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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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Petition to Amend the
HUNTINGTON BEACH ENERGY PROJECT

Docket No. 12-AFC-02C

ERRATA TO THE PRESIDING MEMBER'S PROPOSED DECISION

After reviewing the comments submitted by the parties and members of the public, we incorporate the following changes¹ into the February 24, 2017, Presiding Member's Proposed Decision (PMPD) for the Huntington Beach Energy Project Amendment:

INTRODUCTION

1. Page 1-24, second full paragraph:

On ~~March XX~~ **April 10**, 2017, the Committee filed an Errata to the PMPD, containing corrections to the PMPD and responses to significant comments on the PMPD. At its April 12, 2017, Business Meeting, the full Energy Commission considered the PMPD [and Errata] and adopted an Order [approving/denying] the Petition to Amend.

PROJECT DESCRIPTION

1. Page 2-6, first paragraph, first sentence:

Instead of **In addition to** using **16 acres at** the Alamitos Generating Station site in Long Beach **for temporary equipment storage and truck parking when heavy haul deliveries cannot be immediately accommodated at the Amended Project site**, the Amended Project intends to use the Plains site for construction laydown and some construction parking.

2. Page 2-12, before the heading, "Findings of Fact", insert the following

AGENCY AND PUBLIC COMMENTS:

No public comments on the topic of PROJECT DESCRIPTION were received during the Evidentiary Hearing.

¹ Where text is revised, additions are shown in **bold underline**, and deletions are shown in ~~strikeout~~.

Intervenor Robert Simpson/Helping Hand Tools filed an Opening Brief² raising various issues regarding the appropriateness of the use of the amendment process to consider the proposed changes to the 2014 Project, arguing that AES knew or should have known that the 2014 Project was not the project approved by the procurement authorized by the California Public Utilities Commission (CPUC). Mr. Simpson claims that AES should have known of changes to the 2014 Project because there was an announcement of its successful bid approximately one week before the Energy Commission approved the 2014 Project on October 29, 2014. We first note that Mr. Simpson's comments are not evidence we can rely upon to support this contention. More critically, we note that the CPUC did not approve the power purchase agreement between Southern California Edison and AES until November 19, 2015³. We thus note that there was almost a year delay before the option for changes to the project were confirmed. More importantly, regardless of whether denominated as an application for certification or petition to amend, our analysis would have been similar because of the constraints of CEQA Guidelines, section 15162, regarding supplemental environmental review (see, e.g., discussions in biological resources, geological and paleontological resources, and visual resources). In addition, see ALTERNATIVES, "Response to Agency and Public Comments," regarding relationship between CPUC and Energy Commission in power plant project approval.

In comments on the PMPD, John in Huntington Beach⁴ asked, "Why would this project take 9 years to complete?" and "Why are Power Plants guaranteed a 10.5% return on their investment and would AES build/remodel this Huntington Beach plaintiff the guarantee did NOT exist?"

In response to the first question, as shown in Project Description – Table 1 and Project Description – Figure 2, General Layout for the Amended Project, of this Decision, the entire project has several phases, with the later phases reliant on the completion of the prior phases, because the same physical space is needed. For example, demolition of existing Units 3 and 4 must occur prior to the construction of Power Block 2 because Power Block 2 is to be built in the

² TN 215259. Mr. Simpson/Helping Hand Tools was admitted as an Intervenor only on the topics of air quality, greenhouse gases, and public health (TN 214950). As such, we treat the portions of his brief addressing topics on which he was not admitted as an Intervenor as public comment. During the comment period on the PMPD, Mr. Simpson refiled his opening brief as "public comments" (TN 216462). Because these comments were addressed in the PMPD, we do not further respond to them.

³ Application of Southern California Edison Company (U 3380E) for Approval of the Results of Its 2013 Local Capacity Requirements Request for Offers for the Western Los Angeles Basin, Decision 15-11-041, dated November 19, 2015.

⁴ TN 216560.

location of existing Units 3 and 4. In addition, the planned phased construction and demolition activities of the Amended Project allow for continued operation of the existing Huntington Beach Generating Station's power generation and synchronous condensers to maintain power delivery and grid reliability during construction.⁵

Regarding the rate of return on investment, there is no evidence in the record on this topic. Moreover, any such discussion is irrelevant to these proceedings. The purpose of this Decision, and the Energy Commission's review in general, is to analyze the potential environmental impacts of proposed project and its conformity with laws, ordinances, regulations, and standards. For further analysis of the interaction of the CPUC and the Energy Commission, please see the "Public and Agency Comments" portion of the "Alternatives" section of this Decision.

POWER PLANT RELIABILITY

1. Page 3.3-4, under the heading, "Agency and Public Comments", at the end of third paragraph:

This comment was also made by the Sierra Club, California Coastal Protection Network, 350.org, Coastal Environmental Rights Foundation, Los Angeles Waterkeeper, Surfrider Foundation, Earth Law Center, Heal the Bay, and Protect Our Communities in their comments on the PMPD.⁶

The tariff section cited concerns only the California ISO's obligations in performing the annual Local Capacity Technical Study and has no applicability to power plant facilities, nor does it make any mention of a 20-minute response time.

GREENHOUSE GAS EMISSIONS

1. Page 4.1-11, under the heading "Agency and Public Comments", after the first paragraph:

In comments on the PMPD, the Sierra Club, California Coastal Protection Network, 350.org, Coastal Environmental Rights Foundation, Los Angeles Waterkeeper, Surfrider Foundation, Earth Law Center, Heal the Bay, and Protect Our Communities,⁷ contend that approval of the Amended Project is inconsistent with California laws and policies, arguing that the amount of energy to be

⁵ Ex. 6000, p. 3-4.

⁶ TN 216544.

⁷ TN 216544.

generated by Phase 1 of the Amended Project (644 MW generated by the combined-cycle units) is all that is required for grid reliability.

As set forth above, the Amended Project complies with all LORS related to GHG emissions.

AIR QUALITY

1. Page 4.2-9, under the heading, "Contested Issues":

Conditions of Certification AQ-SC1 and ~~AQ-2~~AQ-SC2

The primary area of dispute between Staff and AES concerned Conditions of Certification ~~AQ-SC1~~ and ~~AQ-2~~~~AQ-SC2~~.⁸ After the Evidentiary Hearing, Staff submitted a Reply Brief in which it made changes to conditions of certification that had been proposed by AES. In Condition of Certification ~~AQ-SC1~~, Staff removed language requiring that the Air Quality Construction/Demolition Mitigation Manager (AQ-CMM) could not be removed without the consent of the CPM. In addition, consistent with the testimony during the Evidentiary Hearing, Condition of Certification ~~AQ-SC2~~~~AQ-2~~ was amended to establish a deadline of January 15, 2020, for the shutdown of the existing HBGS units.⁹

We impose Conditions of Certification ~~AQ-SC1~~ and ~~AQ-2~~ ~~AQ-SC2~~ as modified by Staff's Reply Brief language.¹⁰

2. Page 4.2-10, third full paragraph, last sentence:

Staff further asserts that requiring the ERC list will allow the ~~Construction~~ **Compliance** Project Manager (CPM) to maintain an accurate list of ERCs for the Amended Project, especially to the extent that there are any requested substitutions, modifications, or additions to the ERCs.¹¹

3. Page 4.2-11, immediately before the heading, "Findings of Fact":

In comments on the PMPD, John in Huntington Beach¹² asked "How will noise and dust from [sic] neighboring homes will be controlled?"

⁸ 12/21/16 RT 88:10-16, 92:1 – 94:1, 94:2-96:24.

⁹ TN 215429.

¹⁰ For ease of comparison, revisions to the conditions of certification for Air Quality are shown in a separate document. (TN 216248) The conditions of certification for Air Quality, as well as for all topics of this Decision, may be found in **Appendix A** of this Decision.

¹¹ Ex. 6003, p. 4.1-77.

¹² **TN 216560**

As set forth above, with the imposition and implementation of the Conditions of Certification AQ-SC1 through AQ-SC10 and AQ-1 through AQ-70, the Amended Project will have no significant adverse air quality impacts, including dust, on neighboring properties.

4. Page 4.2-12, Finding of Fact #4:

South Coast Air Quality Management District Rule 404 limits the particulate matter concentration based on the **auxiliary boiler** stack flow to 0.073 grains per cubic foot.

WORKER SAFETY AND FIRE PROTECTION

1. Page 4.4-3, under the heading, "FINDINGS OF FACT", numbered list:

1. The 2014 Decision **certifying** ~~found that the Huntington Beach Energy Project~~ **found that the Huntington Beach Energy Project conformed** ~~would conform~~ with all **applicable** laws, ordinances, regulations, and standards and ~~that, with the implementation of the conditions of certification, the Huntington Beach Energy Project would~~ **did** not have any significant direct, indirect, or cumulative impacts **related** to worker safety and fire protection.
2. None of the factors that require a subsequent or supplemental environmental analysis, as set forth in the **California Environmental Quality Act CEQA** Guidelines, section 15162, and as described in the **INTRODUCTION** section of this Decision, are present regarding this topic.
3. Except as described above, there have been no changes in the laws, ordinances, regulations, and standards applicable to the amended Huntington Beach Energy Project, and the amended Huntington Beach Energy Project would comply with all applicable laws, ordinances, regulations, and standards.
4. Revising Condition of Certification WORKER SAFETY-7 would clarify that conformance to the National Fire Protection Association (NFPA) 850 is required and ensures that the **amended Huntington Beach Energy** Amended-Project facility is built to comply with **the National Fire Protection Association** NFPA 850 recommendations by allowing the **Chief Building Official**~~CBO~~ to enforce all of the applicable provisions.

BIOLOGICAL RESOURCES

1. Page 5.1-7, second paragraph:

Appointment of a Designated Biologist begins with providing the **Construction Compliance** Project Manager (CPM) with the resume, references, and contact

information of a proposed Designated Biologist at least 75 days prior to the start of site mobilization or construction-related ground disturbance activities.

2. Page 5.1-9, before the heading, "Findings of Fact":

In comments on the PMPD, the Sierra Club, California Coastal Protection Network, 350.org, Coastal Environmental Rights Foundation, Los Angeles Waterkeeper, Surfrider Foundation, Earth Law Center, Heal the Bay, and Protect Our Communities¹³ assert that the PMPD failed to account for adverse impacts to nearby coastal wetlands. Similarly, Cabrillo Wetlands Conservancy seeks imposition of mitigation measures for alleged impacts from the Amended Project related to use of a vacant, unpaved area for temporary construction parking.¹⁴

The record establishes that there are no wetlands within the Amended Project site or the Plains site.¹⁵ Any potential impacts to the wetlands within the Magnolia Marsh adjacent to the Amended Project site were fully analyzed in both the 2014 Decision and this Decision. With the imposition and implementation of Conditions of Certification BIO-1 through BIO-8, SOIL&WATER-1, AQ-SC3, and AQ-SC4, impacts to biological resources from project, including the use of the Plains site would be less-than-significant. In the absence of additional information in the hearing record regarding documented wetlands, no further mitigation is required.

CULTURAL RESOURCES

1. Page 5.3-3, first paragraph:

For the Amended Project, ~~Energy Commission staff (Staff) reviewed the files of the Native American Heritage Commission (NAHC)~~ **reviewed its files** and determined **informed Energy Commission staff (Staff) that it had no record of any** determined that ~~there were no~~ sacred lands within a one-half-mile radius of the Amended Project.

2. Page 5.3-7, next to last paragraph:

We, thus, impose Condition of Certification **CUL-1** as revised in Appendix **A. —**.

¹³ **TN 216544.**

¹⁴ **TN 216661.**

¹⁵ **Ex. 6000, pp. 1.7, 4.2-3.**

GEOLOGICAL AND PALEONTOLOGICAL RESOURCES

1. Page 5.4-7, first full paragraph:

Appointment of a PRS begins with providing the ~~Construction~~ **Compliance** Project Manager (CPM) with the resume, references, and contact information of a proposed PRS at least 60 days prior to the start of ground disturbance activities.

TRAFFIC AND TRANSPORTATION

1. Page 6.2-7, first paragraph, third sentence:

As such, Condition of Certification **TRANS-8** requires the Petitioner to obtain review, comment, and approval of the Magnolia Street/Banning Avenue changes from the city of Huntington Beach, as well as the approval of the **Chief Building Official (CBO)** ~~Construction Project Manager~~.

2. Page 6.2-7, under the heading, "Agency and Public Comments", after the first paragraph, add the following:

In comments on the PMPD, John in Huntington Beach¹⁶ asked "why isn't construction parking offered at the beach" and "how will pedestrian traffic be coordinated for construction workers that park on Newland and cross over to the AES plant?"

As described above, in order to avoid impacts to local business and public access to public beaches and parks in the area, the Amended Project and the 2014 Project both provide construction worker parking away from beach areas. As for construction worker pedestrians, Condition of Certification TRANS-3 requires creation and implementation of a traffic control plan. This traffic control plan will include, among other things, the use of a shuttle to transport construction workers from off-site parking areas, including the All-American Plains Tank site, to the Amended Project site. With the imposition and implementation of the transportation-related conditions of certification identified in Appendix A, there are no significant unmitigated traffic impacts associated with the Amended Project.

SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

1. Page 6.3-4, under the heading "Environmental Analysis", numbered list:

¹⁶ **TN 216560**

1. No new significant impacts to ~~geological and paleontological resources~~ **related to socioeconomics that were** not previously analyzed;
2. No substantial increase in the severity of previously identified environmental impacts;
3. No mitigation measures previously found to be infeasible are now feasible, nor would these infeasible mitigation measures substantially reduce a significant effect of the Amended Project related to ~~geological and paleontological resources~~ **socioeconomics**; and
4. No mitigation measures or alternatives that are considerably different from those analyzed in the 2014 Decision would substantially reduce one or more significant effects of the Amended Project on the environment.¹⁷

NOISE AND VIBRATION

1. Page 6.4-5, immediately before the heading, "Findings of Fact":

In comments on the PMPD, John in Huntington Beach¹⁸ asked "how will noise and dust from [sic] neighboring homes will be controlled?"

As set forth above, with the imposition and implementation of the Conditions of Certification NOISE-1 through NOISE-8, the Amended Project will have no significant adverse noise impacts on neighboring properties.

COMPLIANCE AND CLOSURE

1. Page 7-5, footnote 18:

TN 215259. Mr. Simpson/Helping Hand Tools ~~was~~~~were~~ has admitted as an Intervenor only on the topics of air quality, greenhouse gases, and public health (TN 214950). As such, we treat the portions of his brief addressing topics ~~other than those~~ on which he was **not** admitted **as an Intervenor** as public comment.

PROJECT ALTERNATIVES

1. Page 8-7, the second paragraph under the heading, "No Project Alternative":

As outlined in the 2014 Decision, all potential environmental impacts from the 2014 Project were found to have been mitigated to a "less than significant" level. ~~The Amended Project would not result in any new or increased significant impacts; in fact,~~

¹⁷ Pub. Resources Code, § 21166; CEQA Guidelines, § 15162, subd. (a); Ex. 6000, pp. 4.8-3 - 4.8-4.

¹⁸ **TN 216650**

~~the Amended Project is more efficient than the 2014 Project. As such, the 2014 Project would be is the environmentally superior alternative. However, because the 2014 Project does not meet the project objective of providing power consistent with the PPA the Amended Project has with Southern California Edison, and the Amended Project does not have or create any new or increased unmitigated environmental impacts. The Amended Project it is therefore not the preferred project alternative.¹⁹~~

2. Page 8-8, before the heading, “Findings of Fact, “insert the following:

In comments on the PMPD, the Sierra Club, California Coastal Protection Network, 350.org, Coastal Environmental Rights Foundation, Los Angeles Waterkeeper, Surfrider Foundation, Earth Law Center, Heal the Bay, and Protect Our Communities submitted a joint letter²⁰ stating the PMPD alternative analysis is incomplete and insufficient because it does not consider every alternative and does not address demand (need). Similarly, John in Huntington Beach²¹ asks, “[B]ased on LA Times investigation, why do we even need another plant?”

In this proceeding, we did not receive objections or requests for amendments to the objectives submitted by the Applicant before the evidentiary record closed. However, the Committee, and ultimately the Commission, is not bound by the language of the objectives submitted by the Applicant. In the review process, we will look beyond a narrowly drafted objective or make edits to an objective if we find its language too restrictive. Here, the Huntington Beach’s project objectives are sufficient and legally adequate to balance the intent of CEQA with the Applicant’s goals in pursuing the project. The project objectives are not so “specific” or narrowly tailored as to preclude an adequate alternatives analysis.

The joint letter²² further asserts that the California Public Utilities Commission (CPUC) decision authorizing Southern California Edison (SCE) to procure 644 MW from the Amended Project to meet SCE’s local resource adequacy requirement, mandates a maximum generating capacity “for this specific facility” that can be certified by the Energy Commission. This comment misunderstands the role of the Energy Commission in reviewing proposed power plants.

The restructuring of California’s electric industry in the late 1990s split California’s energy planning among the Energy Commission, the CPUC, and the California Independent System Operator (California ISO).

¹⁹ In fact, the Amended Project uses natural gas more efficiently to produce electricity than the 2014 Project. *Id.*

²⁰ TN 216544.

²¹ TN 216560.

²² TN 216544.

Prior to January 1, 2000, Public Resources Code required the Energy Commission to perform an “integrated assessment of need” as a prerequisite to certifying a power plant.²³ Effective January 1, 2000, Senate Bill 110 (Stats. 1999, ch. 581) repealed Sections 25523 (f) and 25524 (a) of the Public Resources Code, and amended other provisions relating to the assessment of need for new generation resources.²⁴ Specifically, this legislation removed the requirement that the Energy Commission make a finding of need conformance in a certification Decision.²⁵ The legislature explained the Energy Commission’s limited role as follows:

Before the California electricity industry was restructured, the regulated cost recovery framework for power plants justified requiring the commission to determine the need for new generation, and site only power plants for which need was established. Now that power plant owners are at risk to recover their investments, it is no longer appropriate to make this determination. It is necessary that California both protect environmental quality and site new power plants to ensure electricity reliability, improve the environmental performance of the current electricity industry and reduce consumer costs. The success of California’s restructured electricity industry depends upon the willingness of private capital to invest in new power plants. Therefore, it is necessary to modify the need for determination requirements of the state’s power plant siting and licensing process to reflect the economics of the restructured electricity industry and ensure the timely construction of new electricity generation it is no longer appropriate for the Energy Commission to determine the need for a specific power plant.²⁶

While the existence of a power purchase agreement may be evidence of need, the changes to Public Resources Code section 25009 have removed need from the analysis the Energy Commission performs in deciding whether to approve or deny a proposed power plant. The focus of the Energy Commission’s inquiry is a proposed project’s potential to create environmental impacts and its consistency with laws, ordinances, regulations, and standards (LORS). Indeed, the approval of a power plant by the Energy Commission does not necessarily ensure that all or part of the approved plant will be built. While any facility must be built in conformity with the license granted, the ultimate decision to construct any generating facility is based on market forces as mediated by the CPUC

²³ Cal. Pub. Resources Code, § 25009, added by Stats. 1999, ch. 581, § 1,

²⁴ Senate Bill 110 (Stats. 1999, ch. 581.)

²⁵ Cal. Pub. Resources Code § 25009,

²⁶ *Id.*

procurement process. Thus, it would clearly be inappropriate for the Energy Commission to disapprove a portion of the Amended Project's proposed generating capacity on the sole basis that it lacks a power purchase agreement for this capacity, absent a finding that it causes any significant adverse impacts or is inconsistent with LORS.

In comments on the PMPD, John in Huntington Beach²⁷ asked "Since Water is no longer needed from cooling, why can't this plant be built INLAND (if needed) where it would not negatively impact residents, beach traffic, Newland & PCH traffic?"

For a discussion of alternative locations, please see the above "Alternatives" section of this Decision.

CONDITIONS OF CERTIFICATION – APPENDIX A

1. Page 35, Condition of Certification AQ-2, "Verification":

The project owner shall submit the retirement plan and any modifications to the plan to the CPM within five working days of its submittal **to or from the District**, either by: 1) **sending a copy of** the project owner's **submittal** to **the** District, or 2) receipt of proposed modifications from **the** District. The project owner shall make **the** site available for inspection of records by representatives of the District, ARB, and the Energy Commission.

2. Page 101, Condition of Certification SOIL&WATER-3, second paragraph:

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 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 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,

²⁷ **TN 216560.**

the Commission and the RWQCB shall confer with each other and coordinate, as needed, in the enforcement of the requirements.

3. Page 102, Condition of Certification SOIL&WATER-4:

Prior to ~~mobilization for construction~~ **the start of commercial operations**, the project owner shall obtain a National Pollutant Discharge Elimination System permit for industrial waste and storm water discharge to the Pacific Ocean....

Verification: Prior to ~~construction mobilization~~ **the start of commercial operations**, the project owner shall submit to the CPM documentation that all necessary NPDES permits were obtained from the Santa Ana or State Water Board...

4. Page 107, Condition of Certification CUL-2, second paragraph:

Maps shall include any NRHP/CRHR-eligible historic built environment resources identified in the FSA's **archaeological project area of analysis**.

5. Page 135, Condition of Certification TRANS-3, change numbered paragraph 11 as follows:

Parking/Staging Plan for all phases of project construction and operation to require all project-related parking to be on-site or in designated off-site parking areas. The Parking/Staging Plan shall identify operation time(s) and route(s) for shuttle(s) from offsite parking areas. The Parking/Staging Plan shall prohibit use of the Huntington Beach City **beach** parking area unless the CPM determines that there are insufficient parking spaces available at the other parking facilities identified in this Decision.

6. Page 135, Condition of Certification TRANS-3, add numbered paragraph 12:

12. Timing of truck deliveries to the former Plains site shall occur between the hours of 7 a.m. and 9 p.m. on weekdays and Saturdays only.

7. Page 137, Condition of Certification TRANS-8, the first two paragraphs of the "Verification"

At least three (3) months prior to construction of the intersection reconfiguration, the project owner shall provide the engineering plan/drawings for the design and reconfiguration of the Magnolia/Banning intersection and entrance road into the Plains site and the design and configuration of entrances to the City of Huntington Beach Public Works Department for review and comment. **At least 30 days prior to construction of the intersection reconfiguration, the project owner shall provide the engineering plan/drawings for the design and reconfiguration of the**

Magnolia/Banning intersection and entrance road into the Plains site and the design and configurations of entrances and to the CBO for review and approval.

At least three (3) months prior to use of the Newland Street construction parking area, the project owner shall provide the engineering plan/drawings for the design and reconfiguration of the pedestrian crossing to the City of Huntington Beach Public Works Department for review and comment. **At least 30 days prior to use of the Newland Street construction parking area, the project owner shall provide the engineering plan/drawings for the design and reconfiguration of the pedestrian crossing** and to the CBO for review and approval.

8. Page 138, Condition of Certification TRANS-9, change the last sentence of the first paragraph to read:

Replacement parking shall be assured- **provided** before removal of any existing parking to ensure no reduction in available parking spaces.

9. Page 143, Condition of Certification NOISE-6, first paragraph:

Heavy equipment operation and noisy²⁸ construction work relating to any project features, **including noisy construction work relating to** construction staging and warm-up activities at the Plains All-American Tank Farm (Plains) site and pile driving, shall be restricted to the times delineated below:

10. Page 144, Condition of Certification NOISE-6, second paragraph under “Verification”, add a footnote as follows:

In consultation with the CPM, construction equipment generating excessive noise²⁹ shall be updated or replaced if beneficial in reducing the noise and if feasible.

11. Page 144, Condition of Certification NOISE-6, last paragraph of the “Verification” and footnote 5, delete text that is struck-through

12. Page 147, first complete paragraph, delete struck-through word, “monopoles”.

13. Page 148, Condition of Certification VIS-1, Verification, sixth paragraph:

The Plan elements pertaining to screening and enhancement of the CCGT units, **including the easternmost and middle screens,** shall be implemented within 12 months of **completing** demolition of **the HBGS** Units 1 and 2. The Plan elements

²⁸ **“Noisy” means noise that draws legitimate complaint (for the definition of “legitimate complaint”, see the footnote in Condition of Certification NOISE-2).**

²⁹ **“Excessive noise” means noise that draws a legitimate complaint (for the definition of “legitimate complaint”, see the footnote in Condition of Certification NOISE-2).**

pertaining to screening and enhancement of the simple-cycle gas turbine (SCGT) units shall be implemented within 12 months of beginning commercial operation of the SCGT units.

14. Page 152, Condition of Certification VIS-3, last paragraph:

Screening fencing shall be installed to visually screen the open lots that will be used for parking on Newland Street across from the project site and along the Pacific Coast Highway (PCH) at Beach Boulevard. The screening fencing for the parking lots shall be ~~no less than~~ **approximately** 6 feet tall and shall meet the City of Huntington Beach corner lot visibility requirements specified in Title 23, Chapter 230, "Site Standards," of the Huntington Beach Municipal Code (i.e., 25-foot by 25-foot corner visibility triangle).

15. Page 154, Condition of Certification VIS-3, Verification, last paragraph delete struck-through text: "that" and "is".

16. Page 159, Condition of Certification COM-4, delete struck-through words: "start of".

17. Page 160, Condition of Certification COM-5, fourth bullet point, delete struck-through word "sixty" and parentheses.

18. Page 165, Condition of Certification COM-13, second bullet point, delete struck through words "property damage off site".

19. Page 172, under the heading, "Transmission Line Activities," delete struck-through words: "TL"-and "Complete T/L Construction "

Dated: April 10, 2017, at Sacramento, California.

ORIGINAL SIGNED BY:
J. ANDREW McALLISTER, Ph.D.
Commissioner and Presiding Member
Huntington Beach Energy Project
Amendment Committee

ORIGINAL SIGNED BY:
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