

DOCKETED

Docket Number:	12-AFC-02
Project Title:	Huntington Beach Energy Project
TN #:	203103
Document Title:	Interim Draft Errata Final
Description:	N/A
Filer:	Maggie Read
Organization:	Energy Commission Hearing Office
Submitter Role:	Committee
Submission Date:	9/25/2014 1:55:37 PM
Docketed Date:	9/25/2014



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION FOR THE
HUNTINGTON BEACH ENERGY PROJECT**

Docket No. 12-AFC-02

INTERIM DRAFT

ERRATA TO THE PRESIDING MEMBER'S PROPOSED DECISION

The following errata are preliminary only and do not necessarily reflect the final determinations of the Committee until the close of the comment period on October 3, 2014. The Committee reserves the right to make further additions, changes, and deletions pending receipt of all comments. We offer this Interim Draft at the suggestion of the parties during the PMPD Conference held on September 17, 2014.

CONDITIONS OF CERTIFICATION (APPENDIX "A")

We have not addressed all of the conditions for which changes were requested, but will address all comments received through the close of the comment period.

Transmission Line Safety and Nuisance

TLSN-1 The project owner shall construct the proposed 230-kV **generator tie** ~~transmission~~ line according to all applicable laws, ordinances, regulations, and industry standards, including the National Electric Safety Code (NESC) ~~the requirements of California Public Utility Commission's GO-95, GO-52, GO-131-D, Title 8, and Group 2, High Voltage Electrical Safety Orders, sections 2700 through 2974 of the California Code of Regulations, and Southern California Edison's EMF Design reduction gGuidelines for~~ **Electrical Facilities.**

VERIFICATION: At least 30 days prior to start of construction of the transmission line or related structures and facilities, the project owner shall submit to the Compliance Project Manager (CPM) a letter signed by a California registered electrical engineer affirming that the lines will be constructed according to the requirements stated in the condition.

TLSN-2 ~~The project owner shall a qualified individual to measure the strengths of the electric and magnetic fields from the line at the points of maximum intensity at the edge of the right-of-way as reflected in the estimates provided by the applicant. The measurements shall be made before and after energization according to the of standard procedures~~ measure the maximum strengths of the line electric and magnetic fields at the edge of the right-of-way to validate the estimates the applicant has provided for these fields. These measurements shall be made (a) according to the standard procedures of the American National Standard Institute/Institute of Electrical and Electronic Engineers (ANSI/IEEE) and, (b) before and after energization. The measurements shall be completed no later than six months after the start of operations.

VERIFICATION: The project owner shall file copies of the pre-and post-energization measurements with the CPM within 60 days after completion of the measurements. **The** CPM shall determine the need for further mitigation from these field measurements.~~that staff would assess the need for further mitigation~~

Air Quality

AQ-SC3 Construction Fugitive Dust Control

Project owner shall implement the following control measures to mitigate for any increases in regional criteria pollutants during construction, including fugitive dust.

The AQCMM shall submit documentation to the CPM in each monthly compliance report (MCR) that demonstrates compliance with the Air Quality Construction Mitigation Plan (AQCMP) mitigation measures for purposes of minimizing fugitive dust emission creation from construction activities and preventing all fugitive dust plumes from leaving the project's boundary. The following fugitive dust mitigation measures shall be included in the AQCMP required by **AQ-SC2**, and any deviation from the AQCMP mitigation measures shall require prior CPM notification and approval.

- a. The main access roads through the facility to the power block areas will be either paved or stabilized using soil binders, or equivalent methods, to provide a stabilized surface that is similar for the purposes of dust control to paving, that may or may not include a crushed rock (gravel or similar material with fines removed) top layer, prior to initiating construction in the main power block area, and delivery areas for operations materials (chemical, replacement parts, etc.) will be paved prior to taking initial deliveries.

- b. All unpaved construction roads and unpaved operation site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent that can be determined to be both as efficient or more efficient for fugitive dust control as ARB approved soil stabilizers, and shall not increase any other environmental impacts including loss of vegetation to areas beyond where the soil stabilizers are being applied for dust control. All other disturbed areas in the project construction site shall be watered as frequently as necessary during grading; and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods, in order to comply with the dust mitigation objectives of Condition of Certification **AQ-SC4**. The frequency of watering can be reduced or eliminated during periods of precipitation.
- c. No vehicle shall exceed 10 miles per hour on unpaved areas within the construction site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.
- d. The construction site entrances shall be posted with visible speed limit signs.
- e. Wheel washers shall be installed for all exiting trucks and equipment, or wheels shall be **inspected and washed (as necessary)** to remove accumulated dirt prior to leaving the site.
- f. Gravel ramps of at least 20 feet in length must be provided at the tire washing/cleaning station.
- g. All unpaved exits from the construction site shall be graveled or treated to prevent track-out to public roadways.
- h. 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.
- hi. Sandbags or other erosion control measures shall be installed to ~~prevent silt runoff to public roadways from adjacent project areas with a slope greater than 1 percent, so long as this condition does not conflict~~ **consistent** with the requirements of the Storm Water Pollution Prevention Plan (SWPPP).

- j. All paved roads within the construction site shall be swept daily or as needed (less during periods of precipitation) on days when construction activity occurs to prevent the accumulation of dirt and debris.
- k. At least the first 500 feet of any paved public roadway exiting the construction site or exiting other unpaved roads en route from the construction site or construction staging areas shall be swept as needed (less during periods of precipitation) on days when construction activity occurs or on any other day when dirt or run-off resulting from the construction site activities is visible on the public paved roadways. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.
- l. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered or treated with appropriate dust suppressant compounds.
- m. When bulk materials are transported offsite, all materials 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.
- n. 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 AQCM shall provide the CPM a Monthly Compliance Report to include the following to demonstrate control of fugitive dust emissions:

- A. a summary of all actions taken to maintain compliance with this condition; and
- B. Copies of any air quality-related complaints filed with the air district or facility representatives in relation to project construction; and
- C. Any other documentation deemed necessary by the CPM or AQCM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.

AQ-SC6 Construction Particulate Matter Mitigation Plan

~~During the construction phase of this project, the project owner shall conduct a local street sweeping program to provide at least 8.26 lbs/day~~

~~PM10 and 0.79 lbs/day PM2.5 of emissions reductions.~~ The project owner shall provide, for approval, a Construction ~~Particular~~ Particulate Matter Mitigation Plan (CPMMP) that details the steps to be taken and the reporting requirements necessary to ~~ensure the implementation of the local street sweeping program~~ provide the equivalent of at least 8.26 lbs/day PM10 and 0.79 lbs/day PM2.5 of emissions reductions during the construction phase of the project. Construction emission reduction measures can include: localized street sweepers or programs; local ban of leaf blowing or blowers; sodding of local parks or playfields; fireplace or woodstove replacements; offsets or emission reduction credits; or other measures that can provide local emission reductions coincident with construction emissions.

VERIFICATION: At least 90 days prior to the start of any ground disturbance, the project owner shall submit the CPMMP 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 CPMMP must be approved by the CPM before the start of ground disturbance. During construction the project owner shall provide the records of the CPMMP in the Monthly Compliance Report.

AQ-25

The project owner shall, upon completion of the construction, operate and maintain this equipment according to the following specifications:

The project owner shall record the total net ~~and gross~~ power generated in a calendar month in megawatt-hours.

The project owner shall calculate and record greenhouse gas emissions for each calendar month using the following formula:

$$\text{GHG} = 60.08 * \text{FF}$$

Where, GHG is the greenhouse gas emissions in tons of CO₂ and FF is the monthly fuel usage in million standard cubic feet.

The project owner shall calculate and record the GHG emissions in pounds per net megawatt-hour on a 12-month rolling average. The GHG emissions from this equipment shall not exceed 652,827 tons per year on a 12-month rolling average basis. The calendar annual average GHG emissions shall not exceed 1,053.7 lbs per net megawatt-hour (1,138.0 lbs per net megawatt hour inclusive of equipment degradation).

The project owner shall maintain records in a manner approved by the SCAQMD to demonstrate compliance with this condition. The records shall be made available to SCAQMD upon request. [Rule 1714]

VERIFICATION: The project owner shall make the site available for inspection of records by representatives of the District, ARB, and the Energy Commission.

WORKER SAFETY-6 EMERGENCY ACCESS PLAN

The project owner shall prepare an Emergency Access Plan that shows all of the following: (1) a 26-foot wide fire lane that will provide a continuous loop around HBEP Block 1; (2) a 26-foot wide fire lane that will provide a continuous loop around HBEP Block 2; (3) a 26-foot wide fire lane from the HBEP main entrance to the continuous loops referenced in (1) and (2) above; and (4) a 26-foot wide fire lane from a secondary access point to the continuous loops referenced in (1) and (2) above. Both access lanes shall connect to a public street. **Corners must allow for clear travel of a minimum 17-foot inner radius and 45-foot outer radius (radius must be concentric). The fire lanes shall be designed and maintained to support the imposed loads of fire apparatus (75,000 lbs. load/12,000 point load) and shall be surfaced so as to provide all-weather driving capabilities. Fire lane signage shall be provided as per City of Huntington Beach Specification #415.** The 26-foot wide fire lanes shall meet the applicable requirements of the California Fire Code, City of Huntington Beach Municipal Code Chapter 17.56 - Huntington Beach Fire Code, and the Huntington Beach Fire Department City Specifications.

VERIFICATION: At least 60 days prior to the start of construction of any structures or components listed in the CBO-approved master drawing and master specification list, or within a timeframe approved by the CPM, the project owner shall submit the Emergency Access Plan to the City Fire Department for review and timely comment, and to the CPM and CBO for review and approval.

Hazardous Materials

HAZ-6 **Prior to initial delivery,** ~~the~~ project owner shall direct all vendors delivering **bulk quantities (>800 gallons per delivery) of any hazardous material (e.g., aqueous ammonia, lubricating and insulating oils)** to the site to use only the route approved by the CPM (I-405 to Beach Boulevard (State Highway 39), south onto Pacific Coast Highway (State Highway 1), and left onto Newland Street, then right into the HBEP site). The project owner shall obtain approval of the CPM if an alternate route is desired.

VERIFICATION: At least sixty (60) days prior to **initial receipt of bulk quantities (>800 gallons per delivery) of any hazardous materials (e.g., aqueous ammonia, lubricating or insulating oils) and at least ten (10) days prior to a new vendor delivery of bulk quantities (>800 gallons per delivery)** ~~on-site,~~ the project owner shall

submit a copy copies of the ~~required transportation route limitation direction~~ letter containing the route restriction directions that were provided to the hazardous materials vendor to the CPM for review and approval.

HAZ-8 The project owner shall also prepare a site-specific security plan for the commissioning and operational phases that will be available to the CPM for review and approval. The project owner shall implement site security measures that address physical site security and hazardous materials storage. The level of security to be implemented shall not be less than that described below (as per NERC 2002).

The Operation Security Plan shall include the following:

1. permanent full perimeter fence or wall, at least eight feet high and topped with barbed wire or the equivalent (and with slats or other methods to restrict visibility if a fence is selected);
2. main entrance security gate, either hand operated or motorized;
3. evacuation procedures;
4. protocol for contacting law enforcement and the CPM in the event of suspicious activity or emergency;
5. written standard procedures for employees, contractors, and vendors when encountering suspicious objects or packages on site or off site;
 - A. a statement (refer to sample, **ATTACHMENT A**), signed by the project owner certifying that background investigations have been conducted on all project personnel. Background investigations shall be restricted to determine the accuracy of employee identity and employment history and shall be conducted in accordance with state and federal laws regarding security and privacy;
 - B. a statement(s) (refer to sample, **ATTACHMENT B**), signed by the contractor or authorized representative(s) for any permanent contractors or other technical contractors (as determined by the CPM after consultation with the project owner), that are present at any time on the site to repair, maintain, investigate, or conduct any other technical duties involving critical components (as determined by the CPM after consultation with the project owner) certifying that background investigations have been conducted on contractors who visit the project site;

6. site access controls for employees, contractors, vendors, and visitors;
7. a statement(s) (refer to sample, **ATTACHMENT C**), signed by the owners or authorized representative of hazardous materials transport vendors, certifying that they have prepared and implemented security plans in compliance with 49 CFR 172.880, and that they have conducted employee background investigations in accordance with 49 CFR Part 1572, subparts A and B;
8. closed circuit TV (CCTV) monitoring system, recordable, and viewable in the power plant control room and security station (if separate from the control room) with cameras able to pan, tilt, and zoom, have low-light capability, and are able to view 100% of the perimeter fence, the ammonia storage tank, the outside entrance to the control room, and the front gate; and,
9. additional measures to ensure adequate perimeter security consisting of either:
 - A. security guard(s) present 24 hours per day, 7 days per week; or
 - B. power plant personnel on site 24 hours per day, 7 days per week, and perimeter breach detectors or on-site motion detectors.

The project owner shall fully implement the security plans and obtain CPM approval of any substantive modifications to those security plans. The CPM may authorize modifications to these measures, or may require additional measures such as protective barriers for critical power plant components— transformers, gas lines, and compressors—depending upon circumstances unique to the facility or in response to industry-related standards, security concerns, or additional guidance provided by the U.S. Department of Homeland Security, the U.S. Department of Energy, or the North American Electrical Reliability Council, after consultation with both appropriate law enforcement agencies and the applicant.

VERIFICATION: At least thirty (30) days prior to the initial receipt of hazardous materials on site, the project owner shall notify the CPM that a site-specific operations site security plan is available for review and approval. In the annual compliance report, the project owner shall include a statement that all current project employee and appropriate contractor background investigations have been performed, and that updated certification statements have been appended to the operations security plan. In the annual compliance report, the project

owner shall include a statement that the operations security plan includes all current hazardous materials transport vendor certifications for security plans and employee background investigations.

HAZ-9: The project owner shall not allow any fuel gas pipe cleaning activities on site, either before placing the pipe into service or at any time during the lifetime of the facility, that involve “flammable gas blows” where natural (or flammable) gas is used to blow out debris from piping and then vented to atmosphere. Instead, an inherently safer method involving a non-flammable gas (e.g. air, nitrogen, steam) or mechanical pigging shall be used as per NFPA 56. A written procedure shall be developed and implemented as per NFPA 56, section 4.3.1

VERIFICATION: At least 30 days before any fuel gas pipe cleaning activities begin, the project owner shall submit a copy of the Fuel Gas Pipe Cleaning Work Plan (as described in NFPA 56, section 4.3.1) which shall indicate the method of cleaning to be used, what gas will be used, the source of pressurization, and whether a mechanical PIG will be used, to the CBO for information and to the CPM for review and approval.

~~At least thirty (30) days prior to the initial receipt of hazardous materials on site, the project owner shall notify the CPM that a site-specific operations site security plan is available for review and approval. In the annual compliance report, the project owner shall include a statement that all current project employee and appropriate contractor background investigations have been performed, and that updated certification statements have been appended to the operations security plan. In the annual compliance report, the project owner shall include a statement that the operations security plan includes all current hazardous materials transport vendor certifications for security plans and employee background investigations.~~

Waste Management

WASTE-1 The project owner shall ensure that the HBEP project site is properly characterized and remediated as necessary pursuant to the corrective action plans reviewed by DTSC, the Huntington Beach Fire Department and/or the Orange County Health Care Agency, ~~and approved by the Energy Commission CPM.~~ In no event shall project construction commence in areas requiring characterization and remediation until the CPM determines, with confirmation from the appropriate regulatory agency, that all necessary remediation has been accomplished.

~~All soils at the site shall conform to city of Huntington Beach’s Specification # 431-92 Soil Clean-Up Standards. Soil testing for the contaminants identified in City Specification 431-92 and for Methane Gas, in accordance with City Specification 429, shall be completed as follows:~~

~~Soil Sampling Work Plan: A qualified environmental consultant shall prepare and submit a soil sampling work plan (for contaminants identified in City Specification 431-92 and for methane gas) to the CPM and the Huntington Beach Fire Department HBFD for review and timely comment. Once the HBFD reviews and the CPM approves the work plan, the sampling may commence.~~

~~Note: Soil shall not be exported to other city of Huntington Beach locations without first being demonstrated to comply with City Specification 431-92 Soil Clean Up Standards. Also, any soil proposed for import to the site shall first be demonstrated to comply with City Specification 431-92.~~

~~Soil Sampling Lab Results: Conduct the soil sampling in accordance with the HBFD approved work plan. After the sampling is conducted, the lab results (along with the Environmental Consultants summary report) for methane and 431-92 testing shall be submitted to the CPM and HBFD. for review.~~

~~Remediation Action Plan: If contamination is identified, provide a Fire Department approved Remediation Action Plan (RAP) based on requirements found in Huntington Beach City Specification #431-92, Soil Cleanup Standard. All soils shall conform to City Specification # 431-92 Soil Clean Up Standards prior to the issuance of a grading or building permit.~~

~~Prior to and during grading and construction, discovery of additional soil contamination **not previously identified or already included in corrective action plans, work plans, or closure plans** or underground pipelines, etc., must be reported to the CPM, **DTSC**, and the HBFD immediately. and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards.~~

~~Outside City Consultants: The HBFD review of this project and subsequent plans will require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party.~~

~~The project owner shall furnish a final copy of. Items a. through e. to the Energy Commission CPM, DTSC, the Huntington Beach Fire Department and/or the Orange County Health Care Agency. An initial draft of the remedial documents shall be provided to the Energy Commission CPM, DTSC and the Huntington Beach Fire Department for review and timely comments. The final document shall be approved by the CPM. The final copy of the remedial plan shall reflect recommendations of the CPM, DTSC, and the Huntington Beach Fire Department, the project owner shall provide to the CPM for review and approval written notice from the appropriate regulatory agency that the HBEP site has been investigated and remediated as necessary in accordance with the corrective action plan.~~

VERIFICATION: At least ~~30~~ **45** days prior to implementation ~~remediation~~ the project owner shall submit the ~~Soil Sampling Work Plan~~ to the CPM for approval **copies of remediation documentation, such as, but not limited to, soil sample results, work plans, and agreements regarding the corrective action plan requirements and activities at the project site.** Within ~~30~~ days of implementing the ~~Soil Sampling Work Plan~~, the project owner shall submit copies of all soil sampling lab results with the summary report for review. At least ~~90~~ days prior to implementation the project owner shall submit the ~~Remediation Action Plan~~ to the CPM for review and approval.

Pertinent correspondence such as, but not limited to, soil sample results, work plans, agreements, and authorizations involving DTSC, the Huntington Beach Fire Department, and/or (if applicable) the Orange County Health Care Agency regarding the corrective action plan requirements and activities at the project site will be provided to the CPM within 10 days of receipt.

At least 15 days prior to the start of site mobilization, the project owner shall provide to the CPM written notice from the appropriate regulatory agency that the HBEP site has been investigated and remediated as necessary in accordance with the corrective action plan.

If additional soil contamination **not previously identified or already included in corrective action plans, work plans or closure plans** is encountered prior to or during grading the project owner ~~will~~ shall **notify the CPM and DTSC,** revise the approved work plan and submit it for **concurrent CPM, Huntington Beach Fire Department, and DTSC review** approval within 30 days after contamination is identified. **Comments received within 30 days from all parties will be incorporated and provided to DTSC for approval.**

WASTE-2 Prior to demolition of existing structures associated with Units 1, 2, and 5, the project owner shall complete and submit a copy of a SCAQMD Asbestos Demolition Notification Form to the CPM and the SCAQMD for approval. After receiving approval, **Once submitted,** the project owner shall remove all Asbestos Containing Material (ACM) from the site prior to demolition.

VERIFICATION: No less than sixty (60) days prior to commencement of structure demolition, the project owner shall provide the Asbestos Demolition Notification Form **and any update notifications** to the CPM **and to the SCAQMD** for review and approval. The project owner shall inform the CPM via the monthly compliance report, of the data when all ACM is removed from the site.

Soil and Water Resources

SOIL&WATER-3: Prior to any groundwater dewatering, the project owner shall submit a dewatering plan to the CPM for review and approval. The dewatering

plan shall include maximum daily and average daily pumping rates, and total volume expected to be pumped during dewatering, as well as the dates expected to be used for dewatering. The plan ~~will~~**shall** also include estimates of drawdown that may occur at the adjacent marsh land, ~~water levels that would trigger mitigation such as changes in pumping or use of alternative dewatering methods, discussion of methods that would be used and~~ **identify potential mitigation, as needed, as well as describe** under what circumstances ~~they~~ **such mitigation** would be implemented

Discharge of dewatering water shall comply with the Santa Ana Regional Water Quality Control Board (RWQCB) and State Water Resources Control Board regulatory requirements. The project owner shall submit a Report of Waste Discharge (RWD) to the compliance project manager (CPM) and RWQCB for determination of which regulatory waiver or permit applies to the proposed discharges. The project owner shall pay all necessary fees for filing and review of the RWD and all other related fees. Checks for such fees shall be submitted to the RWQCB and shall be payable to the State Water Resources Control Board. The project owner shall ensure compliance with the provisions of the waiver or permit applicable to the discharge. Where the regulatory requirements are not applied pursuant to a National Pollutant Discharge Elimination System permit, it is the Commission's intent ~~is~~ that the requirements of the applicable waiver or permit be enforceable by both the Commission and the RWQCB. In furtherance of that objective, the Commission hereby delegates the enforcement of the waiver or permit requirements, and associated monitoring, inspection, and annual fee collection authority, to the RWQCB. Accordingly, the Commission and the RWQCB shall confer with each other and coordinate, as needed, in the enforcement of the requirements.

VERIFICATION: At least **sixty (60)** ~~ninety (90)~~ days prior to dewatering, the project owner shall submit a dewatering plan to the CPM for review and approval. The project owner shall provide a report on the dewatering daily average and maximum rate and total daily volumes in each monthly compliance report when dewatering occurs. ~~The report will also include data from the monitoring program implemented to ensure there are no offsite impacts.~~

At least 30 days prior to any planned dewatering water discharge, the project owner shall submit a RWD to the RWQCB to obtain the appropriate waiver or permit.

The project owner shall submit a copy of any correspondence between the project owner and the RWQCB regarding the waiver or permit and all related reports to the CPM within 10 days of correspondence receipt or submittal.

NPDES industrial permit requirements

SOIL&WATER-4: Prior to mobilization for construction, the project owner shall obtain a National Pollutant Discharge Elimination System permit for industrial waste and stormwater discharge to the Pacific Ocean. The project owner shall discharge to the same outfall currently utilized by the Huntington Beach Generating Station under the requirements of Order No. **R8-2006-0011** ~~R8-2010-0062~~, NPDES No. CA0001163. The project owner shall provide a copy of all permit documentation sent to the Santa Ana or State Water Board to the CPM and notify the CPM in writing of any reported non-compliance.

VERIFICATION: Prior to construction mobilization, the project owner shall submit to the CPM documentation that all necessary NPDES permits were obtained from the Santa Ana or State Water Board. Thirty (30) days prior to HBEP operation, the project owner shall submit to the CPM a copy of the Industrial SWPPP. The project owner shall submit to the CPM all copies of any relevant correspondence between the project owner and the Board regarding NPDES permits in the annual compliance report.

Paleontological and Geological Resources

PAL-1 APPOINTMENT AND QUALIFICATIONS OF PALEONTOLOGICAL RESOURCE SPECIALIST (PRS)

The project owner shall provide at least one paleontological resource specialist (PRS) to the project. The project owner shall submit the resume of the proposed PRS, with at least three references and contact information, to the Energy Commission compliance project manager (CPM) for review and approval.

If the approved PRS is replaced prior to completion of project mitigation and submittal of the paleontological resources report (PRR), the project owner shall obtain CPM approval of the replacement PRS. The project owner shall keep resumes on file for qualified paleontological resources monitors (PRMs). If a PRM is replaced, the resume of the replacement PRM shall also be provided to the CPM for review and approval.

As determined by the CPM, the PRS shall meet the minimum qualifications for a Qualified Professional Paleontologist as defined in the Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society of Vertebrate Paleontology (SVP 2010). The experience of the PRS shall include the following:

1. Institutional affiliations, appropriate credentials, and college degree;

2. Ability to recognize and collect fossils in the field;
3. Local geological and biostratigraphic expertise;
4. Proficiency in identifying vertebrate and invertebrate fossils; and
5. At least three years of paleontological resource mitigation and field experience in California and at least one year of experience leading paleontological resource mitigation and field activities.

The project owner shall ensure that the PRS obtains qualified paleontological resource monitors to monitor as he or she deems necessary on the project. Paleontologic resource monitors (PRMs) shall have the equivalent or combination of the following qualifications approved by the CPM:

- BS or BA degree in geology or paleontology and one year of experience monitoring in California; or
- AS or AA in geology, paleontology, or biology and four years' experience monitoring in California; or

Enrollment in upper division classes pursuing a degree in the fields of geology or paleontology and two years of monitoring experience in California.

The project owner may replace the PRS by submitting the required resume, references and contact information of the proposed alternate to the CPM.

VERIFICATION: At least 60 days prior to ground disturbance, the project owner shall submit the resume of the proposed PRS, with at least three references and contact information, to the CPM for review and approval.

At least 20 days prior to ground disturbance, the PRS or project owner shall provide a letter with resumes naming anticipated monitors for the project. The letter shall state that the identified monitors meet the minimum qualifications for paleontological resource monitoring as required by this condition of certification. If additional monitors are obtained during the project, the PRS shall provide additional letters and resumes to the CPM. The letter shall be provided to the CPM for approval no later than one week prior to the monitor's beginning on-site duties.

The project owner may replace a PRS by submitting the required resume, references and contact information to the CPM at least ten working days prior to the termination or release of the then-current CRS. In an emergency, the project owner shall immediately notify the CPM to discuss the qualifications and approval of a short-term replacement while a permanent CRS is proposed to the CPM for consideration.

PAL-2 DOCUMENTS PROVIDED TO THE PRS

The project owner shall provide to the PRS and the CPM, for approval, maps and drawings showing the footprint of the power plant, construction lay down areas, and all related facilities. Maps shall identify all areas of the project where ground disturbance is anticipated. If the PRS requests enlargements or strip maps for linear facility routes, the project owner shall provide copies to the PRS and CPM. The site grading plan and the plan and profile drawings for the utility lines would be acceptable for this purpose. The plan drawings should show the location, depth, and extent of all ground disturbances and be at a scale between 1 inch = 40 feet and 1 inch = 100 feet. If the footprint of the project or its linear facilities change, the project owner shall provide maps and drawings reflecting those changes to the PRS and CPM.

If construction of the project proceeds in phases, maps and drawings may be submitted prior to the start of each phase. A letter identifying the proposed schedule of each project phase shall be provided to the PRS and CPM. Before work commences on affected phases, the project owner shall notify the PRS and CPM of any construction phase scheduling changes.

At a minimum, the project owner shall ensure that the PRS or PRM consults weekly with the project superintendent or construction field manager to confirm area(s) to be worked the following week, until ground disturbance is completed.

VERIFICATION: ~~At least 30 days prior to ground disturbance,~~ At least 30 days prior to the start of ground disturbance, the project owner shall provide the maps and drawings to the PRS and CPM.

If there are changes to the footprint of the project, revised maps and drawings shall be provided to the PRS and CPM at least 15 days prior to the start of ground disturbance.

If there are changes to the scheduling of the construction phases, the project owner shall submit a letter to the CPM within 5 days of identifying the changes.

Land Use

LAND-1 The project owner shall comply with Appendix B(g)(3)(c) of the Siting Regulations (Title 20, California Code of Regulations) by ensuring that the HBEP site, excluding linear and temporary lay down or staging area, as shown in Figure/Table/Whatnot, will be located on a single legal parcel.

VERIFICATION: ~~At least 30 days~~ pPrior to construction of the first power block, the project owner shall submit evidence to the compliance project manager (CPM),

indicating approval of a Lot Line Adjustment by the city of Huntington Beach, establishing a single parcel for the 28.6 acre HBEP site. The submittal to the CPM shall include evidence of compliance with all conditions and requirements associated with the approval of the Lot Line Adjustment by the city.

Restoration of All Public Roads, Easements, and Rights-of-Way

TRANS-2 The project owner shall restore all public rights-of-way, including but not limited to streets, highways, roads, easements, and intersections, that have been damaged due to project-related construction and demolition activities. Restoration of significant damage which could cause hazards (such as potholes) must take place immediately after the damage has occurred. The restoration shall be completed in a timely manner to the road's original condition in compliance with the applicable jurisdiction's standards.

VERIFICATION: Prior to the start of site mobilization, the project owner shall photograph or videotape all public rights-of-way segments that may be affected by project-related traffic. The project owner shall provide the photograph or videotape to the CPM and the affected local jurisdiction(s). The project owner shall coordinate with each jurisdiction regarding planned improvement activities on affected public rights-of-way ~~to obtain postponement and/or coordination of any concurrent construction-related activities that cannot be postponed.~~

Noise

Noise restrictions

NOISE-4 The project design and implementation shall include appropriate noise mitigation measures adequate to ensure that the operation of the project will not cause the noise levels due to normal steady-state plant operation alone, to exceed an hourly average of 61 dBA L₅₀ measured at or near monitoring location M2.

Also, the project design and implementation shall include appropriate noise mitigation measures adequate to ensure that the operation of the project will not cause the noise levels due to plant operation alone, during the four quietest consecutive hours of the nighttime, to exceed an average of 45 dBA L₉₀ measured at or near monitoring location M3 and an average of 49 dBA L₉₀ measured at or near monitoring location M4.

No new pure-tone components (as defined in **Noise Table A1**, below) shall be caused by the project. No single piece of equipment shall be

allowed to stand out as a source of noise that draws legitimate complaints¹.

When the project first achieves a sustained output of 85 percent or greater of its rated capacity, the project owner shall conduct a 25-hour community noise survey at monitoring locations M2, M3 and M4, or at a closer location acceptable to the CPM and include L_{eq} , L_{50} and L_{90} readings. This survey shall also include measurement of one-third octave band sound pressure levels to ensure that no new pure-tone noise components have been caused by the project.

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

If the results from the noise survey indicate that the power plant noise at the affected receptor sites exceed the above values, mitigation measures shall be implemented to reduce noise to a level of compliance with these limits.

If the results from the noise survey indicate that pure tones are present, mitigation measures shall be implemented to reduce the pure tones to a level that complies with **Noise Table A1**, below.

VERIFICATION: The above noise survey shall be conducted in two parts. Part one shall take place within 90 days of Power Block 1 (PB-1) first achieving a sustained output of 85 percent or greater of its rated capacity. Part 2 of this survey shall be performed within 90 days of Power Block 2 (PB-2) first achieving 85 percent or greater of its rated capacity and shall include the combined operation of PB-1 and PB-2 at 85 percent or greater of the overall plant rated capacity with all turbine generators operating. The exception to the above is that for the daytime portions of the survey only (between 7:00 a.m. and 10:00 p.m.) the above rated capacity can be 80 percent or higher rather than 85 percent or higher.

Within 15 days after completing each part, the project owner shall submit a summary report to the CPM. Included in the survey report shall be a description of any additional mitigation measures necessary to achieve compliance with the above listed noise limits,

¹ For the definition of "legitimate complaint", see the footnote in Condition of Certification **NOISE-2**.

and a schedule, subject to CPM approval, for implementing these measures. When these measures are implemented and in place, the project owner shall repeat the noise survey.

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

Compliance and Closure

COM-13: INCIDENT-REPORTING REQUIREMENTS.

Within one hour after it is safe and feasible, the project owner shall notify the CPM or Compliance Office Manager, by telephone and e-mail, of any incident at the power plant or appurtenant facilities that results, or could result, in any of the following:

1. health and safety impacts on the surrounding population;
2. property damage off-site;
3. response by off-site emergency response agencies;
4. serious on-site injury;
5. serious environmental damage; or
6. emergency reporting to any federal, state, or local agency.

The notice shall describe the circumstances, status, and expected duration of the incident. If warranted, as soon as it is safe and feasible, the project owner shall implement the safe shutdown of any non-critical equipment and removal of any hazardous materials and waste that pose a threat to public health and safety and to environmental quality (also, see specific conditions of certification for the technical areas of **HAZARDOUS MATERIALS MANAGEMENT** and **WASTE MANAGEMENT**).

Within **six (6) business days** ~~one (1) week~~ of the incident, the project owner shall submit to the CPM a detailed incident report, which includes, as appropriate, the following information:

1. a brief description of the incident, including its date, time, and location;
2. a description of the cause of the incident, or likely causes if it is still under investigation;
3. the location of any off-site impacts;
4. description of any resultant impacts;

5. a description of emergency response actions associated with the incident;
6. identification of responding agencies;
7. identification of emergency notifications made to federal, state, and/or local agencies;
8. identification of any hazardous materials released and an estimate of the quantity released;
9. a description of any injuries, fatalities, or property damage that occurred as a result of the incident;
10. fines or violations assessed or being processed by other agencies;
11. name, phone number, and e-mail address of the appropriate facility contact person having knowledge of the event; and
12. corrective actions to prevent a recurrence of the incident.

The project owner shall maintain all incident report records for the life of the project, including closure. After the submittal of the initial report for any incident, the project owner shall submit to the CPM copies of incident reports within **forty-eight (48)** ~~twenty-four (24)~~ hours of a request.

COM-14: NON-OPERATION.

If the facility ceases operation (**excluding planned and unplanned maintenance**) temporarily, either planned or unplanned, for longer than one (1) week (or other CPM-approved date), but less than three (3) months (or other CPM-approved date), the project owner shall notify the CPM, interested agencies, and nearby property owners. Notice of planned non-operation shall be given at least two (2) weeks prior to the scheduled date. Notice of unplanned non-operation shall be provided no later than one (1) week after non-operation begins.

For any non-operation, a Repair/Restoration Plan for conducting the activities necessary to restore the facility to availability and reliable and/or improved performance shall be submitted to the CPM within one (1) week after notice of non-operation is given. If non-operation is due to an unplanned incident, temporary repairs and/or corrective actions may be undertaken before the Repair/Restoration Plan is submitted. The Repair/Restoration Plan shall include:

1. identification of operational and non-operational components of the plant;

2. a detailed description of the repair or restoration activities;
3. a proposed schedule for completing the repair or restoration activities;
4. an assessment of whether or not the proposed activities would require changing, adding, and/or deleting any conditions of certification, and/or would cause noncompliance with any applicable LORS; and
5. planned activities during non-operation, including any measures to ensure continued compliance with all conditions of certification and LORS.

Written updates to the CPM for non-operational periods, until operation resumes, shall include:

1. progress relative to the schedule;
2. developments that delayed or advanced progress or that may delay or advance future progress;
3. any public, agency, or media comments or complaints; and
4. projected date for the assumption of operation.

During non-operation, all applicable conditions of certification and reporting requirements remain in effect. If, after one (1) year from the date of the project owner's last report of productive Repair/Restoration Plan work, the facility does not resume operation or does not provide a plan to resume operation, the Executive Director may assign suspended status to the facility and recommend commencement of permanent closure activities. Within ninety (90) days of the Executive Director's determination, the project owner shall do one of the following:

1. If the facility has a closure plan, the project owner shall update it and submit it for Energy Commission review and approval.
2. If the facility does not have a closure plan, the project owner shall develop one consistent with the requirements in this Compliance Plan and submit it for Energy Commission review and approval.

COM-15: FACILITY CLOSURE PLANNING.

To ensure that a facility's eventual permanent closure and long-term maintenance do not pose a threat to public health and safety and/or to environmental quality, the project owner shall coordinate with the Energy Commission to plan and prepare for eventual permanent closure.

A. Provisional Closure Plan and Estimate of Permanent Closure Costs

To assure satisfactory long-term site maintenance and adequate closure for “the whole of a project,” the project owner shall submit a Provisional Closure Plan and Cost Estimate for CPM review and approval within sixty (60) days after the start of commercial operation. The Provisional Closure Plan and Cost Estimate shall consider applicable final closure plan requirements, and reflect ~~the use of an independent third party to carry out the~~ **that** permanent closure **will be carried out by qualified personnel.**

The Provisional Closure Plan and Cost Estimate shall provide for a phased closure process and include but not be limited to:

1. comprehensive scope of work and itemized budget;
2. closure plan development costs;
3. dismantling and demolition;
4. recycling and site clean-up;
5. mitigation and monitoring direct, indirect, and cumulative impacts;
6. site remediation and/or restoration;
7. interim and long term operation monitoring and maintenance, including long-term equipment replacement costs; and
8. contingencies.

~~The project owner shall include an updated Provisional Closure Plan and Cost Estimate in every fifth-year ACR for CPM review and approval. Each updated Provisional Closure Plan and Cost Estimate shall reflect the most current regulatory standards, best management practices, and applicable LORS.~~

B. Final Closure Plan and Cost Estimate

At least three (3) years prior to initiating a permanent facility closure, the project owner shall submit for Energy Commission review and approval, a Final Closure Plan and Cost Estimate, which includes any long-term, post-closure site maintenance and monitoring. Final Closure Plan and Cost Estimate contents include, but are not limited to:

1. a statement of specific Final Closure Plan objectives;
2. a statement of qualifications and resumes of the technical experts proposed to conduct the closure activities, with detailed descriptions of previous power plant closure experience;

3. identification of any facility-related installations not part of the Energy Commission certification, designation of who is responsible for these, and an explanation of what will be done with them after closure;
4. a comprehensive scope of work and itemized budget for permanent plant closure and site maintenance activities, with a description and explanation of methods to be used, broken down by phases, including, but not limited to:
 - a. dismantling and demolition;
 - b. recycling and site clean-up;
 - c. impact mitigation and monitoring;
 - d. site remediation and/or restoration and;
 - e. any contingencies.
5. a revised/updated Final Cost Estimate for all closure activities, by phases, including site monitoring and maintenance costs, and long-term equipment replacement;
6. a schedule projecting all phases of closure activities for the power plant site and all appurtenances constructed as part of the Energy Commission-certified project;
7. an electronic submittal package of all relevant plans, drawings, risk assessments, and maintenance schedules and/or reports, including an above- and below-ground infrastructure inventory map and registered engineer's or delegate CBO's assessment of demolishing the facility; additionally, for any facility that permanently ceased operation prior to submitting a Final Closure Plan and Cost Estimate and for which only minimal or no maintenance has been done since, a comprehensive condition report focused on identifying potential hazards;
8. all information additionally required by the facility's conditions of certification applicable to plant closure;
9. an equipment disposition plan, including:
 - a. recycling and disposal methods for equipment and materials; and
 - b. identification and justification for any equipment and materials that will remain on-site after closure;

10. a site disposition plan, including but not limited to:
 - a. proposed rehabilitation, restoration, and/or remediation procedures, as required by the conditions of certification and applicable LORS; and
 - b. site maintenance activities.
11. identification and assessment of all potential direct, indirect, and cumulative impacts and proposal of mitigation measures to reduce significant adverse impacts to a less-than-significant level; potential impacts to be considered shall include, but not be limited to:
 - a. traffic
 - b. noise and vibration
 - c. soil erosion
 - d. air quality degradation
 - e. solid waste
 - f. hazardous materials
 - g. waste water discharges
 - h. contaminated soil
12. identification of all current conditions of certification, LORS, federal, state, regional, and local planning efforts applicable to the facility, and proposed strategies for achieving and maintaining compliance during closure;
13. updated mailing list or listserv of all responsible agencies, potentially interested parties, and property owners within one (1) mile of the facility;
14. identification of alternatives to plant closure and assessment of the feasibility and environmental impacts of these; and
15. description of and schedule for security measures and safe shutdown of all non-critical equipment and removal of hazardous materials and waste (see conditions of certification for **PUBLIC HEALTH, WASTE MANAGEMENT, HAZARDOUS MATERIALS MANAGEMENT, and WORKER SAFETY**).

If implementation of an Energy Commission-approved Final Closure Plan and Cost Estimate is not initiated within one (1) year of its approval date, it shall be updated and re-submitted to the Commission for supplementary review and approval. If a project owner initiates but then suspends closure activities, and the suspension continues for longer than one (1) year, or subsequently abandons the facility, the Final Closure Plan and Cost Estimate shall be resubmitted to the Commission for supplementary review and approval. The project owner remains liable for all costs of contingency planning and closure.

Dated: September 25, 2014, at Sacramento, California.

Original Signed By:

ANDREW McALLISTER
Commissioner and Presiding Member
Huntington Beach Energy Project
AFC Committee

Original Signed By:

KAREN DOUGLAS
Commissioner and Associate Member
Huntington Beach Energy Project
AFC Committee