness Prevention Program shall be submitted to the Riverside County Community Health Agency, Department of Environmental Health for review and approval concerning compliance of the programs with all applicable Safety Orders. The Construction Emergency Action Plan and the Fire Prevention Plan shall be submitted to the Riverside County Fire Department for review and comment prior to submittal to the Riverside County Community Health Agency, Department of Environmental Health for approval.

Verification: At least 30 days prior to the start of construction, the project owner shall submit to the Riverside County Community Health Agency, Department of Environmental Health for review and approval a copy of the Project Construction Safety and Health Program. The project owner shall provide a copy of a letter to the Riverside County Community Health Agency, Department of Environmental Health from the

Riverside Fire Department stating the Fire Department's comments on the Construction Fire Prevention Plan and Emergency Action Plan.

HAZ-4 The project owner shall submit to the Riverside County Community Health Agency, Department of Environmental Health a copy of the Project Operations and Maintenance Safety and Health Program containing the following:

- an Operation Injury and Illness Prevention Plan;
- an Emergency Action Plan;
- a Hazardous Materials Management Program;
- an Operation Fire Prevention Program (8 CCR § 3221); and
- a Personal Protective Equipment Program (8 CCR §§ 3401-3411).

The Operation Injury and Illness Prevention Plan, Emergency Action Plan, and Personal Protective Equipment Program shall be submitted to the Riverside County Community Health Agency, Department of Environmental Health for review and comment concerning compliance of the programs with all applicable Safety Orders. The Operation Fire Prevention Plan, the Hazardous Materials Management Program, and the Emergency Action Plan shall also be submitted to the Riverside Fire Department for review and comment.

Verification: At least 30 days prior to the start of first-fire or commissioning, the project owner shall submit to the Riverside County Community Health Agency, Department of Environmental Health for approval a copy of the Project Operations and Maintenance Safety and Health Program. The project owner shall provide a copy of a letter to the Riverside County Community Health Agency, Department of Environmental Health from the Riverside Fire Department stating the Fire Department's comments on the Operations Fire Prevention Plan and Emergency Action Plan.

HAZ-5 The project owner shall provide a site Construction Safety Supervisor (CSS) who, by way of training and/or experience, is knowledgeable of power plant construction activities and relevant laws, ordinances, regulations, and standards; is capable of identifying workplace hazards relating to the construction activities; and has authority to take appropriate action to assure compliance and mitigate hazards. The CSS shall:

- have overall authority for coordination and implementation of all occupational safety and health practices, policies, and programs;
- assure that the safety program for the project complies with Cal/OSHA and federal regulations related to power plant projects;
- assure that all construction and commissioning workers and supervisors receive adequate safety training;

- complete accident and safety-related incident investigations and emergency response reports for injuries and inform the Riverside County Community Health Agency, Department of Environmental Health of safety-related incidents; and
- assure that all the plans identified in Conditions of Certification Worker Safety-1 and -2 are implemented.

Verification: At least 30 days prior to the start of site mobilization, the project owner shall submit to the Riverside County Community Health Agency, Department of Environmental Health the name and contact information for the Construction Safety Supervisor (CSS). The contact information of any replacement (CSS) shall be submitted to the Riverside County Community Health Agency, Department of Environmental Health within one business day.

The CSS shall submit in a Monthly Compliance Report a monthly safety inspection report to include:

- record of all employees trained for that month (all records shall be kept on site for the duration of the project);
- summary report of safety management actions and safety-related incidents that occurred during the month;
- report of any continuing or unresolved situations and incidents that may pose danger to life or health; and
- report of accidents and injuries that occurred during the month.

HAZ-6 The project owner shall make payments to the Chief Building Official (CBO) for the Riverside County Community Health Agency, Department of Environmental Health for the services of a Safety Monitor based upon a reasonable fee schedule to be negotiated between the project owner and the CBO. Those services shall be in addition to other work performed by the CBO. The Safety Monitor shall be selected by and report directly to the CBO and will be responsible for verifying that the Construction Safety Supervisor, as required in Condition of Certification **HAZ-5**, implements all appropriate Cal/OSHA and local safety requirements. The Safety Monitor shall conduct on-site (including linear facilities) safety inspections at intervals necessary to fulfill those responsibilities.

Verification: Prior to the start of construction, the project owner shall provide proof of its agreement to fund the Safety Monitor services to the Riverside County Community Health Agency, Department of Environmental Health for review and approval.

PROPOSED NOISE CONDITIONS OF EXEMPTION

NOISE-1 At least 15 days prior to the start of ground disturbance, the project owner shall notify all residents within $\frac{3}{4}$ mile of the site and $\frac{1}{2}$ mile of the linear facilities, by mail or other effective means, of the commencement of project

construction. At the same time, the project owner shall establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction and operation of the project. If the telephone is not staffed 24 hours per day, the project owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the project site during construction in a manner visible to passersby. This telephone number shall be maintained until the project has been operational for at least one year.

Verification: Prior to ground disturbance, the project owner shall transmit to the Compliance Project Manager (CPM) a statement, signed by the project owner's project manager, stating that the above notification has been performed, and describing the method of that notification, verifying that the telephone number has been established and posted at the site, and giving that telephone number.

NOISE COMPLAINT PROCESS

NOISE-2 Throughout the construction and operation of the project, the project owner shall document, investigate, evaluate, and attempt to resolve all project related noise complaints.

The project owner or authorized agent shall:

- Use the Noise Complaint Resolution Form (see Exhibit 1), or functionally equivalent procedure acceptable to the CPM, to document and respond to each noise complaint;
- Attempt to contact the person(s) making the noise complaint within 24 hours;
- Conduct an investigation to determine the source of noise related to complaint;
- If the noise is project related, take all feasible measures to reduce the noise at its source; and
- Submit a report documenting the complaint and the actions taken. The report shall include: a complaint summary, including final results of noise reduction efforts; and, if obtainable, a signed statement by the complainant stating that the noise problem is resolved to the complainant's satisfaction.

Verification: Within 30 days of receiving a complaint, project owner shall file a copy of the Noise Complaint Resolution Form, with the City of Riverside Planning Department and with the CPM, documenting the resolution of the complaint. If mitigation is required to resolve a complaint, and the complaint is not resolved within a 30-day

period, the project owner shall submit an updated Noise Complaint Resolution Form when the mitigation is finally implemented.

NOISE-3 The project design and implementation shall include appropriate noise mitigation measures adequate to ensure that noise due solely to operation of the project during the quietest 4-hour period will not exceed 43 dBA when measured at residential receivers at noise monitoring location LT-1; that noise due solely to operation of the project will not exceed 51 dBA when measured at the recreational trail north of the site (ST-5); and that the noise due solely to operation of the project will comply with the noise standards of the City of Riverside Municipal Code and the Riverside County General Plan Noise Element.

No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints. The production of pure tones during normal plant operation is not allowed.

Within 30 days of the project first achieving a sustained output of 80 percent or greater of rated capacity, the project owner shall conduct a 25-hour community noise survey at monitoring locations LT-1 and ST-5. The survey during the power plant operations shall also include measurement of one-third octave band sound pressure levels to ensure that no new pure-tone noise components have been introduced.

If the results from the noise survey indicate that the noise produced by the project exceeds 43 dBA at location LT-1 for the quietest 4-hour period during the 25-hour period; that the noise produced by the project exceeds 51 dBA at the recreational trail north of the site; or that the noise standards of the City of Riverside Municipal Code or the Riverside County General Plan Noise Element have been exceeded, mitigation measures shall be implemented to reduce noise to a level of compliance with these limits. If any pure tones are present, mitigation measures shall be implemented to eliminate the pure tones.

Verification: Within 15 days after completing the survey, the project owner shall submit a summary report of the survey to the City of Riverside Planning Department, to the Riverside County Planning Department, and to the CPM. Included in the report shall be a description of any additional mitigation measures necessary to achieve compliance with the above listed noise limits, and a schedule, ~~subject to CPM approval,~~ for implementing these measures. Within 15 days of completion of installation of these measures, the project owner shall submit to the CPM a summary report of a new noise survey, performed as described above and showing compliance with this condition.

PROPOSED PUBLIC HEALTH CONDITION OF EXEMPTION

Public Health-1: The project owner shall develop and implement a Cooling Water Management Plan to ensure that the potential for bacterial growth in Units 3 and 4's cooling water is kept to a minimum. The Plan shall be consistent with either Staff's "Cooling Water Management Program Guidelines" or with the Cooling Technology Institute's "Best Practices for Control of *Legionella*" guidelines.

Verification: At least 30 days prior to the commencement of cooling tower operations, the Cooling Water Management Plan shall be provided to the Compliance Project Manager for review and approval.

PROPOSED SOIL & WATER CONDITIONS OF EXEMPTION

SOIL & WATER-1: RERC 3&4 shall use recycled water for all non-potable plant construction and operation uses including cooling and landscape irrigation. The RERC 3&4 shall comply with all requirements of Title 22 and Title 17 California Code of Regulations. Prior to delivery of recycled water to the RERC 3&4 for any purpose, the owner shall submit a Title 22 Engineer's Report and copies of any review comments from the review by the Department of Public Health (DPH) and the Santa Ana Regional Water Quality Control Board (RWQCB), for review and approval by the CPM.

Verification: Prior to beginning any site mobilization activities, the project owner shall submit to the CPM the water supply and distribution system design and Engineer's Report for the Production, Distribution and Use of Recycled Water and copies of any comments from DPH and the Santa Ana RWQCB for review and approval by the CPM. The water supply and distribution system design shall be included in the final design drawings submitted to the CPM.

The Engineer's Report for the Production, Distribution and Use of Recycled Water shall be prepared in accordance with Title 22 and Title 17 of the CA Code of Regulations, the Health and Safety Code, and the Water Code. The project owner shall comply with any reporting and inspection requirements set forth by the DPH and Santa Ana RWQCB to fulfill statutory requirements. The project owner shall submit copies to the CPM of all correspondence between themselves and DPH or the Santa Ana RWQCB within 10 days of receipt or submittal.

SOIL & WATER-2: The project owner shall comply with the requirements of the general National Pollutant Discharge Elimination System (NPDES) permit for discharge of storm water associated with construction activity. The project owner shall develop and implement a construction storm water pollution prevention plan (construction SWPPP) for the construction of the Riverside 3&4 site, laydown area, and all linear facilities.

Verification: The project owner shall submit to the CPM a copy of the construction SWPPP prior to site mobilization and retain a copy on site. The project

owner shall submit copies to the compliance project manager (CPM) of all correspondence between the project owner and the Santa Ana Regional Water Quality Control Board regarding the NPDES permit for the discharge of storm water associated with construction activity within 10 days of its receipt or submittal. Copies of correspondence shall include the notice of intent sent to the State Water Resources Control Board, and the Board's confirmation letter indicating receipt and acceptance of the notice of intent.

SOIL & WATER-3: The project owner shall comply with the requirements of the general NPDES permit for discharges of storm water associated with industrial activity. The project owner shall develop and implement an industrial storm water pollution prevention plan for the operation of the Riverside 3&4.

Verification: The project owner shall submit to the CPM a copy of the industrial SWPPP for operation of the Riverside 3&4 prior to commercial operation, and shall retain a copy on site. The project owner shall submit copies to the CPM of all correspondence between the project owner and the SARWQCB regarding the general NPDES permit for discharge of storm water associated with industrial activity within 10 days of its receipt or submittal. Copies of correspondence shall include the Notice of Intent sent by the project owner to the State Water Resources Control Board.

SOIL & WATER-4: The project owner shall treat all process waste water streams with a zero liquid discharge (ZLD) system consisting of self-contained portable mixed bed ion exchange vessels, that results in a concentrated saline (brine) liquid. The concentrated liquid waste shall be appropriately characterized and its waste classification determined. Once classified, the waste will be hauled from the site and disposed of in an appropriately licensed disposal facility. These portable ZLD units will be periodically exchanged for regeneration off-site. Surface or subsurface disposal of process waste water from the Riverside 3&4 is prohibited.

Verification: At least 60 days prior to the start of commercial operation, the project owner shall prepare a ZLD management plan for review ~~and approval~~ by the CPM. The ZLD management plan shall be updated by the project owner and submitted to the CPM for review ~~and approval~~ if a change in water source or infrastructure is needed.

In the annual compliance report, the project owner shall submit a status report on operation of the ZLD system, including dates and length of disruptions, maintenance ~~activities performed, and~~ volumes of interim waste water streams stored on site, if any. ~~monthly volumes of residual brine generated, and results of at least one annual sampling and characterization of the brine, comparing the constituent concentrations to the permit limits of the disposal facility.~~ The annual compliance report shall contain an evaluation of whether the ZLD is being operated within the parameters described in the ZLD management plan. The ZLD management plan shall be updated by the project owner if the CPM has determined it is necessary based on the project owner's annual compliance report(s).

PROPOSED TRAFFIC CONDITIONS OF EXEMPTION

TRANS-1 The project owner shall update and implement a construction traffic control plan for the project in coordination with the city of Riverside and Caltrans. Specifically, the overall traffic control plan shall be designed to:

- schedule heavy vehicle equipment and building materials deliveries to occur during off-peak hours to the extent feasible;
- ensure that construction workers do not use the Jurupa Avenue/Van Buren Boulevard intersection during peak traffic periods; and
- encourage heavy vehicles and vehicles transporting hazardous materials to proceed from SR-60 to Van Buren Boulevard, and then proceed east on Jurupa Avenue, and north on Payton Avenue to the project site.

Verification: At least 45 days prior to the start of ground disturbance the project owner shall provide to the city of Riverside and Caltrans for review and comment, and to the CPM for review and approval, a copy of its construction-traffic control plan.

TRANS-2 The cooling tower stacks and cooling tower cells shall have red obstruction lights installed so that they are visible to pilots during night time or periods of darkness.

Verification: At least 30 days prior to the start of operation, the project owner shall provide documentation and photographs that demonstrate the obstruction lights have been installed. The project owner shall restore all public roads, easements, and rights-of-way that have been damaged due to project-related construction activities to original or near original condition in a timely manner.

TRANS-3 Prior to the start of site mobilization, the project owner shall consult with the city of Riverside and Caltrans (if applicable) and notify them of the proposed schedule for project construction. The purpose of this notification is to request the local jurisdiction(s) and Caltrans consider postponement of public right-of-way repair or improvement activities in areas affected by project construction until construction is completed and to coordinate any concurrent construction-related activities that are planned or in progress and cannot be postponed with the project owner.

Verification: Prior to the start of site mobilization, the project owner shall photograph or videotape all affected public roads, easements, and right-of-way segment(s) and/or intersections and shall provide the CPM, the affected local jurisdiction(s), and Caltrans (if applicable) with a copy of these images.

Within 60 calendar days after completion of construction, the project owner shall meet with the CPM, the city of Riverside, and Caltrans (if applicable) to identify sections of public right-of-way to be repaired. At that time, the project owner shall establish a schedule to complete the repairs and to receive approval for the action(s). Following

completion of any public right-of-way repairs, the project owner shall provide a letter signed by the city of Riverside and Caltrans stating their satisfaction with the repairs to the CPM.

PROPOSED TRANSMISSION LINE SAFETY AND NUISANCE CONDITION OF EXEMPTION

TLSN-1 The project owner shall construct the proposed underground lines according to the requirements of CPUC's GO-128, GO-52, sections of Title 8, Section 2700 et seq. of the California Code of Regulations and RPU's EMF-reduction guidelines as applicable to the design, construction and operation of underground lines and related facilities.

Verification: Thirty days before starting construction of the transmission line or related structures and facilities, the project owner shall submit to the Energy Commission's Compliance Project Manager (CPM) a letter signed by a California registered electrical engineer affirming the intention to comply with this requirement.

CONSTRUCTION COMPLIANCE REPORTS

The project owner must submit construction compliance reports to assist the CPM in tracking activities and monitoring compliance with the terms and conditions of the Energy Commission Decision. During construction, the project owner or authorized agent will submit Monthly Compliance Reports. These reports, and the requirement for an accompanying compliance matrix, are described below.

Compliance Matrix

A compliance matrix shall be submitted by the project owner to the CPM along with each monthly compliance report. The compliance matrix is intended to provide the CPM with the current status of *all* compliance conditions in a spreadsheet format. The compliance matrix must identify:

1. the technical area,
2. the condition of exemption number,
3. a brief description of the verification action or submittal required by the condition,
4. the date the submittal is required (e.g., 60 days prior to construction, after final inspection, etc.),
5. the expected or actual submittal date,
6. the date a submittal or action was approved by the Chief Building Official (CBO), CPM, or delegate agency, if applicable, and

7. the compliance status for each condition of exemption (e.g., "not started", "in progress" or "completed date").

Completed or satisfied conditions of exemption do not need to be included in the compliance matrix after they have been identified as completed/satisfied in at least one monthly compliance report.

Pre-Construction Matrix

Prior to commencing construction a compliance matrix addressing *only* those conditions of exemption, if any, that must be fulfilled before the start of construction shall be submitted by the project owner to the CPM. This matrix will be included with the project owner's **first** compliance submittal. It will be in the same format as the compliance matrix referenced above.

Tasks Prior to Start of Construction

Construction shall not commence until the pre-construction matrix is submitted, all pre-construction conditions of exemption, if any, have been complied with, and the CPM has issued a letter to the project owner authorizing construction. Project owners frequently anticipate starting project construction as soon as the project is exempted. In some cases it may be necessary for the project owner to file submittals prior to exemption if the required lead-time for a required compliance event extends beyond the date anticipated for start of construction. It is also important that the project owner understand that pre-construction activities that are initiated prior to exemption are performed at the owner's own risk. Failure to allow specified lead-time may cause delays in start of construction.

Various lead times for verification submittals to the CPM for conditions of exemption are established to allow sufficient staff time to review and comment, and if necessary, allow the project owner to revise the submittal in a timely manner. This will ensure that project construction may proceed according to schedule.

The first construction Monthly Compliance Report [if required based on conditions of exemption] is due the month following the Energy Commission business meeting date on which the project was approved, unless otherwise agreed to by the CPM. The first Monthly Compliance Report shall include an initial list of dates for each of the events identified on the Key Events List. The Key Events List is found at the end of this section.

During pre-construction and construction of the project, the project owner or authorized agent shall submit an original and an electronic copy or CD of the Monthly Compliance Report within 10 working days after the end of each reporting month. Monthly Compliance Reports shall be clearly identified for the month being reported. The reports shall contain at a minimum:

1. a summary of the current project construction status, a revised/updated schedule if there are significant delays, and an explanation of any significant changes to the schedule;

2. documents required by specific conditions to be submitted along with the Monthly Compliance Report. Each of these items must be identified in the transmittal letter, and should be submitted as attachments to the Monthly Compliance Report;
3. an initial, and thereafter updated, compliance matrix which shows the status of all conditions of exemption (fully satisfied and/or closed conditions do not need to be included in the matrix after they have been reported as closed);
4. a list of conditions which have been satisfied during the reporting period, and a description or reference to the actions which satisfied the condition;
5. a list of any submittal deadlines that were missed accompanied by an explanation and an estimate of when the information will be provided;
6. a cumulative listing of any approved changes to conditions of certification;
7. a listing of any filings with, or permits issued by, other governmental agencies during the month;
8. a projection of project compliance activities scheduled during the next two months. The project owner shall notify the CPM as soon as any changes are made to the project construction schedule that would affect compliance with conditions of exemption;
9. a listing of the month's additions to the on-site compliance file;
10. any requests to dispose of items that are required to be maintained in the project owner's compliance file; and
11. a listing of complaints, notices of violation, official warnings, and citations received during the month; a description of the resolution of any complaints which have been resolved, and the status of any unresolved complaints.

FINAL CLEAN CONDITIONS OF EXEMPTION:

PROPOSED AIR QUALITY CONDITIONS OF EXEMPTION

AQ-SC1 Air Quality Construction Mitigation Manager (AQCMM): The project owner shall designate and retain an on-site AQCMM who shall be responsible for directing and documenting compliance with conditions AQ-SC3, AQ-SC4 and AQ-SC5 for the entire project site and linear facility construction. The on-site AQCMM may delegate responsibilities to one or more AQCMM Delegates. The AQCMM and AQCMM Delegates shall have full access to all areas of construction on the project site and linear facilities, and shall have the authority to stop any or all construction activities as warranted by applicable construction mitigation conditions. The AQCMM and AQCMM Delegates may have other responsibilities in addition to those described in this condition. The AQCMM shall not be terminated without written consent of the CPM.

Verification: At least 60 days prior to the start of ground disturbance, the project owner shall submit to the CPM for approval, the name, resume, qualifications, and contact information for the on-site AQCMM and all AQCMM Delegates. The AQCMM and all Delegates must be approved by the CPM before the start of ground disturbance.

AQ-SC2 Air Quality Construction Mitigation Plan (AQCMP): The project owner shall provide an AQCMP, for approval, which details the steps that will be taken and the reporting requirements necessary to ensure compliance with conditions AQ-SC3, AQ-SC4 and AQ-SC5.

Verification: At least 60 days prior to the start of any ground disturbance, the project owner shall submit the AQCMP to the CPM for approval. The CPM will notify the project owner of any necessary modifications to the plan within 30 days from the date of receipt. The AQCMP must be approved by the CPM before the start of ground disturbance.

AQ-SC3 Construction Fugitive Dust Control: The AQCMM shall submit documentation to the CPM in each Monthly Compliance Report (MCR) that demonstrates compliance with the following mitigation measures for the purposes of preventing all fugitive dust plumes from leaving the project site and linear facility routes. Any deviation from the following mitigation measures shall require prior CPM notification and approval.

- A. All unpaved roads and disturbed areas in the project and linear construction sites shall be watered as frequently as necessary to comply with the dust mitigation objectives of AQ-SC4. The frequency of watering may be reduced or eliminated during periods of precipitation.
- B. No vehicle shall exceed 10 miles per hour within the construction site.
- C. The construction site entrances shall be posted with visible speed limit signs.
- D. All construction equipment vehicle tires shall be inspected and washed as necessary to be cleaned free of dirt prior to entering paved roadways.
- E. Gravel ramps of at least 20 feet in length must be provided at the tire washing/cleaning station.
- F. All unpaved exits from the construction site shall be graveled or treated to prevent track-out to public roadways.
- G. All construction vehicles shall enter the construction site through the treated entrance roadways, unless an alternative route has been submitted to and approved by the CPM.
- H. Construction areas adjacent to any paved roadway shall be provided with sandbags or other measures as specified in the Storm Water Pollution Prevention Plan (SWPPP) to prevent run-off to roadways.

- I. All paved roads within the construction site shall be swept at least twice daily (or less during periods of precipitation) on days when construction activity occurs to prevent the accumulation of dirt and debris.
- J. At least the first 500 feet of any public roadway exiting from the construction site shall be swept at least twice daily (or less during periods of precipitation) on days when construction activity occurs or on any other day when dirt or runoff from the construction site is visible on the public roadways.
- K. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.
- L. All vehicles that are used to transport solid bulk material on public roadways and that have the potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least two feet of freeboard.
- M. Wind erosion control techniques (such as windbreaks, water, chemical dust suppressants, and/or vegetation) shall be used on all construction areas that may be disturbed. Any windbreaks installed to comply with this condition shall remain in place until the soil is stabilized or permanently covered with vegetation.

Verification: The project owner shall include in the MCR (1) a summary of all actions taken to maintain compliance with this condition, (2) copies of any complaints filed with the air district in relation to project construction, and (3) any other documentation deemed necessary by the CPM and AQCMM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.

AQ-SC4 Dust Plume Response Requirement: The AQCMM or an AQCMM Delegate shall monitor all construction activities for visible dust plumes. Observations of visible dust plumes that have the potential to be transported (1) off the project site or (2) 200 feet beyond the centerline of the construction of linear facilities or (3) within 100 feet upwind of any regularly occupied structures not owned by the project owner indicate that existing mitigation measures are not resulting in effective mitigation. The AQCMM or Delegate shall implement the following procedures for additional mitigation measures in the event that such visible dust plumes are observed:

Step 1: The AQCMM or Delegate shall direct more intensive application of the existing mitigation methods within 15 minutes of making such a determination.

Step 2: The AQCMM or Delegate shall direct implementation of additional methods of dust suppression if Step 1 specified above fails to result in adequate mitigation within 30 minutes of the original determination.

Step 3: The AQCMM or Delegate shall direct a temporary shutdown of the activity causing the emissions if Step 2 specified above fails to result in effective mitigation within one hour of the original determination. The activity shall not restart until the AQCMM or Delegate is satisfied that appropriate additional mitigation or other site conditions have changed so that visual dust plumes will not result upon restarting the shutdown source. The owner/operator may appeal to the CPM any directive from the AQCMM or Delegate to shut down an activity, provided that the shutdown shall go into effect within one hour of the original determination, unless overruled by the CPM before that time.

Verification: The AQCMP shall include a section detailing how the additional mitigation measures will be accomplished within the time limits specified.

AQ-SC5 Diesel-Fueled Engines Control: The AQCMM shall submit to the CPM, in the MCR, a construction mitigation report that demonstrates compliance with the following mitigation measures for the purposes of controlling diesel construction-related emissions. Any deviation from the following mitigation measures shall require prior CPM notification and approval.

- A. All diesel-fueled engines used in the construction of the facility shall be fueled only with ultra-low sulfur diesel, which contains no more than 15 ppm sulfur.
- B. All diesel-fueled engines used in the construction of the facility shall have clearly visible tags issued by the on-site AQCMM showing that the engine meets the conditions set forth herein.
- C. All construction diesel engines, which have a rating of 50 hp or more, shall meet, at a minimum, the Tier 2 California Emission Standards for Off-Road Compression-Ignition Engines as specified in California Code of Regulations, Title 13, section 2423(b)(1) unless certified by the on-site AQCMM that such engine is not available for a particular item of equipment. In the event a Tier 2 engine is not available for any off-road engine larger than 50 hp, that engine shall be equipped with a Tier 1 engine. In the event a Tier 1 engine is not available for any off-road engine larger than 50 hp, that engine shall be equipped with a catalyzed diesel particulate filter (soot filter), unless certified by engine manufacturers or the on-site AQCMM that the use of such devices is not practical for specific engine types. For purposes of this condition, the use of such devices is "not practical" if, among other reasons:
 1. There is no available soot filter that has been certified by either the California Air Resources Board or U.S. Environmental Protection Agency for the engine in question; or
 2. The construction equipment is intended to be on-site for ten (10) days or less.

3. The CPM may grant relief from this requirement if the AQCMM can demonstrate that they have made a good faith effort to comply with this requirement and that compliance is not possible.
- D. The use of a soot filter may be terminated immediately if one of the following conditions exists, provided that the CPM is informed within ten (10) working days of the termination:
1. The use of the soot filter is excessively reducing normal availability of the construction equipment due to increased downtime for maintenance, and/or reduced power output due to an excessive increase in backpressure.
 2. The soot filter is causing or is reasonably expected to cause significant engine damage.
 3. The soot filter is causing or is reasonably expected to cause a significant risk to workers or the public.
 4. Any other seriously detrimental cause which has the approval of the CPM prior to the termination being implemented.
- E. All heavy earthmoving equipment and heavy duty construction related trucks with engines meeting the requirements of (c) above shall be properly maintained and the engines tuned to the engine manufacturer's specifications.
- F. All diesel heavy construction equipment shall not remain running at idle for more than five minutes, to the extent practical.

Verification: The project owner shall include in the MCR (1) a summary of all actions taken to maintain compliance with this condition, (2) copies of all diesel fuel purchase records, (3) a list of all heavy equipment used on site during that month, including the owner of that equipment and a letter from each owner indicating that equipment has been properly maintained, and (4) any other documentation deemed necessary by the CPM and AQCMM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.

AQ-SC6 The project owner shall provide the Energy Commission Compliance Project Manager (CPM) copies of all District issued air quality permits, construction and operation permits, for the facility.

The project owner shall submit to the CPM for review any modification proposed by the project owner to any project air permit. The project owner shall submit to the CPM any modification to any permit proposed by the District or U.S. EPA, and any revised permit issued by the District or U.S. EPA, for the project.

Verification: The project owner shall submit any air quality permit and any proposed air permit modification to the CPM within five working days of its submittal either by 1) the project owner to an agency, or 2) receipt of proposed modifications from an agency.

The project owner shall submit all modified air permits to the CPM within 15 days of receipt.

AQ-SC7 Until the ARB enacts a program to report and restrict GHG emissions from the electricity sector under the California Global Warming Solutions Act of 2006 (AB32), the project owner shall either participate in a climate action registry approved by the CPM or report on an annual basis to the CPM the quantity of greenhouse gases (GHG) emitted as a direct result of facility electricity production. When ARB's GHG reporting regulations become effective, the project owner shall comply with the requirements of that GHG program, and the reporting requirements of this condition of exemption shall cease, provided that the Energy Commission continues to receive the data required by the ARB program. Until then, the project owner shall do what is described in the following paragraphs.

The project owner shall maintain a record of fuel types and carbon content used on-site for the purpose of power production. These fuels shall include but are not limited to each fuel type burned: (1) in combustion turbines, (2) HRSGs (if applicable) or auxiliary boiler (if applicable), (3) internal combustion engines, (4) flares, and (5) for the purpose of startup, shutdown, operation or emission controls.

The project owner may perform annual source tests of CO₂ and CH₄ emissions from the exhaust stacks while firing the facility's primary fuel, using the following test methods or other test methods as approved by the CPM. The project owner shall produce fuel-based emission factors in units of lbs CO₂ equivalent per MMBtu of fuel burned from the annual source tests. If a secondary fuel is approved for the facility, the project owner may also perform these source tests while firing the secondary fuel.

Pollutant	Test Method
CO ₂	EPA Method 3A
CH ₄	EPA Method 18 (POC measured as CH ₄)

As an alternative to performing annual source tests, the project owner may use the Intergovernmental Panel on Climate Change (IPCC) Methodologies for Estimating Greenhouse Gas Emissions (MEGGE). If MEGGE is chosen, the project owner shall calculate the CO₂, CH₄ and N₂O emissions using the appropriate fuel-based carbon content coefficient (for CO₂) and the appropriate fuel-based emission factors (for CH₄ and N₂O).

The project owner shall convert the N₂O and CH₄ emissions into CO₂ equivalent emissions using the current IPCC Global Warming Potentials (GWP). The project owner shall maintain a record of all SF₆ that is used for replenishing on-site high voltage equipment. At the end of each reporting

period, the project owner shall total the mass of SF₆ used and convert that to a CO₂ equivalent emission using the IPCC GWP for SF₆. The project owner shall maintain a record of all PFCs and HFCs that are used for replenishing on-site refrigeration and chillers directly related to electricity production. At the end of each reporting period, the project owner shall total the mass of PFCs and HFCs used and not recycled and convert that to a CO₂ equivalent emission using the IPCC GWP.

On an annual basis, the project owner shall report the CO₂ and CO₂ equivalent emissions from the described emissions of CO₂, N₂O, CH₄, SF₆, PFCs, and HFCs.

Verification: The project annual GHG emissions shall be reported as required by the ARB under the California Global Warming Solutions Act of 2006 (AB32) and, until such requirements are enacted, as a CO₂ equivalent, by the project owner to a climate action registry approved by the Energy Commission, or to the Energy Commission by January 31st for each previous year's GHG emission inventory.

PROPOSED CULTURAL CONDITION OF EXEMPTION

CUL-1 During and after construction, the project owner shall fulfill the requests received by the RPU and by Energy Commission staff from Native American tribes, groups, or individuals to:

- be consulted if significant cultural resources are found;
- be consulted on the formulation of any archaeological treatment plan required for discovered cultural resources found to be significant;
- receive copies of all project-related archaeological reports and site records;
- engage in consultation with the project owner and the City of Riverside's Energy Commission Compliance Manager (CoRCM) regarding the treatment and disposition of any recovered artifacts; and
- be involved in all cultural resources consultation throughout the project.

Verification: No later than 30 days following the discovery of any Native American cultural materials or the completion of any archaeological reports or records concerning Native American cultural resources, the project owner shall submit to the Energy Commission's Compliance Project Manager (CPM) copies of the transmittal letters sent to the Chairperson of the Native American tribes or groups to whom the requested information and/or copies of reports and records were sent. Additionally, the project owner shall submit to the CPM copies of letters of transmittal for all subsequent responses to Native American requests for notification and consultation, and copies of any agreements or other joint documents.

PROPOSED HAZARDOUS MATERIALS CONDITIONS OF EXEMPTION

HAZ-1 The project owner shall not use any hazardous material not listed in Appendix A below unless approved in advance by the Riverside County Community Health Agency, Department of Environmental Health.

Verification: The project owner shall provide to the Riverside County Community Health Agency, Department of Environmental Health, in the Annual Compliance Report, a list of hazardous materials contained at the facility that are used in the new equipment installed as part of the project, in reportable quantities.

HAZ-2 The project owner shall update the existing Business Plan and submit to the local Certified Unified Program Agency (CUPA), the Riverside County Community Health Agency, Department of Environmental Health.

Verification: At least 60 days prior to first receiving any hazardous material on the Project Site, the project owner shall provide a copy of a final Business Plan to the Riverside County Community Health Agency, Department of Environmental Health.

HAZ-3 The project owner shall submit to the Riverside County Community Health Agency, Department of Environmental Health, a copy of the Project Construction Safety and Health Program containing the following:

- a Construction Personal Protective Equipment Program;
- a Construction Exposure Monitoring Program;
- a Construction Injury and Illness Prevention Program;
- a Construction Emergency Action Plan; and
- a Construction Fire Prevention Plan.

The Personal Protective Equipment Program, the Exposure Monitoring Program, and the Injury and Illness Prevention Program shall be submitted to the Riverside County Community Health Agency, Department of Environmental Health for review and approval concerning compliance of the programs with all applicable Safety Orders. The Construction Emergency Action Plan and the Fire Prevention Plan shall be submitted to the Riverside Fire Department for review and comment prior to submittal to the Riverside County Community Health Agency, Department of Environmental Health for approval.

Verification: At least 30 days prior to the start of construction, the project owner shall submit to the Riverside County Community Health Agency, Department of Environmental Health for review and approval a copy of the Project Construction Safety and Health Program. The project owner shall provide a copy of a letter to the Riverside County Community Health Agency, Department of Environmental Health from the Riverside Fire Department stating the Fire Department's comments on the Construction Fire Prevention Plan and Emergency Action Plan.

HAZ-4 The project owner shall submit to the Riverside County Community Health Agency, Department of Environmental Health a copy of the Project Operations and Maintenance Safety and Health Program containing the following:

- an Operation Injury and Illness Prevention Plan;
- an Emergency Action Plan;
- a Hazardous Materials Management Program;
- an Operation Fire Prevention Program (8 CCR § 3221); and
- a Personal Protective Equipment Program (8 CCR §§ 3401-3411).

The Operation Injury and Illness Prevention Plan, Emergency Action Plan, and Personal Protective Equipment Program shall be submitted to the Riverside County Community Health Agency, Department of Environmental Health for review and comment concerning compliance of the programs with all applicable Safety Orders. The Operation Fire Prevention Plan, the Hazardous Materials Management Program, and the Emergency Action Plan shall also be submitted to the Riverside Fire Department for review and comment.

Verification: At least 30 days prior to the start of first-fire or commissioning, the project owner shall submit to the Riverside County Community Health Agency, Department of Environmental Health for approval a copy of the Project Operations and Maintenance Safety and Health Program. The project owner shall provide a copy of a letter to the Riverside County Community Health Agency, Department of Environmental Health from the Riverside Fire Department stating the Fire Department's comments on the Operations Fire Prevention Plan and Emergency Action Plan.

HAZ-5 The project owner shall provide a site Construction Safety Supervisor (CSS) who, by way of training and/or experience, is knowledgeable of power plant construction activities and relevant laws, ordinances, regulations, and standards; is capable of identifying workplace hazards relating to the construction activities; and has authority to take appropriate action to assure compliance and mitigate hazards. The CSS shall:

- have overall authority for coordination and implementation of all occupational safety and health practices, policies, and programs;
- assure that the safety program for the project complies with Cal/OSHA and federal regulations related to power plant projects;
- assure that all construction and commissioning workers and supervisors receive adequate safety training;
- complete accident and safety-related incident investigations and emergency response reports for injuries and inform the Riverside County Community Health Agency, Department of Environmental Health of safety-related incidents; and

- assure that all the plans identified in Conditions of Certification Worker Safety-1 and -2 are implemented.

Verification: At least 30 days prior to the start of site mobilization, the project owner shall submit to the Riverside County Community Health Agency, Department of Environmental Health the name and contact information for the Construction Safety Supervisor (CSS). The contact information of any replacement (CSS) shall be submitted to the Riverside County Community Health Agency, Department of Environmental Health within one business day.

The CSS shall submit in a Monthly Compliance Report a monthly safety inspection report to include:

- record of all employees trained for that month (all records shall be kept on site for the duration of the project);
- summary report of safety management actions and safety-related incidents that occurred during the month;
- report of any continuing or unresolved situations and incidents that may pose danger to life or health; and
- report of accidents and injuries that occurred during the month.

HAZ-6 The project owner shall make payments to the Chief Building Official (CBO) for the Riverside County Community Health Agency, Department of Environmental Health for the services of a Safety Monitor based upon a reasonable fee schedule to be negotiated between the project owner and the CBO. Those services shall be in addition to other work performed by the CBO. The Safety Monitor shall be selected by and report directly to the CBO and will be responsible for verifying that the Construction Safety Supervisor, as required in Condition of Certification **HAZ-5**, implements all appropriate Cal/OSHA and local safety requirements. The Safety Monitor shall conduct on-site (including linear facilities) safety inspections at intervals necessary to fulfill those responsibilities.

Verification: Prior to the start of construction, the project owner shall provide proof of its agreement to fund the Safety Monitor services to the Riverside County Community Health Agency, Department of Environmental Health for review and approval.

PROPOSED NOISE CONDITIONS OF EXEMPTION

NOISE-1 At least 15 days prior to the start of ground disturbance, the project owner shall notify all residents within $\frac{3}{4}$ mile of the site and $\frac{1}{2}$ mile of the linear facilities, by mail or other effective means, of the commencement of project construction. At the same time, the project owner shall establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction and operation of the project. If the telephone is not staffed 24 hours per day, the project owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when

the phone is unattended. This telephone number shall be posted at the project site during construction in a manner visible to passersby. This telephone number shall be maintained until the project has been operational for at least one year.

Verification: Prior to ground disturbance, the project owner shall transmit to the Compliance Project Manager (CPM) a statement, signed by the project owner's project manager, stating that the above notification has been performed, and describing the method of that notification, verifying that the telephone number has been established and posted at the site, and giving that telephone number.

NOISE COMPLAINT PROCESS

NOISE-2 Throughout the construction and operation of the project, the project owner shall document, investigate, evaluate, and attempt to resolve all project related noise complaints.

The project owner or authorized agent shall:

- Use the Noise Complaint Resolution Form (see Exhibit 1), or functionally equivalent procedure acceptable to the CPM, to document and respond to each noise complaint;
- Attempt to contact the person(s) making the noise complaint within 24 hours;
- Conduct an investigation to determine the source of noise related to complaint;
- If the noise is project related, take all feasible measures to reduce the noise at its source; and
- Submit a report documenting the complaint and the actions taken. The report shall include: a complaint summary, including final results of noise reduction efforts; and, if obtainable, a signed statement by the complainant stating that the noise problem is resolved to the complainant's satisfaction.

Verification: Within 30 days of receiving a complaint, project owner shall file a copy of the Noise Complaint Resolution Form, with the City of Riverside Planning Department and with the CPM, documenting the resolution of the complaint. If mitigation is required to resolve a complaint, and the complaint is not resolved within a 30-day period, the project owner shall submit an updated Noise Complaint Resolution Form when the mitigation is finally implemented.

NOISE-3 The project design and implementation shall include appropriate noise mitigation measures adequate to ensure that noise due solely to operation of the project during the quietest 4-hour period will not exceed 43 dBA when

measured at residential receivers at noise monitoring location LT-1; that noise due solely to operation of the project will not exceed 51 dBA when measured at the recreational trail north of the site (ST-5); and that the noise due solely to operation of the project will comply with the noise standards of the City of Riverside Municipal Code and the Riverside County General Plan Noise Element.

No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints. The production of pure tones during normal plant operation is not allowed.

Within 30 days of the project first achieving a sustained output of 80 percent or greater of rated capacity, the project owner shall conduct a 25-hour community noise survey at monitoring locations LT-1 and ST-5. The survey during the power plant operations shall also include measurement of one-third octave band sound pressure levels to ensure that no new pure-tone noise components have been introduced.

If the results from the noise survey indicate that the noise produced by the project exceeds 43 dBA at location LT-1 for the quietest 4-hour period during the 25-hour period; that the noise produced by the project exceeds 51 dBA at the recreational trail north of the site; or that the noise standards of the City of Riverside Municipal Code or the Riverside County General Plan Noise Element have been exceeded, mitigation measures shall be implemented to reduce noise to a level of compliance with these limits. If any pure tones are present, mitigation measures shall be implemented to eliminate the pure tones.

Verification: Within 15 days after completing the survey, the project owner shall submit a summary report of the survey to the City of Riverside Planning Department, to the Riverside County Planning Department, and to the CPM. Included in the report shall be a description of any additional mitigation measures necessary to achieve compliance with the above listed noise limits, and a schedule for implementing these measures. Within 15 days of completion of installation of these measures, the project owner shall submit to the CPM a summary report of a new noise survey, performed as described above and showing compliance with this condition.

PROPOSED PUBLIC HEALTH CONDITION OF EXEMPTION

Public Health-1: The project owner shall develop and implement a Cooling Water Management Plan to ensure that the potential for bacterial growth in Units 3 and 4's cooling water is kept to a minimum. The Plan shall be consistent with either Staff's "Cooling Water Management Program Guidelines" or with the Cooling Technology Institute's "Best Practices for Control of *Legionella*" guidelines.

Verification: At least 30 days prior to the commencement of cooling tower operations, the Cooling Water Management Plan shall be provided to the Compliance Project Manager for review and approval.

PROPOSED SOIL & WATER CONDITIONS OF EXEMPTION

SOIL & WATER-1: RERC 3&4 shall use recycled water for all non-potable plant construction and operation uses including cooling and landscape irrigation. The RERC 3&4 shall comply with all requirements of Title 22 and Title 17 California Code of Regulations. Prior to delivery of recycled water to the RERC 3&4 for any purpose, the owner shall submit a Title 22 Engineer's Report and copies of any review comments from the review by the Department of Public Health (DPH) and the Santa Ana Regional Water Quality Control Board (RWQCB); for review by the CPM.

Verification: Prior to beginning any site mobilization activities, the project owner shall submit to the CPM the water supply and distribution system design and Engineer's Report for the Production, Distribution and Use of Recycled Water and copies of any comments from DPH and the Santa Ana RWQCB for review by the CPM. The water supply and distribution system design shall be included in the final design drawings submitted to the CPM.

The Engineer's Report for the Production, Distribution and Use of Recycled Water shall be prepared in accordance with Title 22 and Title 17 of the CA Code of Regulations, the Health and Safety Code, and the Water Code. The project owner shall comply with any reporting and inspection requirements set forth by the DPH and Santa Ana RWQCB to fulfill statutory requirements. The project owner shall submit copies to the CPM of all correspondence between themselves and DPH or the Santa Ana RWQCB within 10 days of receipt or submittal.

SOIL & WATER-2: The project owner shall comply with the requirements of the general National Pollutant Discharge Elimination System (NPDES) permit for discharge of storm water associated with construction activity. The project owner shall develop and implement a construction storm water pollution prevention plan (construction SWPPP) for the construction of the Riverside 3 & 4 site, laydown area, and all linear facilities.

Verification: The project owner shall submit to the CPM a copy of the construction SWPPP prior to site mobilization and retain a copy on site. The project owner shall submit copies to the compliance project manager (CPM) of all correspondence between the project owner and the Santa Ana Regional Water Quality Control Board regarding the NPDES permit for the discharge of storm water associated with construction activity within 10 days of its receipt or submittal. Copies of correspondence shall include the notice of intent sent to the State Water Resources Control Board, and the Board's confirmation letter indicating receipt and acceptance of the notice of intent.

SOIL & WATER-3: The project owner shall comply with the requirements of the general NPDES permit for discharges of storm water associated with industrial activity. The project owner shall develop and implement an industrial storm water pollution prevention plan for the operation of the RERC 3&4.

Verification: The project owner shall submit to the CPM a copy of the industrial SWPPP for operation of the RERC 3&4 prior to commercial operation, and shall retain a copy on site. The project owner shall submit copies to the CPM of all correspondence between the project owner and the SARWQCB regarding the general NPDES permit for discharge of storm water associated with industrial activity within 10 days of its receipt or submittal. Copies of correspondence shall include the Notice of Intent sent by the project owner to the State Water Resources Control Board.

SOIL & WATER-4: The project owner shall treat all process waste water streams with a zero liquid discharge (ZLD) system consisting of self-contained portable mixed bed ion exchange vessels. These portable ZLD units will be periodically exchanged for regeneration off-site. Surface or subsurface disposal of process waste water from the RERC 3&4 is prohibited.

Verification: At least 60 days prior to the start of commercial operation, the project owner shall prepare a ZLD management plan for review by the CPM. The ZLD management plan shall be updated by the project owner and submitted to the CPM for review if a change in water source or infrastructure is needed.

In the annual compliance report, the project owner shall submit a status report on operation of the ZLD system, including dates and length of disruptions, maintenance and volumes of interim waste water streams stored on site, if any. The annual compliance report shall contain an evaluation of whether the ZLD is being operated within the parameters described in the ZLD management plan. The ZLD management plan shall be updated by the project owner if the CPM has determined it is necessary based on the project owner's annual compliance report(s).

PROPOSED TRAFFIC CONDITIONS OF EXEMPTION

TRANS-1 The project owner shall update and implement a construction traffic control plan for the project in coordination with the city of Riverside and Caltrans. Specifically, the overall traffic control plan shall be designed to:

- schedule heavy vehicle equipment and building materials deliveries to occur during off-peak hours to the extent feasible;
- ensure that construction workers do not use the Jurupa Avenue/Van Buren Boulevard intersection during peak traffic periods; and
- encourage heavy vehicles and vehicles transporting hazardous materials to proceed from SR-60 to Van Buren Boulevard, and then proceed east on Jurupa Avenue, and north on Payton Avenue to the project site.

Verification: At least 45 days prior to the start of ground disturbance the project owner shall provide to the city of Riverside and Caltrans for review and comment, and to the CPM for review, a copy of its construction traffic control plan.

TRANS-2 The cooling tower stacks and cooling tower cells shall have red obstruction lights installed so that they are visible to pilots during night time or periods of darkness.

Verification: At least 30 days prior to the start of operation, the project owner shall provide documentation and photographs that demonstrate the obstruction lights have been installed. The project owner shall restore all public roads, easements, and rights-of-way that have been damaged due to project-related construction activities to original or near original condition in a timely manner.

TRANS-3 Prior to the start of site mobilization, the project owner shall consult with the city of Riverside and Caltrans (if applicable) and notify them of the proposed schedule for project construction. The purpose of this notification is to request the local jurisdiction(s) and Caltrans consider postponement of public right-of-way repair or improvement activities in areas affected by project construction until construction is completed and to coordinate any concurrent construction-related activities that are planned or in progress and cannot be postponed with the project owner.

Verification: Prior to the start of site mobilization, the project owner shall photograph or videotape all affected public roads, easements, and right-of-way segment(s) and/or intersections and shall provide the CPM, the affected local jurisdiction(s), and Caltrans (if applicable) with a copy of these images.

Within 60 calendar days after completion of construction, the project owner shall meet with the CPM, the city of Riverside, and Caltrans (if applicable) to identify sections of public right-of-way to be repaired. At that time, the project owner shall establish a schedule to complete the repairs and to receive approval for the action(s). Following completion of any public right-of-way repairs, the project owner shall provide a letter signed by the city of Riverside and Caltrans stating their satisfaction with the repairs to the CPM.

PROPOSED TRANSMISSION LINE SAFETY AND NUISANCE CONDITION OF EXEMPTION

TLSN-1 The project owner shall construct the proposed underground lines according to the requirements of CPUC's GO-128, GO-52, sections of Title 8, Section 2700 et seq. of the California Code of Regulations and RPU's EMF-reduction guidelines as applicable to the design, construction and operation of underground lines and related facilities.

Verification: Thirty days before starting construction of the transmission line or related structures and facilities, the project owner shall submit to the Energy

Commission's Compliance Project Manager (CPM) a letter signed by a California registered electrical engineer affirming the intention to comply with this requirement.

CONSTRUCTION COMPLIANCE REPORTS

The project owner must submit construction compliance reports to assist the CPM in tracking activities and monitoring compliance with the terms and conditions of the Energy Commission Decision. During construction, the project owner or authorized agent will submit Monthly Compliance Reports. These reports, and the requirement for an accompanying compliance matrix, are described below.

Compliance Matrix

A compliance matrix shall be submitted by the project owner to the CPM along with each monthly compliance report. The compliance matrix is intended to provide the CPM with the current status of all compliance conditions in a spreadsheet format. The compliance matrix must identify:

1. the technical area,
2. the condition of exemption number,
3. a brief description of the verification action or submittal required by the condition,
4. the date the submittal is required (e.g., 60 days prior to construction, after final inspection, etc.),
5. the expected or actual submittal date,
6. the date a submittal or action was approved by the Chief Building Official (CBO), CPM, or delegate agency, if applicable, and
7. the compliance status for each condition of exemption (e.g., "not started", "in progress" or "completed date").

Completed or satisfied conditions of exemption do not need to be included in the compliance matrix after they have been identified as completed/satisfied in at least one monthly compliance report.

Pre-Construction Matrix

Prior to commencing construction a compliance matrix addressing only those conditions of exemption, if any, that must be fulfilled before the start of construction shall be submitted by the project owner to the CPM. This matrix will be included with the project owner's **first** compliance submittal. It will be in the same format as the compliance matrix referenced above.

Tasks Prior to Start of Construction

Construction shall not commence until the pre-construction matrix is submitted, all pre-construction conditions of exemption, if any, have been complied with, and the CPM has issued a letter to the project owner authorizing construction. Project owners frequently anticipate starting project construction as soon as the project is exempted. In some cases it may be necessary for the project owner to file submittals prior to exemption if the required lead-time for a required compliance event extends beyond the date anticipated for start of construction. It is also important that the project owner understand that pre-construction activities that are initiated prior to exemption are performed at the owner's own risk. Failure to allow specified lead-time may cause delays in start of construction.

Various lead times for verification submittals to the CPM for conditions of exemption are established to allow sufficient staff time to review and comment, and if necessary, allow the project owner to revise the submittal in a timely manner. This will ensure that project construction may proceed according to schedule.

The first construction Monthly Compliance Report [if required based on conditions of exemption] is due the month following the Energy Commission business meeting date on which the project was approved, unless otherwise agreed to by the CPM. The first Monthly Compliance Report shall include an initial list of dates for each of the events identified on the Key Events List. The Key Events List is found at the end of this section.

During pre-construction and construction of the project, the project owner or authorized agent shall submit an original and an electronic copy or CD of the Monthly Compliance Report within 10 working days after the end of each reporting month. Monthly Compliance Reports shall be clearly identified for the month being reported. The reports shall contain at a minimum:

1. a summary of the current project construction status, a revised/updated schedule if there are significant delays, and an explanation of any significant changes to the schedule;
2. documents required by specific conditions to be submitted along with the Monthly Compliance Report. Each of these items must be identified in the transmittal letter, and should be submitted as attachments to the Monthly Compliance Report;
3. an initial, and thereafter updated, compliance matrix which shows the status of all conditions of exemption (fully satisfied and/or closed conditions do not need to be included in the matrix after they have been reported as closed);
4. a list of conditions which have been satisfied during the reporting period, and a description or reference to the actions which satisfied the condition;
5. a list of any submittal deadlines that were missed accompanied by an explanation and an estimate of when the information will be provided;
6. a cumulative listing of any approved changes to conditions of certification;

7. a listing of any filings with, or permits issued by, other governmental agencies during the month;

8. a projection of project compliance activities scheduled during the next two months. The project owner shall notify the CPM as soon as any changes are made to the project construction schedule that would affect compliance with conditions of exemption;

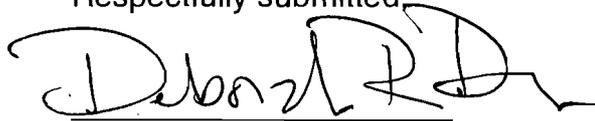
9. a listing of the month's additions to the on-site compliance file;

10. any requests to dispose of items that are required to be maintained in the project owner's compliance file; and

11. a listing of complaints, notices of violation, official warnings, and citations received during the month; a description of the resolution of any complaints which have been resolved, and the status of any unresolved complaints.

Date: December 22, 2008

Respectfully submitted,



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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 SMALL POWER
PLANT EXEMPTION FOR THE RIVERSIDE
RESOURCE CENTER UNITS 3 & 4**

Docket No. 08-SPPE-1

PROOF OF SERVICE

Revised (11/12/08)

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-SPPE-1
1516 Ninth Street, MS-15
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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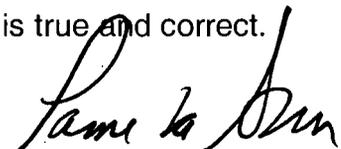
DECLARATION OF SERVICE

I, Pamela Guinn, declare that on 12/24/08, I deposited copies of the attached Staff's Complete Proposed Conditions of Exemption 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 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.

/s/ 

Attachments