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Project Title:	Midway Peaking Project - Starwood Power-Midway LLC
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Document Title:	Midway Peaker Interconnection PTA
Description:	Petition to Amend to allow for the planned nominal 120 MW Midway Battery Energy Storage System (BESS) to interconnect to the Midway Peaking Plant interconnection facilities.
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Organization:	Middle River Power
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Petition for Post-Certification Amendment
Midway Peaking Plant
CEC Docket No. 06-AFC-10

Midway Battery Energy Storage System
13.8 kV Interconnection Project

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January 2024

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Appendices

1.0 INTRODUCTION

Midway Peaking, LLC (MPL) owns and operates the Midway Peaking Plant (MPP) simple-cycle generating plant in unincorporated Fresno County, California. The MPP is a natural-gas fueled peaker plant located on Assessor Parcel No. (APN) 027-06-082SU. The MPP was licensed by the California Energy Commission (CEC) in 2008 as a nominal 120 megawatt (MW) peaker plant. The MPP was formerly known as the Starwood Power Project at the time the project was licensed by the CEC in January 2008. MPL hereby requests an amendment to the certification for the MPP (06-AFC-10) pursuant to Title 20, California Code of Regulations, Section 1769(a)(1).

The requested amendment would allow for the planned nominal 120 MW Midway Battery Energy Storage System (BESS) project planned by Midway BESS LLC to interconnect to the MPP interconnection facilities in order to be able to transmit power to the California Independent System Operator (CAISO)-managed electrical grid. The planned Midway BESS is a separate facility from the MPP and is located on a portion of APN 027-060-91S to the south of the peaker plant. The Midway BESS is planned to interconnect to the low side of an existing 13.8 kilovolt (kV)/115 kV generation step-up (GSU) transformer at the existing MPP switchyard. The interconnection facilities will include up to four 13.8 kV electrical poles depending on final design and minimal interconnection equipment near the point of interconnection on the MPP property. Based on consultation with the CEC in 2023, MPL understands that the portion of the Midway BESS interconnection project on the MPP property is CEC jurisdictional. The main portion of the Midway BESS Project is not located on the MPP property and will be permitted separately via Fresno County's Unclassified Conditional Use Permit process. This Petition addresses and is limited to the portion of the Midway BESS 13.8 kV electrical interconnection on the southwestern portion of the peaker plant property.

The Midway BESS is planned to interconnect to the CAISO-managed electrical grid via the existing MPL-owned interconnection facilities on the MPP parcel by installation and operation of a short, overhead 13.8 kV electrical line between the BESS switchyard, which is located offsite, but near the southern border of the MPP parcel, and the point of interconnection (POI) at the MPP (see Figures in Appendix A). The Midway BESS 13.8 kV Interconnection Project (MBIP) will allow the Midway BESS Project proposed by Midway BESS LLC to interconnect to the Pacific Gas and Electric (PG&E) grid by making a 13.8 kV connection between the planned Midway BESS switchyard and the 13.8 kV/115 kV GSU in the existing MPP 115 kV switchyard. The GSU at the MPP switchyard is connected at 115 kV via existing offsite lines that connect the MPP to the PG&E Panoche substation via the CalPeak Panoche switchyard located less than 0.1 mile to the west. Neither the MPP nor the output of the separately planned Midway BESS Project would

exceed the CEC licensed capacity and would not exceed the CAISO Aggregate Capability Constraint (ACC) of 120 megawatts (MW).

The length of the 13.8 kV interconnection line between the Midway BESS switchyard and the GSU/POI at the MPP switchyard is approximately 385 feet. Approximately 335 feet of the planned 13.8 kV electrical line is located along the western portion of the MPP parcel under CEC jurisdiction with the balance of approximately 50 feet located to the south on the BESS parcel under County jurisdiction. The planned activities on the MPP parcel include installation of up to four power poles and electrical connections in the MPP switchyard area to an existing 13.8 kV/115 kV GSU. The power poles to be installed on the MPP property are planned to be up to approximately 60 feet in height. The proposed construction activities will occur on previously disturbed and developed portions of the MPP parcel associated with construction of the peaker plant. The MPP site has been graded, compacted, and covered with concrete pads, asphalt, and/or gravel in the areas where the 13.8 kV Interconnection Project construction activities and cable installation will occur.

The environmental impact assessment presented in Section 5.0 herein concludes no significant environmental impacts are associated with the implementation of the actions specified in this Petition for Post-Certification Amendment, and that the project, as modified, will comply with all applicable laws, ordinances, regulations, and standards (LORS).

Accordingly, MPL respectfully requests that the requested modification be approved at the staff level as Staff Approved Project Change (SAPC) pursuant Title 20, California Code of Regulations, Section 1769(a)(1).

1.1 Background

The MPP site and adjacent properties are zoned AE-20, Exclusive Agriculture and are located in an area of concentrated power plant and substation development south of W Panoche Road. The MPP is located on APN 027-060-82SU (5.62 acres) at 43649 W. Panoche Road, Firebaugh, CA, 93622. The MPP was licensed as the Starwood Power Project by the CEC in 2008 (see CEC Docket No. 06-AFC-10, as amended) and began commercial operation on May 1, 2009. The proposed Midway BESS 13.8 kV Interconnection Project was not envisioned at the time the MPP was permitted by the CEC in 2008. On January 31, 2014, the CEC approved a project owner name change from Starwood Power-Midway, LLC to Midway Peaking, LLC and the project name was changed from Starwood Power Project to Midway Peaking Project.

The applicant plans to perform the 13.8 kV interconnection related work on the MPP parcel in the second quarter of 2025 assuming all necessary approvals have been obtained.

1.2 20 CCR Section 1769 Information Requirements

The information presented in Section 2.0, below, contains the information required pursuant to Title 20, California Code of Regulations (CCR), Section 1769(a)(1).

2.0 DESCRIPTION OF PROPOSED CHANGES

This section addresses the requirements of Title 20, CCR, Section 1769(a)(1)(A).

2.1 13.8 kV Interconnection: Description of the Proposed Modification

2.1.1 Existing Facility Overview

The MPP is located on an approximately 5.6-acre site within Fresno County, located adjacent to the Panoche Hills and east of the San Benito County line. It is approximately 50 miles west of the City of Fresno and approximately 2 miles east of Interstate 5.

The MPP is a 120 MW, simple-cycle electric generating station. The facility utilizes two FT8-3 Swift-Pac Combustion Turbine Generator units installed in a simple-cycle power plant arrangement. The gas turbines are equipped with a water injection system to reduce production of nitrogen oxides (NOx), a selective catalytic reduction (SCR) system with 19 percent aqueous ammonia to further reduce NOx emissions, and an oxidation catalyst to reduce carbon monoxide emissions. The MPP connects to the CAISO-managed electrical grid via the existing connection to the PG&E Panoche Substation via the existing intermediate connection to the CalPeak Panoche Switchyard both located less than 0.1 mile to the west of the MPP.

2.1.2 Planned Modifications

The planned Midway BESS 13.8 kV Interconnection Project activities and modifications will be performed on the southwestern portion of the MPP parcel in the area between the western property line and the MPP power block to the east and the MPP switchyard to the north (see Figures in Appendix A). The primary modifications required for the electrical connection between the BESS switchyard and the existing 13.8 kV/115 kV GSU in the MPP switchyard are as follows subject to refinement during final design:

- 13.8 kV interconnection overhead conductor length is approximately 385 feet of which 335 feet is on the Midway Peaking Plant parcel subject to CEC jurisdiction
- Up to four, 13.8 kV poles with heights up to 60 feet over the 385-foot-long interconnection route
- Drilled pier pole foundations up to 20 feet deep and 6 feet in diameter (i.e., up to approximately 85 cubic yards total assuming four poles)

- Interconnection to include transition structure (H-structure) from northern-most pole and the low side of the existing Midway Peaker GSU
- Transition structure and tie-in facilities foundations at Midway Peaking Plant switchyard/GSU assumed to encompass a composite area of no more than 30 feet by 30 feet with up to approximately 100 cubic yards of cut spoil for foundations
- Total cut/excavations spoil at less than 200 cubic yards including poles and interconnection facility foundations

The 13.8 kV electrical connection point for the Midway BESS is located on the MPP parcel approximately 385 feet to the north of the BESS switchyard. The connection point is located in the MPP switchyard at an existing GSU. At this location, the BESS facility can connect to PG&E's transmission system using the existing MPP switchyard which is already connected to the PG&E Panoche Substation infrastructure via the CalPeak Panoche switchyard. Minor modifications to the existing MPP switchyard are required, but no modifications to the CalPeak Panoche switchyard or PG&E Panoche Substation will be required.

Electrical Equipment Locations and Foundation Work

Minor work at the MPP switchyard area is required to make the BESS 13.8 kV electrical connection. A new structural steel support H-frame structure will be provided to transition from the overhead line to the bare cables needed to enable the 13.8 kV cable connections at the MPP GSU.

The total surface footprint for the planned 13.8 kV Interconnection Project facilities at the MPP site is less than 1,500 square feet assuming up to four poles and one overhead to GSU transition structure (H-frame) at the MPP switchyard. Maximum cut (augured soil) and fill (concrete) quantities are estimated to be up to 85 cubic yards for the up to four poles to be installed on the MPP property. Pole heights are currently planned to be up to maximum of 60 feet pending final design. Pole foundations are assumed to be up to approximately 20 feet deep pending the results of site specific geotechnical study results and final design. Cut and fill associated with transition structure installation is expected to be up to approximately 100 cubic yards. Excess cut will be removed from the site and disposed of in an approved manner.

Refer to Figures in Appendix A for the general locations of project components on the MPP parcel.

2.2 Construction

Installation of the 13.8 kV Interconnection Project will occur over an estimated 2- to 3-week period in the second quarter of 2025. As applicable, work for the actual connection to the GSU at the MPP switchyard will be planned to occur during an MPP planned outage.

The workforce for the 13.8 kV Interconnection Project work on the MPP parcel is estimated to be up to about 10-15 workers at any one time.

Truck traffic for deliveries of equipment and materials, removal and hauling of excess spoil from excavations, and delivery of concrete and grout, as applicable, on the MPP parcel is estimated to reach up to 10 truck trips per day for several days. It is estimated that a total of up to approximately 30 truck trips will be required over the estimated 2- to 3-week construction period.

The primary construction equipment required for installation of the 13.8 kV Interconnection Project components are anticipated to include:

- All-terrain forklift
- 35-ton wheel mounted crane
- Man-lift
- Excavator/drill rig
- Sheep's foot compactor
- Front-end loader
- Welding machine
- Miscellaneous hand tools

Concrete needs for pole foundations and pads will be supplied by pre-mix concrete truck deliveries.

As available, construction equipment will be CARB-certified, Tier 4 for all applicable equipment.

All equipment and vehicles would comply with the noise requirements of the Fresno County Noise Control Ordinance (Fresno County Code 8.40). Construction hours would be limited to 6 a.m. to 9 p.m., Monday through Friday, and 7 a.m. to 5 p.m., Saturday and Sunday (consistent with the Fresno County Noise Ordinance). Under Section 8.40.060 of the Fresno County Noise Ordinance, noise sources associated with construction are exempt from noise standards, provided such activities do not take place before 6:00 a.m. or after 9:00 p.m. on any day except Saturday or Sunday, or before 7:00 a.m. or after 5:00 p.m. on Saturday or Sunday. Construction noise will comply with Fresno County construction noise limitations.

Minimal water is expected to be required for construction of the 13.8 kV Interconnection Project facilities on the MPP parcel. It is estimated that less than 1,000 gallons of water will be required and that the minimal construction water needs will be met by the construction contractor trucking water to the site.

Construction activities will be performed in compliance with all applicable CEC Conditions of Certification for the MPP.

2.3 Operation and Maintenance

Once installed, the 13.8 kV Interconnection Project facilities will allow the Midway BESS project to dispatch electricity to the CAISO-managed electrical grid via the existing MPP interconnection facilities. Once the Midway BESS 13.9 kV Interconnection Project at the MPP is complete, no non-routine operation and maintenance activities are anticipated to be required at the MPP relative to the addition of the 13.8 kV Interconnection Project facilities.

Once installed, the new 13.8 kV Interconnection Project facilities will not increase the MPP workforce needs, water usage, air or noise emissions, and/or require use of new hazardous materials and/or to generate additional hazardous wastes in reportable quantities.

3.0 NECESSITY OF PROPOSED CHANGE

This section addresses the requirements of Title 20, CCR, Section 1769(a)(1)(B).

The 13.8 kV Interconnection Project on the MPP parcel is needed to integrate the Midway BESS project on the adjacent parcel to the south with the MPP and the electrical grid in an efficient manner with minimal environmental impact.

4.0 NEW INFORMATION OR CHANGE IN CIRCUMSTANCES THAT NECESSITATED THE CHANGE

This section addresses the requirements of Title 20, CCR, Section 1769(a)(1)(C).

The modifications are not based on information that was known during the certification proceeding as the proposed modifications are in part a response to California's increasing need for more electricity during peak hours and to help integrate renewable energy resources. The 13.8 kV Interconnection Project will allow the Midway BESS Project to interconnect to the electrical grid in conjunction with the MPP and to be available to help California meet its energy reliability needs.

5.0 ANALYSIS OF THE POTENTIAL EFFECTS THAT THE PROPOSED CHANGE WILL HAVE ON THE ENVIRONMENT AND MITIGATION MEASURES PROPOSED

This section addresses the requirements of Title 20, CCR, Section 1769(a)(1)(D).

The MPP was licensed by the CEC in 2008 (see CEC Docket No. 06-AFC-10, as amended). The proposed BESS project was not envisioned at the time the MPP was permitted by the CEC in 2008.

5.1 Background

The MPP Application for Certification was certified by the CEC on January 16, 2008, and began commercial operation on May 1, 2009. The MPP sells electricity into the CAISO-managed electrical grid. The MPP site is zoned AE-20, Exclusive Agriculture. The MPP is located on APN 027-06-82SU (5.62 acres) at 43649 W. Panoche Road near the City of Firebaugh in unincorporated Fresno County, California.

The requested amendment would allow for the Midway BESS project on the adjacent parcel APN 027-060-91S to the south to interconnect to the electrical grid via the existing MPP 115 kV interconnection to the PG&E Panoche Substation. The 13.8 kV Interconnection Project consists primarily of an approximately 385-foot-long, 13.8 kV electrical connection from the BESS switchyard on the adjacent parcel to the south of the MPP to the existing breaker interconnection point on the MPP site. The 13.8 kV Interconnection Project is planned to be constructed in the second quarter of 2025 assuming necessary approvals have been obtained. The 13.8 kV Interconnection Project components on the MPP parcel are all located on previously disturbed and developed portions of the MPP site.

5.2 Environmental Topic Areas Addressed

The CEC's Final Commission Decision and certification for the Starwood Power Project were issued on January 16, 2008 (CEC 2008). The Final Commission Decision incorporated Conditions of Certification for applicable environmental topic areas.

Pertinent CEC licensing related documents for the MPP include the following:

- Starwood Power-Midway, LLC. 2006. Application for Certification for Starwood Power-Midway, LLC Peaking Project. November.
- CEC. 2007a. Preliminary Staff Assessment, Starwood Power Project, Application for Certification (06-AFC-10). July 25.
- CEC. 2007b. Presiding Member's Proposed Decision, Starwood Power Project, Application for Certification (06-AFC-10). December 11.
- CEC. 2008. Final Commission Decision, Starwood Power Project, Application for Certification (06-AFC-10). January 16.

In addition, the current Conditions of Certification (COC) that were updated in 2020 for the MPP are pertinent to the planned 13.8 kV Interconnection Project (see Appendix B herein for a copy). As applicable, the existing COC are adequate for the 13.8 kV Interconnection Project and no new

CEC Conditions are expected to be necessary. Table C.1 in Appendix C identifies the COC that the applicant has assumed are applicable to the Midway BESS 13.8 kV Interconnection Project as well as those that are assumed to be non-applicable. It is expected that the CEC will review and specify applicable conditions as part of the amendment approval process for the project.

An assessment of the potential effects that the proposed Midway BESS 13.8 kV Interconnection Project will have on the environment with consideration of the topics in the CEC Final Decision as well as the current COC, follows. The following topic areas are addressed:

- Air Quality
- Biological Resources
- Cultural Resources
- Hazardous Materials Management
- Land Use
- Noise
- Paleontological Resources
- Soil and Water Resources
- Traffic and Transportation
- Visual Resources
- Waste Management
- Worker Safety
- Facility Design, Transmission System Engineering, and General Conditions

5.3 Air Quality

5.3.1 CEC Certification of MPP

This Petition for Post-Certification Amendment does not require changes to the air quality information as described in the Commission Decision (CEC 2008) and subsequent Commission Orders. The proposed project will not result in an increase in the MPP's hourly or annual emissions above currently permitted limits. MPP is not requesting any revisions to its hourly, daily, or annual emission or operational limits to accommodate the project. The project will not result in any impacts to public health associated with air emissions. No air quality permits are expected to be required associated with the 13.8 kV Interconnection Project on the MPP site.

5.3.2 Environmental Analysis

The proposed 13.8 kV Interconnection Project will involve construction activities for an estimated 2 to 3 weeks. It is expected that construction activities will result in minor tailpipe emissions from operation of construction equipment, truck deliveries, and workforce travel to and from the site.

In addition, minor fugitive dust emissions may result from pole foundation drilling. The limited extent of construction activities and the use of Tier 4 equipment as available will ensure air emissions are minimized.

5.3.3 Mitigation Measures

The 13.8 kV Interconnection Project impacts on air quality and greenhouse gases (GHG) are less than significant and, therefore, will not require additional mitigation measures.

5.3.4 Consistency with LORS

The project will continue to conform to applicable laws related to air quality and GHG.

5.3.5 Conditions of Certification

The proposed modifications do not require changes to the COCs for air quality. The project will comply with CEC Condition AQSC-3, Construction Fugitive Dust Control (CEC 2020).

5.3.6 References

CEC. 2008. Final Commission Decision, Starwood Power Project, Application for Certification (06-AFC-10). January 16.

CEC. 2020. Conditions of Certification, Midway Peaking Project (06-AFC-10C). Updated March 11, 2020.

5.4 Biological Resources

5.4.1 CEC Certification of MPP

This Petition for Post-Certification Amendment does not require changes to the biological resources information as described in the Commission Decision (CEC 2008) and subsequent Commission Orders. The planned 13.8 kV Interconnection Project will be installed in previously disturbed areas that are now paved or graveled portions of the existing MPP power block area where there is no natural habitat for sensitive, threatened, or endangered species.

5.4.2 Environmental Analyses

The 13.8 kV Interconnection Project modifications to the MPP will not result in construction or operational phase related impacts to sensitive biological resources. The 13.8 kV Interconnection Project will involve installation of up to four aboveground 13.8 kV power poles supporting cable and minor ground disturbance in the MPP switchyard area near the GSU connection point. Disturbance will be minor and limited to previously graded and developed portions of the MPP site. No exposed soil or vegetation is present in the areas of proposed surface disturbance as they

are covered with asphalt or gravel. Construction activities on the MPP site will not disturb any nesting areas, water resources/wetlands, or burrows.

Operation and maintenance of the 13.8 kV Interconnection Project facilities on the MPP site will not result in ground disturbing activities that could adversely impact biological resources.

In summary, no adverse impacts to biological resources associated with construction or operation of the 13.8 kV Interconnection Project are expected to occur.

5.4.3 Mitigation Measures

The modifications associated with the planned 13.8 kV Interconnection Project will not create a significant impact on biological resources that will require additional mitigation measures.

5.4.4 Consistency with LORS

The project conforms to applicable laws related to biological resources.

5.4.5 Conditions of Certification

The proposed modifications do not require changes to the COCs for biological resources (CEC 2020). The project will comply with applicable measures within CEC Condition BIO-8 (Impact Avoidance Mitigation Features) (CEC 2020), as follows:

- 1. Design, install, and maintain transmission line poles, access roads, pulling sites, and storage and parking areas to avoid identified sensitive resources.

- 2. Design, install, and maintain transmission lines and all electrical components in accordance with the "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996" (APLIC 1996) to reduce the likelihood of electrocutions of large birds.

Verification: All mitigation measures and their implementation methods shall be included in the BRMIMP. Implementation of the measures shall be reported in the monthly compliance reports by the Designated Biologist. Within thirty (30) days after completion of project construction, the project owner shall provide to the CPM, for review and approval, a written construction termination report identifying how measures have been completed.

5.4.6 References

APLIC. 1996. APLIC: Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996.

CEC. 2008. Final Commission Decision, Starwood Power Project, Application for Certification (06-AFC-10). January 16.

CEC. 2020. Conditions of Certification, Midway Peaking Project (06-AFC-10C). Updated March 11, 2020.

5.5 Cultural Resources

5.5.1 CEC Certification of MPP

This Petition for Post-Certification Amendment does not require changes to the cultural resources information as described in the Commission Decision (CEC 2008) and subsequent Commission Orders. The 2008 Commission Decision concluded that the MPP project had the potential to adversely impact cultural resources and stipulated COCs CUL-1 and CUL-2 to mitigate impacts. The planned 13.8 kV Interconnection Project facilities are in areas at the MPP site that have been previously disturbed during construction and operation of the current peaker facility which has been in continuous industrial use for power generation since 2009. As part of the permitting and construction of the MPP, complete cultural resources surveys and construction monitoring were performed and appropriate mitigation for impacts to cultural resources were implemented.

5.5.2 Environmental Analyses

As stated in the Commission Decision (CEC 2008), the peaker plant project was determined to have no impact on known significant archaeological resources, historic standing structures, or ethnographic resources. The Decision stipulated that the Project Owner designate a cultural resource specialist to monitor excavation and, in the event of an unanticipated discovery, provide for the handling and curation of any recovered cultural resources in accordance with COC CUL-1 through CUL-7.

The Midway BESS 13.8 kV Interconnection Project includes augering of up to four power pole pier hole foundations on the MPP parcel at estimated depths of up to approximately 20 feet pending final design. The foundation depths for the transition structure in the Midway Peaking Plant switchyard area may also extend below the depths of previous grading disturbance on the Midway Peaking Plant site. Accordingly, there is a potential for discovering unknown cultural resources since subsurface excavation depths would extend below previous MPP site preparation/grading depths into undisturbed native soil. Subsurface disturbance into undisturbed native soil would have the potential to impact buried cultural resources.

With adherence to the existing CEC COCs for protection of cultural resources at the MPP, no adverse impacts to cultural resources associated with construction or operation of the 13.8 kV Interconnection Project are expected to occur.

5.5.3 Mitigation Measures

The 13.8 kV Interconnection Project will not create a significant impact on cultural resources that will require additional mitigation measures.

5.5.4 Consistency with LORS

The project conforms to applicable LORS related to cultural resources.

5.5.5 Conditions of Certification

The proposed modifications do not require changes to the COCs for cultural resources (CEC 2020). The 13.8 kV Interconnection Project construction activities on the MPP site will comply with existing COCs CUL-1 through CUL-7, as applicable.

5.5.6 References

CEC. 2008. Final Commission Decision, Starwood Power Project, Application for Certification (06-AFC-10). January 16.

CEC. 2020. Conditions of Certification, Midway Peaking Project (06-AFC-10C). Updated March 11, 2020.

5.6 Hazardous Materials Management

5.6.1 CEC Certification of MPP

This Petition for Post-Certification Amendment does not require changes to the hazardous materials management information as described in the Commission Decision and subsequent Commission Orders.

5.6.2 Environmental Analyses

The planned 13.8 kV Interconnection Project modifications to the MPP will not result in the use of a new hazardous material onsite or increase the amount or delivery of hazardous materials used in excess of permitted quantities. Therefore, no impacts from hazardous materials handling are expected.

5.6.3 Mitigation Measures

The 13.8 kV interconnection modifications will not create a significant impact from hazardous materials handling that will require additional mitigation measures.

5.6.4 Consistency with LORS

The project conforms to applicable laws related to hazardous materials handling.

5.6.5 Conditions of Certification

The proposed modifications do not require changes to the COCs for hazardous materials handling.

5.7 Land Use

5.7.1 CEC Certification of MPP

This Petition for Post-Certification Amendment does not require changes to the land use information as described in the 2008 Commission Decision (CEC 2008) and subsequent Commission Orders.

5.7.2 Environmental Analyses

The MPP site is located in the unincorporated Fresno County, California. The project site is zoned AE-20, Exclusive Agriculture. Fresno County previously found the peaker project to be a consistent use in 2007 during the CEC licensing process (Fresno County 2007). In a letter dated August 8, 2007, the Fresno County Department of Public Works and Planning issued a letter stating: "…The development of the proposed use on the subject property is consistent with the Fresno County General Plan. No additional land use entitlement review by Fresno County is required for the development of the proposed power generating facility."

The peaker project has been in operation since 2009 and the Midway BESS 13.8 kV Interconnection Project will be implemented on previously disturbed and developed portions of the peaker plant site. The power pole additions will be consistent with the existing power plant development on the site and adjacent properties.

Implementation of the 13.8 kV Interconnection Project on the MPP would not be expected to affect the validity of the previous determinations by the CEC for the MPP.

5.7.3 Mitigation Measures

The 13.8 kV Interconnection Project modifications will not result in significant impacts related to land use that will require additional mitigation measures.

5.7.4 Consistency with LORS

The project conforms to applicable LORS related to land use.

5.7.5 Conditions of Certification

The proposed modifications do not require additions to the COCs for land use (CEC 2020). None of the three land use specific COCs specified for the MPP (CEC 2020) are applicable to the planned 13.8 kV Interconnection Project.

5.7.6 References

CEC. 2008. Final Commission Decision, Starwood Power Project, Application for Certification (06-AFC-10). January 16.

CEC. 2020. Conditions of Certification, Midway Peaking Project (06-AFC-10C). Updated March 11, 2020.

5.8 Noise

5.8.1 CEC Certification of MPP

This Petition for Post-Certification Amendment does not require changes to the noise information as described in the Commission Decision and subsequent Commission Orders.

5.8.2 Environmental Analyses

The planned 13.8 kV Interconnection Project modifications at the MPP site will not increase operational phase noise-producing activities at the site. All equipment and vehicles would comply with the noise requirements of the Fresno County Noise Control Ordinance (Fresno County Code 8.40). Construction hours would be limited to 6 a.m. to 9 p.m., Monday through Friday, and 7 a.m. to 5 p.m., Saturday and Sunday (consistent with the Fresno County Noise Ordinance). Under Section 8.40.060 of the Fresno County Noise Ordinance, noise sources associated with construction are exempt from noise standards, provided such activities do not take place before 6:00 a.m. or after 9:00 p.m. on any day except Saturday or Sunday, or before 7:00 a.m. or after 5:00 p.m. on Saturday or Sunday. Construction noise will comply with Fresno County construction noise limitations.

No significant noise or vibration impacts are expected associated with construction or operation of the planned 13.8 kV Interconnection Project on the MPP site.

5.8.3 Mitigation Measures

The planned 13.8 kV Interconnection Project modifications at the MPP site will not create significant noise and vibration impacts that will require additional mitigation measures.

5.8.4 Consistency with LORS

The project conforms to applicable laws related to noise and vibration.

5.8.5 Conditions of Certification

The proposed modifications do not require changes to the COCs for noise and vibration.

5.9 Paleontological Resources

5.9.1 CEC Certification of MPP

This Petition for Post-Certification Amendment does not require changes to the paleontological resources information as described in the Commission Decision and subsequent Commission Orders.

5.9.2 Environmental Analyses

The 13.8 kV Interconnection Project will not be expected to result in impacts greater than those analyzed in the Commission Decision (CEC 2008) for the MPP. The planned 13.8 kV Interconnection Project facilities are in areas that have been previously disturbed during construction and operation of the current MPP facility. The Midway BESS 13.8 kV Interconnection Project includes augering of up to four power pole pier hole foundations on the MPP parcel at estimated depths of up to approximately 20 feet pending final design. The foundation depths for the transition structure in the Midway Peaking Plant switchyard area may also extend below the depths of previous grading disturbance on the Midway Peaking Plant site. Accordingly, there is a potential for discovering unknown paleontological resources since subsurface excavation depths would extend below previous MPP site preparation/grading depths at the pole locations into undisturbed native material. Subsurface disturbance into undisturbed native material would have the potential to impact in-situ paleontological resources, if present.

With adherence to the existing COC PAL-1 through PAL-7 (CEC 2020) for protection of paleontological resources at the MPP, no adverse impacts to paleontological resources associated with construction or operation of the 13.8 kV Interconnection Project are expected to occur.

5.9.3 Mitigation Measures

The planned 13.8 kV Interconnection Project modifications at the MPP site will not result in significant impacts related to paleontological resources that will require additional mitigation measures.

5.9.4 Consistency with LORS

The project conforms to applicable LORS related to paleontological resources.

5.9.5 Conditions of Certification

The proposed modifications do not require changes to the COCs for paleontological resources (CEC 2020).

5.9.6 References

CEC. 2008. Final Commission Decision, Starwood Power Project, Application for Certification (06-AFC-10). January 16.

CEC. 2020. Conditions of Certification, Midway Peaking Project (06-AFC-10C). Updated March 11, 2020.

5.10 Soil and Water Resources

5.10.1 CEC Certification of MPP

This Petition for Post-Certification Amendment does not require changes to the soil and water resources information as described in the Commission Decision (CEC 2008) and subsequent Commission Orders.

5.10.2 Environmental Analyses

The planned 13.8 kV Interconnection Project facilities will be installed in paved or graveled portions of the existing MPP power block area where there is no exposed surface soil that could be subject to erosion associated with project activities. The total surface footprint for the planned 13.8 kV Interconnection Project facilities at the MPP site is less than 1,500 square feet assuming up to four poles and one overhead to GSU transition structure at the MPP switchyard. Maximum cut (augured soil) and fill (concrete) quantities are estimated to be less than 85 cubic yards for the up to four poles to be installed on the MPP property. Pole foundations are assumed to be up to 20 feet deep pending the results of site specific geotechnical study results and final design. Cut and fill associated with transition structure installation is expected to be less than 100 cubic yards. Excess cut will be removed from the site and disposed of in an approved manner.

Best management practices for stormwater runoff control would be followed during construction activities. Installation of the 13.8 kV Interconnection Project facilities is not expected to require disturbance of potentially contaminated soils.

Minimal water is expected to be required for construction of the 13.8 kV Interconnection Project facilities on the MPP parcel. It is estimated that less than 1,000 gallons of water will be required and that the minimal construction water needs will be met by the construction contractor trucking water to the site.

In summary, construction activities will not result in construction or operational phase related impacts to soil erosion and sedimentation to water resources. No adverse impacts to soil and water resources associated with construction or operation of the planned 13.8 kV Interconnection Project facilities on the MPP site are expected to occur.

5.10.3 Mitigation Measures

The 13.8 kV Interconnection Project modifications will not create a significant impact on soil or water resources that will require additional mitigation measures.

5.10.4 Consistency with LORS

The project conforms to applicable laws related to soil and water resources.

5.10.5 Conditions of Certification

The proposed modifications do not require changes to the COCs for soil and water resources or hydrology and water (CEC 2020). Given the limited construction activities and site conditions (paved and graveled), no COCs specific to Soil and Water Resources are applicable to the 13.8 kV Interconnection Project.

5.10.6 References

CEC. 2008. Final Commission Decision, Starwood Power Project, Application for Certification (06-AFC-10). January 16.

CEC. 2020. Conditions of Certification, Midway Peaking Project (06-AFC-10C). Updated March 11, 2020.

5.11 Traffic and Transportation

5.11.1 CEC Certification of MPP

This Petition for Post-Certification Amendment does not require changes to the traffic and transportation information as described in the Commission Decision and subsequent Commission Orders.

5.11.2 Environmental Analyses

Construction of 13.8 kV Interconnection Project facilities at the MPP site is planned to occur over a 2- to 3-week period in the second quarter of 2025 assuming all necessary approvals have been obtained.

The workforce for the 13.8 kV Interconnection Project work on the MPP parcel is estimated to be up to about 10-15 workers at any one time.

Truck traffic for deliveries of equipment and materials and hauling of minimal spoil from pole foundation and transition structure excavations on the MPP parcel is estimated to reach up to 10 truck trips per day for several days for removal of excavated soil and delivery of concrete. Total truck delivery and haul trips are estimated to be less than 30 total over the 2- to 3-week construction period.

Concrete needs for backfilling and foundation pads will be supplied by pre-mix concrete truck deliveries and are included in the estimated truck trips presented above. No hazardous material related deliveries would be associated with the 13.8 kV Interconnection Project on the MPP parcel. This level of construction traffic will not result in significant traffic and transportation related impacts. No additional MPP workers would be required to operate the MPP facility once the 115 kV Interconnection Project facilities are installed.

The temporary traffic generation associated with the 13.8 kV Interconnection Project facilities construction phase would be much lower and of shorter duration than the MPP levels which were previously found to be insignificant.

5.11.3 Mitigation Measures

The 13.8 kV Interconnection Project modifications at the MPP site will not result in a significant impact related to traffic and transportation and will not require additional mitigation measures.

5.11.4 Consistency with LORS

The planned 13.8 kV Interconnection Project will conform to applicable laws related to traffic and transportation.

5.11.5 Conditions of Certification

The proposed facility modifications do not require additions to the COCs for traffic and transportation (CEC 2020). Given the low level of truck traffic associated with the planned 13.8 kV Interconnection Project, the following traffic and transportation related COCs are considered to be non-applicable subject to CEC concurrence:

- TRANS-1: Damage to West Panoche Road Pavement
- TRANS-2: Construction Traffic Control Plan

The following COCs are considered to be applicable related to school children safety and bus stops in the vicinity of the project and will be implemented:

- TRANS-3: Construction Traffic Complaint Resolution
- TRANS-4: Worker Traffic Safety Program (WTSF)

5.11.6 References

CEC. 2008. Final Commission Decision, Starwood Power Project, Application for Certification (06-AFC-10). January 16.

CEC. 2020. Conditions of Certification, Midway Peaking Project (06-AFC-10C). Updated March 11, 2020.

5.12 Visual Resources

5.12.1 CEC Certification of MPP

This Petition for Post-Certification Amendment does not require changes to the visual resources information as described in the Commission Decision and subsequent Commission Orders for the MPP.

5.12.2 Environmental Analyses

Implementation of the planned 13.8 kV Interconnection Project modifications to the MPP will not result in any potentially significant visual impacts. The proposed 13.8 kV cable and electrical interconnection components will be installed in the existing general power block/electrical

switchyard area. The scale of the planned facilities is consistent with the existing surrounding power plant structures, and the up to four new poles will be installed on the south side of the existing MPP switchyard facility. The visual character of the general project area includes four power plant facilities, the PG&E Panoche Substation, and multiple transmission lines located south of West Panoche Road. The planned equipment will not be visible from public viewing areas and will not alter the appearance of the existing MPP.

No construction or permanent lighting is planned as part of the 13.8 kV Interconnection Project. The transmission line conductors will be non-specular and non-reflective, and the insulators will be non-reflective and non-refractive.

In summary, no significant visual resource related impacts from implementation of the project are expected.

5.12.3 Mitigation Measures

The planned 13.8 kV Interconnection Project modifications to the MPP will not create significant visual resource impacts that would require additional mitigation measures.

5.12.4 Consistency with LORS

The project conforms to applicable laws related to visual resources.

5.12.5 Conditions of Certification

The proposed modifications do not require changes to the COCs for visual resources.

5.12.6 References

CEC. 2008. Final Commission Decision, Starwood Power Project, Application for Certification (06-AFC-10). January 16.

CEC. 2020. Conditions of Certification, Midway Peaking Project (06-AFC-10C). Updated March 11, 2020.

5.13 Waste Management

5.13.1 CEC Certification of MPP

This Petition for Post-Certification Amendment does not require changes to the waste management information as described in the Commission Decision (CEC 2008) and subsequent Commission Orders.

5.13.2 Environmental Analyses

The planned 13.8 kV Interconnection Project will result in minimal amounts of construction-related, non-hazardous wastes. The planned 13.8 kV Interconnection Project modifications will not result in an increase of waste generation at the MPP site during the operational phase. With adherence to existing WASTE COCs (CEC 2020), as applicable, impacts related to waste generation and waste management are expected to be less than significant.

5.13.3 Mitigation Measures

The planned 13.8 kV Interconnection Project modifications will not create a significant impact from waste management and will not require additional mitigation measures.

5.13.4 Consistency with LORS

The project conforms to applicable laws related to waste management.

5.13.5 Conditions of Certification

The proposed modifications do not require changes to the COCs WASTE-1 through WASTE-5 for waste management. COC WASTE-6 is not applicable.

5.13.6 References

CEC. 2008. Final Commission Decision, Starwood Power Project, Application for Certification (06-AFC-10). January 16.

CEC. 2020. Conditions of Certification, Midway Peaking Project (06-AFC-10C). Updated March 11, 2020.

5.14 Worker Safety

5.14.1 CEC Certification of MPP

This Petition to Amend does not require changes to the worker safety information as described in the Commission Decision (CEC 2008) and subsequent Commission Orders.

5.14.2 Environmental Analyses

By continuing to comply with the existing conditions of certification, the implementation of the 13.8 kV Interconnection Project would not have a significant effect on worker safety and would continue to comply with all applicable LORS. Construction and operational phase activities would comply with worker safety requirements already contained in place for the MPP.

5.14.3 Mitigation Measures

The planned 13.8 kV Interconnection Project impacts related to worker safety are less than significant and, therefore, will not require additional mitigation measures.

5.14.4 Consistency with LORS

The project conforms to applicable laws related to worker safety.

5.14.5 Conditions of Certification

The proposed modifications do not require changes to the COCs for worker safety (CEC 2020).

5.14.6 References

CEC. 2008. Final Commission Decision, Starwood Power Project, Application for Certification (06-AFC-10). January 16.

CEC. 2020. Conditions of Certification, Midway Peaking Project (06-AFC-10C). Updated March 11, 2020.

5.15 Facility Design, Transmission System Engineering, and General Conditions

The 13.8 kV Interconnection Project on the MPP site will comply with applicable Facility Design, Transmission System Engineering, and General Compliance COCs and requirements (CEC 2020) as included in Appendix B.

6.0 MODIFICATIONS IMPACT ON LORS COMPLIANCE

CEC Siting Regulations, Title 20, CCR, Section 1769(a)(1)(E) requires “An analysis of how the proposed change would affect the project's compliance with applicable laws, ordinances, regulations, and standards”. Approval of the modifications associated with implementation of the planned 13.8 kV Interconnection Project will not impact MPP’s ability to comply with applicable LORS.

7.0 POTENTIAL EFFECTS ON PUBLIC

This section discusses the potential effects on the public that may result from the modifications proposed in this Petition for Post-Certification Amendment, in accordance with CEC Siting Regulations (Title 20, CCR, Section 1769(a)(1)(F)).

With implementation of the proposed 13.8 kV Interconnection Project related modifications to the MPP, the project will have no adverse effect on the public. The installation and operation of 13.8 kV cable and associated electrical interconnection equipment will not modify the existing air permit conditions for the MPP. No adverse effects on the public will occur because of the changes to the MPP facility as proposed in this Petition for Post-Certification Amendment.

8.0 PROPERTY OWNERS

Section 1769(a)(1)(G) requires a "list of current assessor's parcel numbers and owners' names and addresses for all parcels within 500 feet of any affected project linears and 1,000 feet of the project site." Consistent with privacy considerations, a list of current assessor's parcel numbers and owners' names and addresses for all parcels within 1,000 feet of the project site will be provided directly to the Compliance Project Manager.

9.0 MODIFICATIONS IMPACT ON THE PUBLIC AND NEARBY PROPERTY OWNERS

This section addresses potential effects of the project changes proposed in this Petition for Post-Certification Amendment on nearby property owners, the public, and parties in the application proceeding, in accordance with CEC Siting Regulations (Title 20, CCR, Section 1769 (a)(1)(H)).

The MPP as modified by the planned 13.8 kV Interconnection Project will not differ in potential effects on adjacent landowners, compared with the MPP project as previously certified. Construction of the planned 13.8 kV Interconnection Project will result in insignificant impacts. Once constructed, the planned 13.8 kV Interconnection Project will not alter operation of the MPP facility and/or MPP compliance with existing permit conditions.

The CEC Final Decision states that the evidence of record, including input from Fresno County (Fresno County 2007), establishes that the MPP project will be compatible, and will not conflict, with current zoning and land uses, nor with anticipated and planned land uses.

Implementation of the 13.8 kV Interconnection Project would not be expected to affect the validity of these previous determinations by the CEC. The project, therefore, would have no adverse effects on nearby property owners, the public, or other parties in the application proceeding.

In accordance with the CEC Siting Regulations (Title 20, CCR, Section 1769(a)(1)(H)), a list of owners whose property is located within 1,000 feet of the MPP, including the proposed 13.8 kV Interconnection Project will be provided directly to the Compliance Project Manager.

10.0 APPLICABLE CEQA EXEMPTIONS

Section 1769(a)(1)(I) requires a discussion of any exemptions from the California Environmental Quality Act, commencing with section 21000 of the Public Resources Code, that the project owner believes may apply to approval of the proposed change.

The CEC's power plant siting process is a certified state regulatory program under the California Environmental Quality Act (Pub. Resources Code, § 21080.5; 14 C.C.R. §§ 15250-15253.) As such, it is exempt from the procedural elements of CEQA, though it must adhere to the substantive requirements of CEQA. The CEC's detailed certification process is commonly described as "CEQA-equivalent." CEQA defines a "Project" in pertinent part as "…an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Pub. Resources Code § 21065.)

In this case, MPP was subject to environmental review in accordance with the CEC's certified regulatory program. The current operations of the MPP are not a new CEQA "project," but are part of the existing environmental baseline. Once a project is approved, CEQA does not require that it be analyzed anew every time an action is required to implement the project. Where an EIR, or in this case the CEC's CEQA-equivalent certification, has been prepared for a project, CEQA expressly prohibits agencies from requiring a subsequent or supplemental EIR, except in specified circumstances, e.g., where the project will have more severe impacts as a result of substantial changes to the project or the circumstances under which it is undertaken. (14 C.C.R. § 15162). As discussed below, the operations of MPP with the 13.8 kV Interconnection Project does not trigger any such requirement.

Even assuming that the 13.8 kV Interconnection Project was a CEQA "project," the activities are categorically exempt. First, the modifications are categorically exempt pursuant to Title 14, Section 15301 of the California Code of Regulations as a minor alteration to an existing facility. The 13.8 kV Interconnection Project described herein includes activities that constitute a minor alteration and addition to existing electrical equipment at the MPP. The changes will all be interior to the project's existing industrial footprint and will involve negligible or no expansion of the existing use of the MPP for power generation.

Second, the proposed modifications are also categorically exempt pursuant to Title 14, Section 15302 of the California Code of Regulations. Consistent with subsection (c) of 15302, the temporary modifications are "replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity."

In addition, the proposed modification associated with the 13.8 kV Interconnection Project are also categorically exempt from CEQA pursuant to Section 15061(b)(3), the "Common Sense

Exemption." This exemption provides that "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." (14 C.C.R. § 15061(b)(3).) In this case, there is no possibility that the proposed change may have a significant effect on the environment. There would be no substantial adverse changes to existing environmental conditions at the MPP site from the proposed 13.8 kV Interconnection Project. Therefore, the proposed modifications are categorically exempt from CEQA pursuant to the "Common Sense Exemption."

11.0 CONCLUSIONS

For all the reasons set forth herein, the applicant respectfully requests that the CEC approve the requested 13.8 kV Interconnection Project modifications to the MPP pursuant to Title 20, California Code of Regulations, Section 1769(a)(1).

Appendix A
Exhibits

THIS DRAWING WAS PREPARED BY PATCH SERVICES FOR A SPECIFIC PROJECT, TAKING INTO CONSIDERATION THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING OR ANY INFORMATION CONTAINED IN THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH PATCH SERVICES AND PATCH'S CLIENT IS GRANTED.

REV	DATE	DESCRIPTION	DRW'N BY	CH'K BY	ENG'R	PROJECT ENG'R	APPR'D BY
1	06-14-2023	REGIONAL LOCATION MAP	DM	RR			

PATCH SERVICES

CALIFORNIA * ENGINEERING * TEXAS

333 SUNSET AVE.
SUITE: 210
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21175 TOMBALL PARKWAY
SUITE: #308
HOUSTON, TX 77070
PHONE: 281-330-1466
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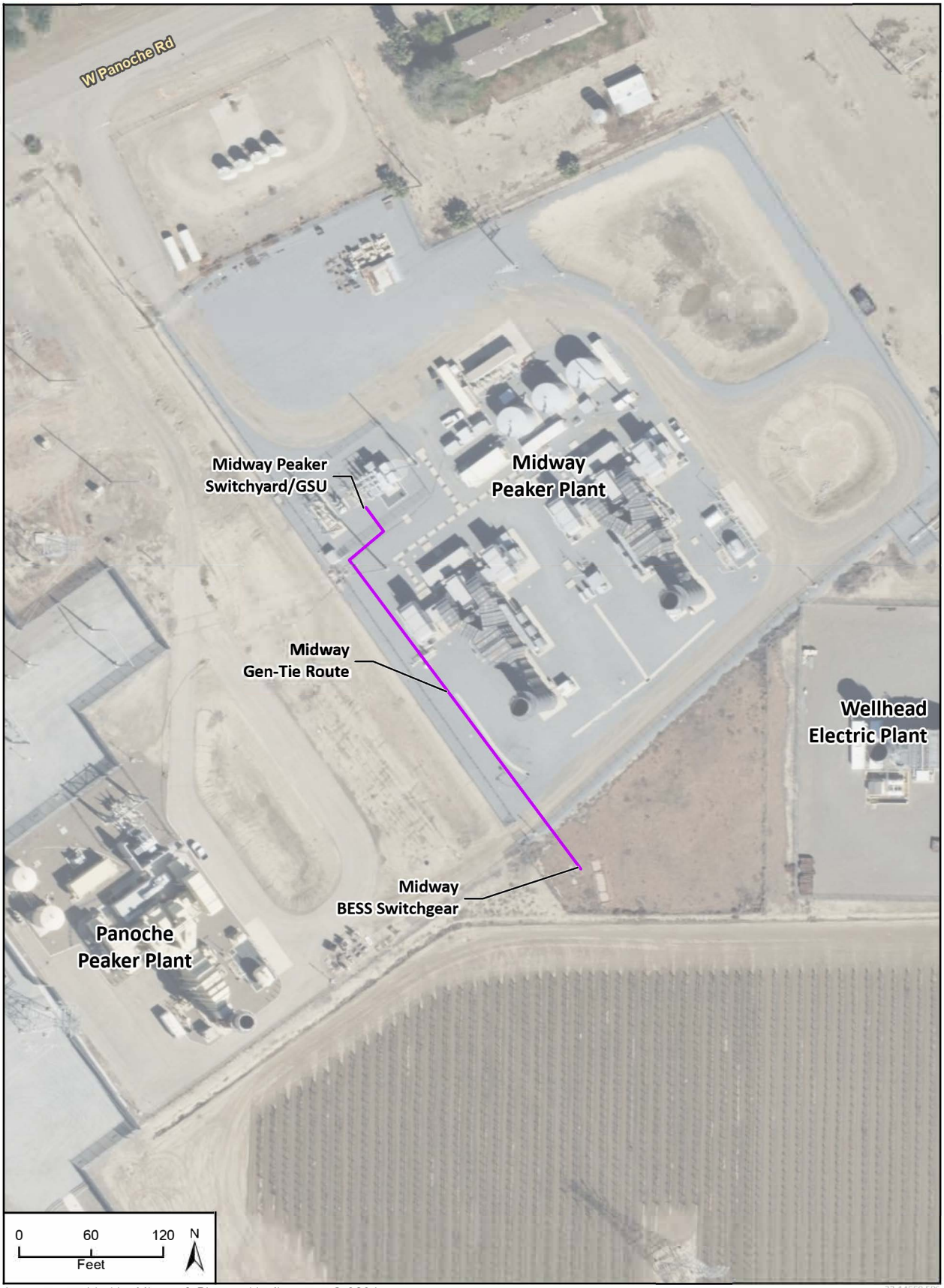
Exhibit A-1. Regional Location Map
Midway BESS 13.8 kV Interconnection Project

SCALE:	AS SHOWN
JOB NO:	–
DATE:	06-14-2023
DRAWN BY:	DM
CHECKED BY:	RR

DRAWING NUMBER	SHEET NUMBER	REV
DRAWING #1		1



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23-14550 EPS
Fig X Gentie PDF

Exhibit A-2. Midway BESS Project Gen-Tie Route

Appendix B
CEC Conditions of Certification for Midway Peaking Project (06-AFC-10)

Midway BESS 115 kV Interconnection Project
Petition for Post-Certification Amendment
Appendix B

[Note: these CEC Conditions of Certification are the current Conditions for the Midway Peaking Plant, not the Midway BESS 115 kV Interconnection Project]

MIDWAY PEAKING PROJECT (06-AFC-10C)

CONDITIONS OF CERTIFICATION
As Amended

(Updated March 11, 2020)

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MIDWAY PEAKING PROJECT (06-AFC-07C)
AIR QUALITY CONDITIONS OF CERTIFICATION

These Conditions of Certification were changed per the following Energy Commission Approval(s) or Order(s):

Type of Approval	Approval Date or Order #	Docket Transaction Number (TN)	Changed Conditions of Certification
Commission Order	08-1120-02	49292	AQ-SC11
Commission Order	12-0314-04	64442	AQ-1 thru AQ-86

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.

n. The main travel route(s) through the site will be graveled and/or paved prior to the completion of the initial grading/site preparation phase of construction. To the extent feasible onsite traffic will be limited to these graveled/paved travel routes.

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 100 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 100 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 100 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 Deleted. See **NOISE-5**.

AQ-SC7 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 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-SC8 The project owner shall provide emission reduction credits to offset the project's PM10, SOx, and VOC emissions at a ratio of 1:1. These emission reductions shall be provided in the following quarterly amounts (lbs):

ERCs/Pollutant	Q1	Q2	Q3	Q4
SOx for PM10	5,167	5,165	9,041	6,457
SOx for SOx	911	911	1,595	1,139
VOC	2,656	2,656	4,648	3,320

The ERC certificates used shall be ERCs S-2492-5 and N-623-5 as necessary to meet the total SOx ERC burden shown above, and ERCs S-2422-1, S-2493-1, and an additional 390 pounds of VOC ERC certificate(s) that shall be obtained by the applicant prior to initiation of construction, as necessary to meet the VOC ERC burden shown above. Quarterly transfers as allowed by SJVAPCD Rules will be accepted. The project owner shall surrender these ERCs prior to first turbine fire. This condition is in addition to the District's PM10 offset requirements provided in Conditions of Certification AQ-1 through AQ-3 to make up the difference between the District offset requirements and the CEQA fully offset requirements.

Verification: The project owner shall submit to the CPM documentation that the required additional 390 pounds of VOC ERCs have been obtained at least two working days prior to initiating project construction. The project owner shall submit to the CPM confirmation that the appropriate quantity of SOx and VOC ERCs have been surrendered to the District at least 30 days prior to initial startup. If the CPM, in consultation with the District, approves a substitution or modification, the CPM shall file a statement of the approval with the commission docket and mail a copy of the statement to every person on the post-certification mailing list. The CPM shall maintain an updated list of approved ERCs for the project.

Quarterly average fuel sulfur data from the most representative gas utility pipeline monitoring station shall be submitted with the Quarterly Operation Reports (**AQ-SC10**) and the applicant shall demonstrate that the actual annual SO2 emissions remain below the 2.28 tons of emissions that have been offset by complying with this condition.

AQ-SC9 Until the California Global Warming Solutions Act of 2006 (AB32) is implemented, the project owner shall either participate in a GHG registry approved by the CPM, or report on a annual basis to the CPM the quantity of greenhouse gases (GHG) emitted as a direct result of facility electricity production.

The project owner shall maintain a record of fuels 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/or
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 (VOC 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 transformers. 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 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 greenhouse gas emissions shall be reported, as a CO2 equivalent, by the project owner to a climate action registry approved by the CPM, or to the CPM as part of the fourth Quarterly or the annual Air Quality Report, until such time that GHG reporting requirements are adopted and in force for the project as part of the California Global Warming Solutions Act of 2006.

AQ-SC10 The project owner shall submit to the CPM Quarterly Operation Reports, following the end of each calendar quarter that include operational and emissions information as necessary to demonstrate compliance with the Conditions of Certification herein. The Quarterly Operation Report will specifically note or highlight incidences of noncompliance.

Verification: The project owner shall submit the Quarterly Operation Reports to the CPM and APCO no later than 30 days following the end of each calendar quarter.

AQ-SC11 The project owner shall not conduct the well drilling construction activities on the same days as other onsite construction activities that use any large off- road equipment (100 hp or larger).

Verification: The project owner shall include in the applicable MCR the actual schedule for the well drilling activities to confirm that the well drilling construction was not performed on the same days as other onsite construction activities.

DISTRICT FINAL DETERMINATION OF COMPLIANCE CONDITIONS

The SJVACPD permits each device separately, which causes duplication of conditions. Staff has compiled the SJVAPCD conditions to eliminate this duplication.

SJVAPCD Permit No. Unit C-7286-1-0: 30 MW Nominally Rated Simple-Cycle Power Generating System #1 Consisting of a 311 MMBTU/HR Pratt & Whitney Model FT8-3 Swiftpac Natural Gas-Fired Combustion Turbine Generator Served by an Inlet Air Filtration and Cooling System, Water Injection, a Selective Catalytic Reduction (SCR) System and a Oxidation Catalyst Powering a 60 MW Nominally Rated Electrical Generator (Shared With C-7286-2)

SJVAPCD Permit No. Unit C-7286-2-0: 30 MW Nominally Rated Simple-Cycle Power Generating System #2 Consisting of a 311 MMBTU/HR Pratt & Whitney Model FT8-3 Swiftpac Natural Gas-Fired Combustion Turbine Generator Served by an Inlet Air Filtration and Cooling System, Water Injection, a Selective Catalytic Reduction (SCR) System and a Oxidation Catalyst Powering a 60 MW Nominally Rated Electrical Generator (Shared With C-7286-1)

SJVAPCD Permit No. Unit C-7286-3-0: 30 MW Nominally Rated Simple-Cycle Power Generating System #3 Consisting of a 311 MMBTU/HR Pratt & Whitney Model FT8-3 Swiftpac Natural Gas-Fired Combustion Turbine Generator Served by an Inlet Air Filtration and Cooling System, Water Injection, a Selective

Catalytic Reduction (SCR) System and a Oxidation Catalyst Powering a 60 MW Nominally Rated Electrical Generator (Shared With C-7286-4)

SJVAPCD Permit No. Unit C-7286-4-0: 30 MW Nominally Rated Simple-Cycle Power Generating System #4 Consisting of a 311 MMBTU/HR Pratt & Whitney Model FT8-3 Swiftpac Natural Gas-Fired Combustion Turbine Generator Served by an Inlet Air Filtration and Cooling System, Water Injection, a Selective Catalytic Reduction (SCR) System and a Oxidation Catalyst Powering a 60 MW Nominally Rated Electrical Generator (Shared With C-7286-3)

AQ-1 The conditions of Certification contained herein reference ATC C-7286-1-1, '-2-1, '-3-1 and '-4-1. [District Rule 2201]

Verification: No verification necessary.

AQ-2 Prior to initial operation of C-7286-1-0, C-7286-2-0, C-7286-3-0 or C-7286-4-0, the project owner shall provide NOx (as NO2) emission reduction credits for the following quantities of emissions: 1st quarter – 8,968 lb; 2nd quarter – 8,968 lb; 3rd quarter – 15,692 lb; and 4th quarter - 11,208 lb. Offsets shall be provided at the appropriate distance ratio specified in Rule 2201. [District Rule 2201]

Verification: At least 60 days prior to commencing CTG first fire, the project owner shall surrender NOx ERC certificates in the amounts shown to the District and provide documentation of that surrender to the CPM.

AQ-3 Prior to operating under the modifications authorized by Authorities to Construct C-7286-1-1, '-2-1, '-3-1 or '-4-1, permittee shall provide NOx (as NO_2) emission reduction credits for the following quantities of emissions: 1st quarter - 1,033 lb; 2nd quarter - 1,033 lb; 3rd quarter - 1,807 lb; and 4th quarter - 1,291 lb. Offsets shall be provided at the appropriate distance ratio specified in Rule 2201. [District Rule 2201]

Verification: Prior to operating under the modifications authorized by Authorities to Construct C-7286-1-1, '-2-1, '-3-1 or '-4-1, the project owner shall surrender NOx ERC certificates in the amounts shown to the District and provide documentation of that surrender to the CPM.

AQ-4 Prior to initial operation of C-7286-1-0, C-7286-2-0, C-7286-3-0 or C-7286-4-0, the project owner shall provide PM10 emission reduction credits for the following quantities of emissions: 1st quarter – 2,102 lb; 2nd quarter – 2,103 lb; 3rd quarter – 3,679 lb; and 4th quarter – 2,628 lb. Offsets shall be provided at the appropriate distance ratio specified in Rule 2201. SOx ERC's may be used to offset PM10 increases at an interpollutant ratio of 1.867 lb-SOx : 1.0 lb-PM10. [District Rule 2201]

Verification: At least 60 days prior to commencing CTG first fire, the project owner shall surrender PM10 and/or SOx ERC certificates in the amounts shown or based on the SOx interpollutant ratio shown to the District and provide documentation of that surrender to the CPM.

AQ-5 ERC certificate numbers (or any splits from these certificates) N-820-2, S-2382-2, 5-3086-2, 5-3097-2 and 5-2459-5 shall be used to supply the required offsets, unless a revised offsetting proposal is received and approved by the District, upon which this determination of compliance (DOC) shall be reissued, administratively specifying the new offsetting proposal. Original public noticing requirements, if any, shall be duplicated prior to re issuance of the DOC. [District Rule 2201]

Verification: At least 60 days prior to commencing CTG first fire, the project owner shall surrender ERC certificates in the amounts shown to the District and provide documentation of that surrender to the CPM.

AQ-6 The project owner shall submit an application to comply with SJVAPCD District Rule 2520 - Federally Mandated Operating Permits within twelve months after commencing operation. [District Rule 2520]

Verification: The project owner shall submit a copy of their Title V – Federal Mandated Operating Permit Application to the CPM within 12 months of commencing operation.

AQ-7 The project owner shall submit an application to comply with SJVAPCD District Rule 2540 - Acid Rain Program. [District Rule 2540]

Verification: The project owner shall submit to the CPM copies of the Title IV permit at least fifteen (15) days prior to the initial firing of the CTG, and shall submit proof that necessary Title IV SO2 emission allotments have been acquired as necessary for compliance with Title IV requirements annually in the first Quarterly Compliance Report (AQ-SC10) that is due after the annual SO2 allotment due date.

AQ-8 District facilities C-3811 and C-7286 are the same stationary source for District permitting purposes. [District Rule 2201]

Verification: The project owner shall maintain operation and emissions data for facilities C-3811 and C-7286 available for inspection by representatives of the District, CARB and the Commission.

AQ-9 The owner/operator of the Starwood Power-Midway, LLC (Starwood Power) shall minimize the emissions from the gas turbines to the maximum extent possible during the commissioning period. Conditions **AQ-9** through **AQ-21** shall apply only during the commissioning period as defined below. Unless otherwise indicated, Conditions **AQ-22** through **AQ-86** shall apply after the commissioning period has ended. [District Rule 2201]

Verification: The project owner shall provide in the monthly commissioning status report (see the verification for Condition **AQ-16**) information regarding the types and effectiveness of methods used to minimize commissioning period emissions.

AQ-10 Commissioning activities are defined as, but not limited to, all testing, adjustment, tuning, and calibration activities recommended by the equipment manufacturers and the Starwood Power construction contractor

to insure safe and reliable steady state operation of the gas turbines and associated electrical delivery systems. [District Rule 2201]

Verification: The project owner shall provide written notification to the APCO and the CPM of the expected date of first turbine roll at least 15 days before the first turbine roll.

AQ-11 Commissioning period shall commence when all mechanical, electrical, and control systems are installed and individual system startup has been completed, or when a gas turbine is first fired, whichever occurs first. The commissioning period shall terminate when the plant has completed initial performance testing and is available for commercial operation. [District Rule 2201]

Verification: The project owner shall provide written notification to the APCO and the CPM of the expected date of first turbine roll at least 15 days before the first turbine roll. The project owner shall provide written notification to the APCO within 5 day after the turbines are available for commercial operation.

AQ-12 No more than one Swiftpac Unit (two paired turbines operating under units C-7286-1 and C-7286-2 or C-7286-3 and C-7286-4) shall be operated at any one time during the commissioning period. [District Rule 2201].

Verification: The project owner shall provide operating data to demonstrate compliance with this condition, and that information shall be submitted to the CEC CPM as part of the monthly commissioning status report noted in the verification of Condition **AQ-16**.

AQ-13 At the earliest feasible opportunity, in accordance with the recommendations of the equipment manufacturer and the construction contractor, the combustors of these units shall be tuned to minimize emissions. [District Rule 2201]

Verification: The project owner shall provide combustor tuning information to demonstrate compliance with this condition, and that information shall be submitted to the CEC CPM as part of the monthly commissioning status report noted in the verification of Condition **AQ-16**.

AQ-14 At the earliest feasible opportunity, in accordance with the recommendations of the equipment manufacturer and the construction contractor, the Selective Catalytic Reduction (SCR) system and the oxidation catalyst shall be installed, adjusted, and operated to minimize emissions from these units. [District Rule 2201]

Verification: The project owner shall provide emission abatement system information (such as dates of catalyst installation and ammonia grid initial operation) to demonstrate compliance with this condition, and that information shall be submitted to the CEC CPM as part of the monthly commissioning status report noted in the verification of Condition **AQ-16**.

AQ-15 Coincident with the steady-state operation of the SCR system and the oxidation catalyst, NOx and CO emissions from these units shall comply with the limits specified in Condition **AQ-31**. [District Rule 2201]

Verification: The project owner shall provide NOx and CO emissions information for steady-state operations of the SCR system and oxidation catalyst to demonstrate compliance with this condition, and that information shall be submitted to the CEC CPM as part of the monthly commissioning status report noted in the verification of Condition **AQ-16**.

AQ-16 The project owner shall submit a plan to the District at least four weeks prior to the first firing of these units, describing the procedures to be followed during the commissioning period. The plan shall include a description of each commissioning activity, the anticipated duration of each activity in hours, and the purpose of the activity. The activities described shall include, but not be limited to, the tuning of the combustors, the installation and operation of the SCR systems and the oxidation catalyst, the installation, calibration, and testing of the NOx and CO continuous emissions monitors, and any activities requiring the firing of this unit without abatement by the SCR system or oxidation catalyst. [District Rule 2201]

Verification: The project owner shall submit a single commissioning plan to the District and the CPM at least four weeks prior to the first firing of the combustion turbine, describing in detail the procedures to be followed for the turbines.

The project owner shall submit, commencing one month from the time of gas turbine first fire, a monthly commissioning status report throughout the duration of the commissioning phase that demonstrates compliance with the commissioning plan and demonstrates compliance with all other substantive requirements listed in Conditions **AQ-9** through **AQ-21**. The monthly commissioning status report shall be submitted to the CPM by the 10th of each month for the previous month, for all months with turbine commissioning activities following the turbine first fire date.

AQ-17 Emission rates from each CTG, during the commissioning period, shall not exceed any of the following limits: NOx (as NO2) – 41.65 lb/hr; CO – 21.33 lb/hr; VOC (as methane) – 0.83 lb/hr; PM10 – 1.85 lb/hr; or SOx (as SO2) – 0.89 lb/hr. [District Rule 2201]

Verification: The project owner shall provide CEM-derived emissions data for NOx and CO and shall provide calculated PM10 and VOC emissions from fuel consumption data and source test results to demonstrate compliance with this condition as part of the quarterly operation report (**AQ-SC10**).

AQ-18 During the commissioning period, the project owner shall demonstrate compliance with the NOx and CO limits specified in Condition **AQ-17** through the use of properly operated and maintained continuous emissions monitors and recorders as specified in Conditions **AQ-56** and **AQ-57**. The monitored parameters for these units shall be recorded at

least once every 15 minutes (excluding normal calibration periods or when the monitored source is not in operation). [District Rule 2201]

Verification: The project owner shall provide CEM data to demonstrate compliance with Conditions **AQ-15**, **AQ-17**, and **AQ-31** and that data shall be submitted to the CEC CPM as part of the monthly commissioning phase status report noted in the verification of Condition **AQ-16**.

AQ-19 The continuous monitors shall be installed, calibrated, and operational prior to the first firing of these units. After first firing, the detection range of the CEMS shall be adjusted as necessary to accurately measure the resulting range of NOx and CO emission concentrations from each CTG and each Swiftpac unit. [District Rule 2201]

Verification: The project owner shall provide notification to the District and the CPM of the anticipated dates for installation, calibration and testing for the CEMS at least ten (10) days prior to installation. The project owner shall provide a report to the District and CPM for approval demonstrating compliance with CEMS calibration requirements prior to turbine first fire. The project owner shall provide ongoing calibration data in the monthly commissioning status reports (see verification of Condition **AQ-14**).

AQ-20 The total number of firing hours of each CTG without abatement of emissions by the SCR system and the oxidation catalyst shall not exceed 100 hours during the commissioning period. Such operation of each CTG without abatement shall be limited to discrete commissioning activities that can only be properly executed without the SCR system and the oxidation catalyst in place. Upon completion of these activities, the project owner shall provide written notice to the District and the unused balance of the 100 firing hours without abatement shall expire. [District Rule 2201]

Verification: The project owner shall provide to the District and the CPM a reporting of the number of firing hours without abatement for the turbine in the monthly commissioning status reports (see verification of Condition **AQ-16**).

AQ-21 The total mass emissions of NOx, CO, VOC, PM10, and SOx that are emitted during the commissioning period shall accrue towards the consecutive twelve month emission limits specified in Condition **AQ-42**. [District Rule 2201]

Verification: The project owner shall provide emissions data to demonstrate compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-22 A selective catalytic reduction (SCR) system and an oxidation catalyst shall serve each Swiftpac unit. Exhaust ducting may be equipped (if required) with a fresh air inlet blower to be used to lower the exhaust temperature prior to inlet of the SCR system catalyst. The project owner shall submit SCR and oxidation catalyst design details to the District at least 30 days prior to commencement of construction. [District Rule 2201]

Verification: The project owner shall submit SCR and oxidation catalyst design details that demonstrate compliance with this condition to the APCO and the CPM 30 days prior to commencement of construction.

AQ-23 The project owner shall submit continuous emission monitor design, installation, and operational details to the District at least 30 days prior to commencement of construction. [District Rule 2201]

Verification: The project owner shall submit continuous emission monitor design, installation, and operational details to the APCO and the CPM 30 days prior to commencement of construction.

AQ-24 The project owner shall submit to the District before issuance of the Permit to Operate information correlating the NOx control system operating parameters to the associated measured NOx output. The information must be sufficient to allow the District to determine compliance with the NOx emission limits of this permit when no continuous emission monitoring data for NOx is available or when continuous emission monitoring system is not operating properly. [District Rule 4703]

Verification: The project owner shall compile the required NOx control system and emissions data and submit the information to the CPM and the APCO before issuance of the Permit to Operate.

AQ-25 All equipment shall be maintained in good operating condition and shall be operated in a manner to minimize emissions of air contaminants into the atmosphere. [District Rule 2201]

Verification: The project owner shall submit maintenance records for all equipment to the CPM and the APCO in the Quarterly Operation Report (**AQ-SC10**).

AQ-26 No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]

Verification: The project owner will document any complaints that it has received from the public in the Quarterly Operation Report (**AQ-SC10**). The project owner shall make the site available for inspection by representatives of the District, CARB and the Commission.

AQ-27 No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]

Verification: The project owner shall document any known opacity violations in the Quarterly Operation Report (**AQ-SC10**). The project owner shall make the site available for inspection by representatives of the District, CARB and the Commission.

AQ-28 Particulate matter emissions shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]

Verification: The project owner shall submit the results of the initial and annual source tests per Condition **AQ-50**.

AQ-29 Combustion turbine generator (CTG) and electrical generator lube oil vents shall be equipped with mist eliminators. Visible emissions from lube oil vents shall not exhibit opacity of 5% or greater, except for up to three minutes in any hour. [District Rules 2201 and 4101]

Verification: The project owner shall make the site available for inspection by representatives of the District, CARB and the Commission to verify the installation and proper operation of the lube oil vent mist eliminators.

AQ-30 The CTGs shall be fried exclusively on PUC-regulated natural gas with a sulfur content of no greater than 1.0 grain of sulfur compounds (as S) per 100 dry scf of natural gas. [District Rule 2201 and 40 CFR 60.4330(a)(2)]

Verification: The project owner shall compile the required data on the sulfur content of the natural gas and submit the information to the CPM and the APCO in the Quarterly Operation Report (**AQ-SC10**).

AQ-31 Emission rates from each CTG, except during startup and shutdown periods, shall not exceed any of the following limits: NOx (as NO2) – 2.8 lb/hr and 2.5 ppmvd @ 15% O2; CO – 4.19 lb/hr and 6.0 ppmvd @ 15% O2; VOC (as methane) – 0.82 lb/hr and 2.0 ppmvd @ 15% O2; PM10 – 1.85 lb/hr; or SOx (as SO2) – 0.89 lb/hr. NOx (as NO2) emission rates are one hour rolling averages. All other emission rates are three hour rolling averages. [District Rules 2201 and 4703 and 40 CFR 60.4320(a) & (b)]

Verification: The project owner shall submit to the CPM and APCO CTG emissions data demonstrating compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-32 Combined emission rates from the two Swiftpac unit CTG's operating under permit units C-7286-1 and C-7286-2, and the two Swiftpac unit CTG’s operating under permit units C-7286-3 and C-7286-4, except during startup and shutdown periods, shall not exceed any of the following Swiftpac two turbine limits: NOx (as NO2) – 5.6 lb/hr and 2.5 ppmvd @ 15% O2; CO – 8.38 lb/hr and 6.0 ppmvd @ 15% O2; VOC (as methane) – 1.64 lb/hr and 2.0 ppmvd @ 15% O2; PM10 – 3.70 lb/hr; or SOx (as SO2) – 1.78 lb/hr. NOx (as NO2) emission rates are one hour rolling averages. All other emission rates are three hour rolling averages. [District Rules 2201 and 4703 and 40 CFR 60.4320(a) & (b)]

Verification: The project owner shall submit to the CPM and APCO CTG emissions data demonstrating compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-33 The ammonia (NH3) emissions from each CTG shall not exceed either of the following limits: 4.24 lb/hr or 10 ppmvd @ 15% O2 over a 24 hour rolling average. [District Rules 2201 and 4102]

Verification: The project owner shall submit to the CPM and APCO CTG emissions data demonstrating compliance with this condition, using approved calculation methods (**AQ-47**), as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-34 During start-up of each CTG, exhaust emission rates for that CTG shall not exceed any of the following limits: NOx (as NO2) – 30.0 lb/hr; CO – 12.5 lb/hr; VOC (as methane) – 0.83 lb/hr; PM10 – 1.85 lb/hr; or SOx (as SO2) – 0.89 lb/hr, based on a per event average. [District Rules 2201 and 4703]

Verification: The project owner shall submit to the CPM and APCO CEM-derived emissions data for NOx and CO (except when source testing is required for startups) and shall provide calculated PM10 and VOC emission from fuel consumption data and source test results to demonstrate compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-35 During shutdown of each CTG exhaust emission rates for that CTG shall not exceed any of the following limits: NOx (as NO2) – 1.50 lb/hr; CO – 21.33 lb/hr; VOC (as methane) – 0.83 lb/hr; PM10 – 1.85 lb/hr; or SOx (as SO2) – 0.89 lb/hr, based on a per event average. [District Rules 2201 and 4703]

Verification: The project owner shall submit to the CPM and APCO CEM-derived emissions data for NOx and CO (except when source testing is required for shutdowns) and shall provide calculated PM10 and VOC emission from fuel consumption data and source test results to demonstrate compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-36 Startup shall be defined as the period of time during which a unit is brought from a shutdown status to its SCR operating temperature and pressure, including the time required by the unit's emission control system to reach full operations. Shutdown shall be defined as the period of time during which a unit is taken from an operational to a non-operational status as the fuel supply to the unit is completely turned off. [District Rules 2201 and 4703]

Verification: The project owner shall submit to the CPM and APCO the CTG startup and shutdown event duration data demonstrating compliance with Condition **AQ-37** as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-37 The duration of each startup or shut down time shall not exceed two hours. Startup and shutdown emissions shall be counted toward all applicable emission limits. [District Rules 2201 and 4703]

Verification: The project owner shall submit to the CPM and APCO the CTG startup and shutdown event duration data demonstrating compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-38 The emission control systems shall be in operation and emissions shall be minimized insofar as technologically feasible during startup and shutdown. [District Rule 4703]

Verification: The project owner shall submit to the CPM and APCO the CTG startup and shutdown emissions data demonstrating compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-39 Daily emissions from each CTG shall not exceed any of the following limits: NOx (as NO2) – 79.8 lb/day; CO – 117.6 lb/day; VOC – 19.7 lb/day; PM10 – 44.4 lb/day; or SOx (as SO2) – 21.4 lb/day. [District Rule 2201]

Verification: The project owner shall submit to the CPM and APCO CTG emissions data demonstrating compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-40 Combined daily emissions from the two Swiftpac unit CTG's operating under permit units C-7286-1 and C-7286-2, and the two Swiftpac unit CTG's operating under permit units C-7286-3 and C-7286 shall not exceed any of the following Swiftpac two turbine limits: NOx (as NO2) – 159.6 lb/day; CO – 235.2 lb/day; VOC – 39.4 lb/day; PM10 – 88.8 lb/day; or SOx (as SO2) – 42.8 lb/day. [District Rule 2201]

Verification: The project owner shall submit to the CPM and APCO CTG emissions data demonstrating compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-41 Quarterly hours of operation of each CTG shall not exceed any of the following limits: 1st Quarter – 800 hours, 2nd Quarter – 800 hours, 3rd Quarter – 1,400 hours, or 4th Quarter – 1,000 hours. [District Rule 2201]

Verification: The project owner shall submit to the CPM and APCO CTG operations data demonstrating compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-42 Annual emissions from each CTG, calculated on a twelve month rolling basis, shall not exceed any of the following limits: NOx (as NO2) – 12,736 lb/year; CO – 18,826 lb/year; VOC – 3,281 lb/year; PM10 – 7,400 lb/year; or SOx (as SO2) – 3,560 lb/year. [District Rule 2201]

Verification: The project owner shall submit to the CPM and APCO CTG emissions data demonstrating compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-43 Combined annual emissions from the two Swiftpac unit CTG's operating under permit units C-7286-1 and C-7286-2, and the two Swiftpac unit

CTG's operating under permit units C-7286-3 and C-7286 calculated on a twelve consecutive month rolling basis, shall not exceed any of the following Swiftpac two turbine limits: NOx (as NO2) – 25,742 lb/year; CO – 37,652 lb/year; VOC – 6,562 lb/year; PM10 – 14,800 lb/year; or SOx (as SO2) – 7,120 lb/year. [District Rule 2201]

Verification: The project owner shall submit to the CPM and APCO CTG emissions data demonstrating compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-44 The combined annual NO~ emissions from the CTG's operating under permits C-7286-1, C-7286-2, C-7286-3 and C-7286-4, calculated on a twelve consecutive month rolling basis, shall not exceed 50,000 lb/year. [District Rule 22011

Verification: The project owner shall compile required emission compliance data using these standards and shall submit the information to the CPM and the APCO as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-45 Each one hour period shall commence on the hour. Each one hour period in a three hour rolling average will commence on the hour. The three hour average will be compiled from the three most recent one hour periods. Each one hour period in a twenty-four hour average for ammonia slip will commence on the hour. [District Rule 2201]

Verification: The project owner shall compile required emission compliance data using these standards and shall submit the information to the CPM and the APCO as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-46 Daily emissions will be compiled for a twenty-four hour period starting and ending at twelve-midnight. Each month in the twelve consecutive month rolling average emissions shall commence at the beginning of the first day of the month. The twelve consecutive month rolling average emissions to determine compliance with annual emissions limitations shall be compiled from the twelve most recent calendar months. [District Rule 2201]

Verification: The project owner shall compile required emission compliance data using these standards and submit the information to the CPM and the APCO as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-47 Compliance with the ammonia emission limits shall be demonstrated utilizing one of the following procedures: 1) calculate the daily ammonia emissions using the following equation: (ppmvd @ 15% O2) = ((a - (b x c/1,000,000)) x (1,000,000 / b)) x d, where a = ammonia injection rate (lb/hr) / (17 lb/lb mol), b = dry exhaust flow rate (lb/hr) / (29 lb/lb mol), c = change in measured NOx concentration ppmvd @ 15% O2 across the catalyst, and d = correction factor. The correction factor shall be derived annually during compliance testing by comparing the measured and calculated ammonia slip; 2.) Utilize another District-approved calculation

method using measured surrogate parameters to determine the daily ammonia emissions in ppmvd @ 15% O2. If this option is chosen, the project owner shall submit a detailed calculation protocol for District approval at least 60 days prior to commencement of operation; 3.) Alternatively, the project owner may utilize a continuous in-stack ammonia monitor to verify compliance with the ammonia emissions limit. If this option is chosen, the project owner shall submit a monitoring plan for District approval at least 60 days prior to commencement of operation. [District Rules 2201 and 4102]

Verification: The project owner shall submit for approval their proposed ammonia calculation procedure using one of the methods identified above to the CPM and the APCO for approval 15 days prior to turbine first fire, and then submit to the CPM and APCO for approval any requested modifications to the calculation procedure, not including revised source test correction factors, at least 15 days prior to the Quarterly Operation Report (**AQ-SC10**) where the modified calculation procedure is first used.

AQ-48 Source testing to measure startup and shutdown NOx, CO, and VOC mass emission rates shall be conducted for one of the gas turbines (C-7286-1, C-7286-2, C-7286-3, or C-7286-4) prior to the end of the commissioning period and at least once every seven years thereafter. CEM relative accuracy shall be determined during startup source testing in accordance with 40 CFR 60, Appendix B. If CEM data is not certifiable to determine compliance with NOx and CO startup emission limits, then source testing to measure startup NOx and CO mass emission rates shall be conducted at least once every 12 months. [District Rules 1081 and 2201]

Verification: The results and field data collected during source tests shall be submitted to the CPM and the District within 60 days of testing. Testing shall be conducted for the CTG upon initial operation, and at least once every seven years.

AQ-49 Initial source testing to determine compliance with the NOx, CO and VOC emission rates (lb/hr and ppmvd @ 15% O2) NH3 emission rate (ppmvd @ 15% O2) and PM10 emission rate (lb/hr) shall be conducted within 120 days after initial operation. Initial source testing shall be conducted while unit C-7286-1 is operating independently and while unit C-7286-2 is operating independently and while units C-7286-1 and C-7286-2 are operating simultaneously. [District Rules 1081, 2201 and 4703 and 40 CFR 60.4400(a)]

Verification: The results and field data collected during source tests shall be submitted to the CPM and the District within 60 days of testing.

AQ-50 Source testing to determine compliance with NOx, CO, VOC and NH3 emission rates (lb/hr and ppmvd @ 15% 02) and PM10 emission rate (lb/hr) shall be conducted at least once every 12 months. The source testing frequency may be reduced to once every 24 months if the actual operation of both units within a Swiftpac combined is less than 877 hours

during any 12 consecutive month rolling period. [District Rules 1081, 2201 and 4703 and 40 CFR 60.4400(a)]

Verification: The results and field data collected during source tests shall be submitted to the CPM and the District within 60 days of testing.

AQ-51 Source testing shall be conducted while both units within a Swiftpac are operating simultaneously. If one unit operates independently from the other unit within the same Swiftpac for more than 400 hours during any given calendar year, source testing shall also be conducted while that unit is operating independently. [District Rules 1081, 2201 and 4703 and 40 CFR 60.4400(a)]

Verification: The results and field data collected during source tests shall be submitted to the CPM and the District within 60 days of testing.

AQ-52 The sulfur content of each fuel source shall be: (i) documented in a valid purchase contract, a supplier certification, a tariff sheet or transportation contract or (ii) monitored within 60 days of the end of the commission period and weekly thereafter. If the sulfur content is demonstrated to be less than 1.0 gr/100 scf for eight consecutive weeks, then the monitoring frequency shall be every six months. If the result of any six month monitoring demonstrates that the fuel does not meet the fuel sulfur content limit, weekly monitoring shall resume. [40 CFR 60.4360, 60.4365(a) and 60.4370(c)]

Verification: The result of the natural gas fuel sulfur monitoring data and other fuel sulfur content source data shall be submitted to the CPM and the APCO in the Quarterly Operation Report (**AQ-SC10**).

AQ-53 The following test methods shall be used: NOx - EPA Method 7E or 20; CO - EPA Method 10 or 10B; VOC - EPA Method 18 or 25; PM10 - EPA Method 5/202 (front half and back half) or 201 and 202a; ammonia - BAAQMD ST-1B; and O2 - EPA Method 3, 3A, or 20. EPA approved alternative test methods, as approved by the District, may also be used to address the source testing requirements of this permit. [District Rules 1081 and 4703 and 40 CFR 60.4400(1)(i)]

Verification: The project owner shall notify the CPM and the District 30 days prior to any compliance source test. The project owner shall provide a source test plan to the CPM and District for the CPM and District approval 15 days prior to testing.

AQ-54 Fuel sulfur content shall be monitored using one of the following methods: ASTM Methods D1072, D3246, D4084, D4468, D4810, D6228, D6667 or Gas Processors Association Standard 2377. [40 CFR 60.4415(a)(1)(i)]

Verification: The fuel sulfur content data shall be submitted to the CPM and the APCO in the Quarterly Operation Report (**AQ-SC10**).

AQ-55 The exhaust stacks shall be equipped with permanent provisions to allow collection of stack gas samples consistent with EPA test methods and shall be equipped with safe permanent provisions to sample stack gases with a portable NOx, CO, and O2 analyzer during District inspections. The sampling ports shall be located in accordance with the CARB regulation titled California Air Resources Board Air Monitoring Quality Assurance Volume VI, Standard Operating Procedures for Stationary Emission Monitoring and Testing. [District Rule 1081]

Verification: Prior to construction of the turbine stacks the project owner shall provide to the CPM for approval detailed plan drawings of the turbine stacks that show the sampling ports and demonstrate compliance with the requirements of this condition. The project owner shall make the site available for inspection of the turbine stacks by representatives of the District, CARB and the Commission.

AQ-56 Compliance demonstration (source testing) shall be District witnessed, or authorized and samples shall be collected by a California Air Resources Board certified testing laboratory. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified 30 days prior to any compliance source test, and a source test plan must be submitted for approval 15 days prior to testing. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081 and 40 CFR 60.4375(b)]

Verification: The project owner shall notify the CPM and the District 30 days prior to any compliance source test. The project owner shall provide a source test plan to the CPM and District for approval 15 days prior to testing. The results and field data collected during source tests shall be submitted to the CPM and the District within 60 days of testing.

AQ-57 Each CTG shall be equipped with a continuous monitoring system to measure and record fuel consumption. [District Rules 2201 and 4703]

Verification: The project owner shall make the site available for inspection by representatives of the District, CARB and the Commission to verify the continuous monitoring system is properly installed and operational.

AQ-58 The owner or operator shall install, certify, maintain, operate and quality-assure a Continuous Emission Monitoring System (CEMS) which continuously measures and records the exhaust gas NOx, CO and O2 concentrations. Continuous emissions monitor(s) shall be capable of monitoring emissions during normal operating conditions, and during startups and shutdowns, provided the CEMS passes the relative accuracy requirement for startups and shutdowns specified herein. If relative accuracy of CEMS cannot be demonstrated during startup conditions, CEMS results during startup and shutdown events shall be replaced with startup emission rates obtained from source testing to determine compliance with emission limits contained in this document. [District Rules 1080 and 4703 and 40 CFR 60.4335(b)(1)]

Verification: The project owner shall make the site available for inspection by representatives of the District, CARB and the Commission to verify the continuous monitoring system is properly installed and operational.

AQ-59 The CEMS shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period or shall meet equivalent specifications established by mutual agreement of the District, the ARB and the EPA. [District Rule 1080 and 40 CFR 60.4345(b)]

Verification: The project owner shall submit to the CPM and APCO CEMS audits demonstrating compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-60 The NOx, CO and O2 CEMS shall meet the requirements in 40 CFR 75, Appendix A, or shall meet equivalent specifications established by mutual agreement of the District, the ARB, and the EPA. [District Rule 1080 and 40 CFR 60.4345(a)]

Verification: The project owner shall submit to the CPM and APCO CEMS audits demonstrating compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-61 The owner/operator shall perform audits of the CEMS as specified by 40 CFR Part 75, Appendices A and B, at least once every Quality Assurance (QA) operating quarter, except during quarters in which relative accuracy and total accuracy testing is performed, in accordance with EPA guidelines. A calendar quarter that does not qualify as a QA operating quarter shall be excluded in determining the deadline for the next audit. No more than four successive calendar quarters shall elapse after the quarter in which an audit was last performed without a subsequent audit having been conducted. The District shall be notified prior to completion of the audits. Audit reports shall be submitted along with quarterly compliance reports to the District. [District Rules 1080 and 4703, 6.2.3, 40 CFR 60.4345(e) and 40 CFR 75, Appendix B]

Verification: The project owner shall submit to the CPM and APCO the CEMS audits demonstrating compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-62 The owner/operator shall perform a relative accuracy test audit (RATA) for the NOx, CO and 02 CEMS as specified by 40 CFR Part 75, Appendices A and B, at least once every two Quality Assurance (QA} operating quarters. The RATA frequency may be reduced to at least once every four QA operating quarters if the incentive criteria of 40 CFR 75, Appendix B, Section 2.3.1.2 have been met. A calendar quarter that does not qualify as a QA operating quarter shall be excluded in determining the deadline for the next RATA. No more than eight successive calendar quarters shall elapse after the quarter in which a RATA was last performed without a

subsequent RATA having been conducted. The project owner shall comply with the applicable requirements for quality assurance testing and maintenance of the continuous emission monitor equipment in accordance with the procedures and guidance specified in 40 CFR Part 75, Appendices A and B. [District Rule 1080, 40 CFR 60.4345(a) and 40 CFR 75, Appendices A and B]

Verification: The project owner shall submit to the CPM and APCO CEMS audits demonstrating compliance with this condition as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-63 For the purposes of performing quarterly audits and RATA on the CEMS, a Quality Assurance (QA) operating quarter shall be defined as a calendar quarter in which there are at least 168 unit operating hours, or, for a common stack or bypass stack, a calendar quarter in which there are at least 168 stack operating hours. An operating hour is defined as a clock hour during which a unit combusts any fuel, either for part of the hour or for the entire hour. [40 CFR 72]

Verification: The project owner shall submit to the CPM and APCO emission data required in the Quarterly Operation Reports (**AQ-SC10**) that follows the definitions of this condition.

AQ-64 Results of the CEM system shall be averaged over a one hour period for NOx emissions and a three hour period for CO emissions using consecutive 15-minute sampling periods in accordance with all applicable requirements of CFR 60.13. [District Rule 4703 and 40 CFR 60.13]

Verification: The project owner shall submit to the CPM and APCO emission data required in the Quarterly Operation Reports (**AQ-SC10**) that follows the definitions of this condition.

AQ-65 Excess emissions shall be defined as any operating hour in which the 1-hour rolling average NOx concentration exceeds applicable emissions limit and a period of monitor downtime shall be any unit operating hour in which sufficient data are not obtained to validate the hour for either NOx or O2 (or both). [40 CFR 60.4350(b)(1)]

Verification: The project owner shall submit to the CPM and APCO emission data and monitor downtime data in the Quarterly Operation Reports (**AQ-SC10**) that follows the definitions of this condition.

AQ-66 Results of continuous emissions monitoring shall be reduced according to the procedures established in 40 CFR, Part 51, Appendix P, paragraphs 5.0 through 5.3.3, or by other methods deemed equivalent by mutual agreement with the District, the ARB, and the EPA. [District Rule 1080]

Verification: The project owner shall submit to the CPM and APCO emission data required in the Quarterly Operation Reports (**AQ-SC10**) that follows the definitions of this condition.

AQ-67 The facility shall install and maintain equipment, facilities, and systems compatible with the District's CEM data polling software system and shall make CEM data available to the District's automated polling system on a daily basis. [District Rule 1080]

Verification: The project owner shall provide a Continuous Emission Monitoring System (CEMS) protocol for approval by the CPM and the APCO at least 60 days prior to installation of the CEMS. The project owner shall make the site available for inspection of the CEMS by representatives of the District, CARB and the Commission.

AQ-68 Upon notice by the District that the facility's CEM system is not providing polling data, the facility may continue to operate without providing automated data for a maximum of 30 days per calendar year provided the CEM data is sent to the District by a District-approved alternative method. [District Rule 1080]

Verification: The project owner shall provide required non-polled CEM data to the District by a District-approved alternative method.

AQ-69 The owner or operator shall, upon written notice from the APCO, provide a summary of the data obtained from the CEM systems. This summary shall be in the form and the manner prescribed by the APCO. [District Rule 1080]

Verification: The project owner shall submit to the CPM and APCO CEMS summary data upon written notice from the APCO.

AQ-70 The owner or operator shall submit a written report of CEM operations for each calendar quarter to the APCO. The report is due on the 30th day following the end of the calendar quarter and shall include the following: Time intervals, data and magnitude of excess NOx emissions, nature and the cause of excess (if known), corrective actions taken and preventative measures adopted; Averaging period used for data reporting corresponding to the averaging period specified in the emission test period used to determine compliance with an emission standard; Applicable time and date of each period during which the CEM was inoperative (monitor downtime), except for zero and span checks, and the nature of system repairs and adjustments; A negative declaration when no excess emissions occurred. [District Rule 1080 and 40 CFR 60.4375(a) and 60.4395]

Verification: The project owner shall submit to the CPM and APCO the CEMS audits demonstrating compliance with this condition as part of the Quarterly Operation Report required by this condition and condition **AQ-SC10**.

AQ-71 APCO or an authorized representative shall be allowed to inspect, as determined to be necessary, the required monitoring devices to ensure that such devices are functioning properly. [District Rule 1080]

Verification: The project owner shall make the site available for inspection by representatives of the District, CARB and the Commission to verify monitoring devices are functioning properly.

AQ-72 The project owner shall notify the District of any breakdown condition as soon as reasonably possible, but no later than one hour after its detection, unless the owner or operator demonstrates to the District's satisfaction that the longer reporting period was necessary. [District Rule 1100, 6.1]

Verification: The project owner shall comply with the notification requirements of the District and submit written copies of these notification reports to the CPM and the APCO as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-73 The District shall be notified in writing within ten days following the correction of any breakdown condition. The breakdown notification shall include a description of the equipment malfunction or failure, the date and cause of the initial failure, the estimated emissions in excess of those allowed, and the methods utilized to restore normal operations. [District Rule 1100, 7.0]

Verification: The project owner shall comply with the notification requirements of the District and submit written copies of these notification reports to the CPM and the APCO as part of the Quarterly Operation Report (**AQ-SC10**).

AQ-74 The project owner shall maintain the following records: date and time, duration, and type of any startup, shutdown, or malfunction; performance testing, evaluations, calibrations, checks, adjustments, any period during which a continuous monitoring system or monitoring device was inoperative, and maintenance of any continuous emission monitor. [District Rules 1080, 2201, and 4703 and 40 CFR 60.8(d)]

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

AQ-75 The project owner shall maintain the following records: hours of operation, fuel consumption (scf/hr and scf/rolling twelve month period), continuous emission monitor measurements, calculated ammonia slip, and calculated NOx mass emission rates (lb/hr, lb/qtr and lb/twelve month rolling period). [District Rules 2201 and 4703]

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

AQ-76 All records shall be maintained and retained on-site for a period of at least five years and shall be made available for District inspection upon request. [District Rules 1070, 2201, and 4703]

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

AQ-77 Disturbances of soil related to any construction, demolition, excavation, extraction, or other earthmoving activities shall comply with the requirements for fugitive dust control in District Rule 8021 unless specifically exempted under Section 4.0 of Rule 8021 or Rule 8011. [District Rules 8011 and 8021]

Verification: The project owner shall document compliance with Rule 8021 in the Monthly Compliance Report (**AQ-SC3**), and as necessary after construction is complete in the Quarterly Operation Report (**AQ-SC10**).

AQ-78 An owner/operator shall submit a Dust Control Plan to the APCO prior to the start of any construction activity on any site that will include 10 acres or more of disturbed surface area for residential developments, or 5 acres or more of disturbed surface area for non-residential development, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials on at least three days. [District Rules 8011 and 8021]

Verification: The project owner shall submit a Dust Control Plan to the CPM and APCO at least 30 days prior to the start of any construction activities to show compliance with this condition and Condition **AQ-SC2**.

AQ-79 An owner/operator shall prevent or cleanup any carryout or trackout in accordance with the requirements of District Rule 8041 Section 5.0, unless specifically exempted under Section 4.0 of Rule 8041 (8/19/04) or Rule 8011(8/19/04). [District Rules 8011 and 8021]

Verification: The project owner shall document compliance with Rule 8041 in the Monthly Compliance Report (**AQ-SC3**), and as necessary after construction is complete in the Quarterly Operation Report (**AQ-SC10**).

AQ-80 Whenever open areas are disturbed, or vehicles are used in open areas, the facility shall comply with the requirements of Section 5.0 of District Rule 8051, unless specifically exempted under Section 4.0 of Rule 8051 or Rule 8011. [District Rules 8011 and 8051]

Verification: The project owner shall document compliance with Rule 8051 in the Monthly Compliance Report (**AQ-SC3**), and as necessary after construction is complete in the Quarterly Operation Report (**AQ-SC10**).

AQ-81 Any paved road or unpaved road shall comply with the requirements of District Rule 8061 unless specifically exempted under Section 4.0 of Rule 8061 or Rule 8011. [District Rules 8011 and 8061]

Verification: The project owner shall document compliance with Rule 8061 in the Monthly Compliance Report (**AQ-SC3**), and as necessary after construction is complete in the Quarterly Operation Report (**AQ-SC10**).

AQ-82 Water, gravel, roadmix, or chemical/organic dust stabilizers/suppressants, vegetative materials, or other District-approved control measure shall be applied to unpaved vehicle travel areas as required to limit Visible Dust

Emissions to 20% opacity and comply with the requirements for a stabilized unpaved road as defined in Section 3.59 of District Rule 8011. [District Rule 8011 and 8071]

Verification: The project owner shall document compliance with Rule 8071 in the Monthly Compliance Report (AQ-SC3), and as necessary after construction is complete in the Quarterly Operation Report (**AQ-SC10**).

AQ-83 Where dusting materials are allowed to accumulate on paved surfaces, the accumulation shall be removed daily or water and/or chemical/organic dust stabilizers/suppressants shall be applied to the paved surface as required to maintain continuous compliance with the requirements for a stabilized unpaved road as defined in Section 3.59 of District Rule 8011 and limit Visible Dust Emissions (VDE) to 20% opacity. [District Rule 8011 and 8071]

Verification: The project owner shall document compliance with Rule 8071 in the Monthly Compliance Report (**AQ-SC3**), and as necessary after construction is complete in the Quarterly Operation Report (**AQ-SC10**).

AQ-84 On each day that 50 or more Vehicle Daily Trips or 25 or more Vehicle Daily Trips with 3 axles or more will occur on an unpaved vehicle/equipment traffic area, the project owner shall apply water, gravel, roadmix, or chemical/organic dust stabilizers/suppressants, vegetative materials, or other District-approved control measure as required to limit Visible Dust Emissions to 20% opacity and comply with the requirements for a stabilized unpaved road as defined in Section 3.59 of District Rule 8011. [District Rule 8011 and 8071]

Verification: The project owner shall document compliance with Rule 8071 in the Monthly Compliance Report (**AQ-SC3**), and as necessary after construction is complete in the Quarterly Operation Report (**AQ-SC10**).

AQ-85 Whenever any portion of the site becomes inactive, the project owner shall restrict access and periodically stabilize any disturbed surface to comply with the conditions for a stabilized surface as defined in Section 3.58 of District Rule 8011. [District Rules 8011 and 8071]

Verification: The project owner shall document compliance with Rules 8011 and 8071 in the Monthly Compliance Report (**AQ-SC3**), and as necessary after construction is complete in the Quarterly Operation Report (**AQ-SC10**).

AQ-86 Records and other supporting documentation shall be maintained as required to demonstrate compliance with the requirements of the rules under Regulation VIII only for those days that a control measure was implemented. Such records shall include the type of control measure(s) used, the location and extent of coverage, and the date, amount, and frequency of application of dust suppressant, manufacturer's dust suppressant product information sheet that identifies the name of the dust

suppressant and application instructions. Records shall be kept for one year following project completion that results in the termination of all dust generating activities. [District Rules 8011, 8031, and 8071]

Verification: The project owner shall document compliance with Regulation VIII rules in the Monthly Compliance Report (**AQ-SC3**), and as necessary after construction is complete in the Quarterly Operation Report (**AQ-SC10**).

MIDWAY PEAKING PROJECT (06-AFC-07C)
BIOLOGICAL RESOURCES CONDITIONS OF CERTIFICATION

DESIGNATED BIOLOGIST SELECTION

BIO-1 The project owner shall assign a Designated Biologist to the project. The project owner shall submit the resume of the proposed Designated Biologist, with at least 3 references and contact information, to the Energy Commission compliance project manager (CPM) for approval.

The Designated Biologist must have at least the following minimum qualifications:

1. a Bachelor's Degree in biological sciences, zoology, botany, ecology, or a closely related field; and
2. three years of experience in field biology or current certification of a nationally recognized biological society, such as The Ecological Society of America or The Wildlife Society; and
3. at least one year of field experience with biological resources found in or near the project area.

In lieu of the above requirements, the resume shall demonstrate to the satisfaction of the CPM, that the proposed Designated Biologist or alternate Designated Biologist has the appropriate training and background to effectively implement the Conditions of Certification.

Verification: The project owner shall submit the specified information at least 90 days prior to the start of any site (or related facilities) mobilization. No site or related facility activities shall commence until an approved Designated Biologist is available to be on site.

If a Designated Biologist needs to be replaced, the specified information of the proposed replacement must be submitted to the CPM at least ten working days prior to the termination or release of the preceding Designated Biologist. 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 Designated Biologist is proposed to the CPM for consideration.

DESIGNATED BIOLOGIST DUTIES

BIO-2 The project owner shall ensure that the Designated Biologist performs the following during any site (or related facilities) mobilization, ground disturbance, grading, construction, operation, and closure activities. The Designated Biologist may be assisted by the approved biological monitor(s), but remains the contact for the project owner and CPM. The Designated Biologist shall:

1. advise the project owner's construction and operation managers on the implementation of the biological resources Conditions of Certification;

2. consult on the preparation of the Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP), to be submitted by the project owner;
3. be available to supervise, conduct, and coordinate mitigation, monitoring, and other biological resources compliance efforts, particularly in areas requiring avoidance or containing sensitive biological resources, such as special-status species or their habitat;
4. clearly mark sensitive biological resource areas and inspect these areas at appropriate intervals for compliance with regulatory terms and conditions;
5. inspect active construction areas where animals may have become trapped prior to construction commencing each day. At the end of the day, inspect for the installation of structures that prevent entrapment or allow escape during periods of construction inactivity. Periodically inspect areas with high vehicle activity (i.e., parking lots) for animals in harm's way;
6. notify the project owner and the CPM of any noncompliance with any biological resources condition of certification;
7. respond directly to inquiries of the CPM regarding biological resource issues;
8. maintain written records of the tasks specified above and those included in the BRMIMP. Summaries of these records shall be submitted in the monthly compliance report and the annual report; and
9. train the biological monitors as appropriate, and ensure their familiarity with the BRMIMP, worker environmental awareness program (WEAP) training, and all permits.

Verification: The Designated Biologist shall submit in the monthly compliance report to the CPM copies of all written reports and summaries that document biological resources activities. If actions may affect biological resources during operation, a Designated Biologist shall be available for monitoring and reporting. During project operation, the Designated Biologist shall submit record summaries in the annual compliance report unless their duties are ceased as approved by the CPM.

BIOLOGICAL MONITOR QUALIFICATIONS

BIO-3 The project owner's CPM-approved Designated Biologist shall submit the resume, at least 3 references, and contact information of the proposed biological monitors to the CPM for approval. The resume shall demonstrate to the satisfaction of the CPM, the appropriate education and experience to accomplish the assigned biological resource tasks.

Biological monitor(s) training by the Designated Biologist shall include familiarity with the Conditions of Certification and the Biological Resources

Mitigation Implementation and Monitoring Plan (BRMIMP), Worker Environmental Awareness Program (WEAP), and all permits.

Verification: The project owner shall submit the specified information to the CPM for approval at least 30 days prior to the start of any site (or related facilities) mobilization. The Designated Biologist shall submit a written statement to the CPM confirming that individual biological monitor(s) have been trained including the date when training was completed. If additional biological monitors are needed during construction, the specified information shall be submitted to the CPM for approval 10 days prior to their first day of monitoring activities.

DESIGNATED BIOLOGIST AND BIOLOGICAL MONITOR AUTHORITY

BIO-4 The project owner's construction and operation manager shall act on the advice of the Designated Biologist and biological monitor(s) to ensure conformance with the biological resources Conditions of Certification.

If required by the Designated Biologist and biological monitor(s), the project owner's construction and operation manager shall halt all site mobilization, ground disturbance, grading, construction, and operation activities in areas specified by the Designated Biologist.

The Designated Biologist shall:

1. require a halt to all activities in any area when determined that there would be an unauthorized adverse impact to biological resources if the activities continued;
2. inform the project owner and the construction and operation manager when to resume activities; and
3. notify the CPM if there is a halt of any activities, and advise the CPM of any corrective actions that have been taken, or will be instituted, as a result of the work stoppage.

If the Designated Biologist is unavailable for direct consultation, the biological monitor shall act on behalf of the Designated Biologist.

Verification: The project owner shall ensure that the Designated Biologist or biological monitor notifies the CPM immediately (and no later than the following morning of the incident, or Monday morning in the case of a weekend) of any noncompliance or halt of any site mobilization, ground disturbance, grading, construction, and operation activities. The project owner shall notify the CPM of the circumstances and actions being taken to resolve the problem.

Whenever corrective action is taken by the project owner, a determination of success or failure will be made by the CPM within five working days after receipt of notice that corrective action is completed, or the project owner will be notified by the CPM that coordination with other agencies will require additional time before a determination can be made.

WORKER ENVIRONMENTAL AWARENESS PROGRAM

BIO-5 The project owner shall develop and implement a CPM-approved worker environmental awareness program (WEAP) in which each of its employees, as well as employees of contractors and subcontractors who work on the project site or any related facilities during site mobilization, ground disturbance, grading, construction, operation and closure, are informed about sensitive biological resources associated with the project.

The WEAP must:

- be developed by or in consultation with the Designated Biologist and consist of an onsite or training center presentation in which supporting written material and electronic media are made available to all participants;
- discuss the locations and types of sensitive biological resources on the project site and adjacent areas;
- present the reasons for protecting these resources;
- present the meaning of various temporary and permanent habitat protection measures;
- identify whom to contact if there are further comments and questions about the material discussed in the program; and
- include a training acknowledgment form to be signed by each worker indicating that they received training and shall abide by the guidelines.

The specific program can be administered by a competent individual(s) acceptable to the Designated Biologist.

Verification: At least 60 days prior to the start of any site (or related facilities) mobilization, the project owner shall provide to the CPM two (2) copies of the proposed WEAP and all supporting written materials and electronic media prepared or reviewed by the designated biologist and a resume of the person(s) administering the program.

The project owner shall provide in the monthly compliance report the number of persons who have completed the training in the prior month and a running total of all persons who have completed the training to date. At least 10 days prior to site and related facilities mobilization submit two copies of the CPM approved materials.

The signed training acknowledgement forms from construction shall be kept on file by the project owner for a period of at least six months after the start of commercial operation.

During project operation, signed statements for active project operational personnel shall be kept on file for six months following the termination of an individual's employment.

BIOLOGICAL RESOURCES MITIGATION IMPLEMENTATION AND MONITORING PLAN

BIO-6 The project owner shall submit two copies of the proposed biological resources mitigation implementation and monitoring plan (BRMIMP) to the CPM (for review and approval) and to CDFG and USFWS (for review and comment) and shall implement the measures identified in the approved BRMIMP.

The BRMIMP shall be prepared in consultation with the designated biologist and shall identify:

1. all biological resource mitigation, monitoring, and compliance measures proposed and agreed to by the project owner;
2. all biological resources Conditions of Certification identified as necessary to avoid or mitigate impacts;
3. all biological resource mitigation, monitoring, and compliance measures required in federal agency terms and conditions, such as those provided in the USFWS Biological Opinion;
4. all biological resources mitigation, monitoring, and compliance measures required in local agency permits, such as site grading and landscaping requirements;
5. all sensitive biological resources to be impacted, avoided, or mitigated by project construction, operation, and closure;
6. all required mitigation measures for each sensitive biological resource;
7. required habitat compensation strategy, including provisions for acquisition, enhancement, and management for any temporary and permanent loss of sensitive biological resources;
8. a detailed description of measures that shall be taken to avoid or mitigate temporary disturbances from construction activities;
9. all locations on a map, at an approved scale, of sensitive biological resource areas subject to disturbance and areas requiring temporary protection and avoidance during construction;
10. aerial photographs, at an approved scale, of all areas to be disturbed during project construction activities — one set prior to any site or related facilities mobilization disturbance and one set subsequent to completion of project construction. Include planned timing of aerial photography and a description of why times were chosen;
11. duration for each type of monitoring and a description of monitoring methods and frequency;

12. performance standards to be used to help decide if and when proposed mitigation is or is not successful;
13. all performance standards and remedial measures to be implemented if performance standards are not met;
14. a preliminary discussion of biological resources-related facility closure measures;
15. a restoration and revegetation plan;
16. a process for proposing plan modifications to the CPM and appropriate agencies for review and approval; and
17. a copy of all biological resources-related permits obtained.

Verification: The project owner shall provide the specified document at least 60 days prior to start of any site (or related facilities) mobilization.

The CPM, in consultation with the CDFG, the USFWS, and any other appropriate agencies, will determine the BRMIMP's acceptability within 45 days of receipt. If there are any permits that have not yet been received when the BRMIMP is first submitted, these permits shall be submitted to the CPM, the CDFG, and USFWS within five (5) days of their receipt, and the BRMIMP shall be revised or supplemented to reflect the permit condition within 10 days of their receipt by the project owner. Ten days prior to site and related facilities mobilization, the revised BRMIMP shall be resubmitted to the CPM.

The project owner shall notify the CPM no less than five working days before implementing any modifications to the approved BRMIMP to obtain CPM approval.

Any changes to the approved BRMIMP must also be approved by the CPM in consultation with CDFG, the USFWS, and appropriate agencies to ensure no conflicts exist.

Implementation of BRMIMP measures will be reported in the monthly compliance reports by the Designated Biologist (i.e., survey results, construction activities that were monitored, species observed). Within thirty (30) days after completion of project construction, the project owner shall provide to the CPM, for review and approval, a written construction closure report identifying which items of the BRMIMP have been completed, a summary of all modifications to mitigation measures made during the project's site mobilization, ground disturbance, grading, and construction phases, and which mitigation and monitoring items are still outstanding.

CLOSURE PLAN MEASURES

BIO-7 Deleted (Refer to General Conditions)

IMPACT AVOIDANCE MITIGATION FEATURES

BIO-8 Any time the project owner modifies or finalizes the project design, it shall incorporate all feasible measures that avoid or minimize impacts to the local biological resources. The project owner shall:

1. design, install, and maintain transmission line poles, access roads, pulling sites, and storage and parking areas to avoid identified sensitive resources;
2. design, install, and maintain transmission lines and all electrical components in accordance with the Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006 (APLIC 2006) to reduce the likelihood of electrocutions of large birds;
3. eliminate any California exotic pest plants of concern List A species as defined by the California Exotic Pest Plant Council from landscaping plans;
4. prescribe a road sealant that is nontoxic to wildlife and plants; and
5. design, install, and maintain facility lighting to prevent side casting of light toward wildlife habitat.

Verification: All mitigation measures and their implementation methods shall be included in the BRMIMP. Implementation of the measures shall be reported in the monthly compliance reports by the Designated Biologist. Within thirty (30) days after completion of project construction, the project owner shall provide to the CPM, for review and approval, a written construction termination report identifying how measures have been completed.

MITIGATION MANAGEMENT TO AVOID HARASSMENT OR HARM

BIO-9 The project owner shall implement the following measures to manage its construction site, and related facilities, in a manner to avoid or minimize impacts to the local biological resources. To minimize and avoid impacts to San Joaquin kit foxes, the following measures shall be implemented. These were extracted directly from the federal Biological Opinion, issued August 27, 2007 (USFWS 2007b):

1. Impacts to kit fox habitat will be offset through a contribution to a local conservation bank. Pursuant to discussions with Service, total compensation has been determined based on the area permanently impacted (5.6), SPM will purchase 6 conservation credits. This contribution will occur at Kreyenhagen Hills conservation bank. This contribution will occur at Kreyenhagen Hills conservation bank, or by fee title acquisition or purchase of a conservation easement on a service-approved parcel, following all the requirements in Selected Review Criteria for Conservation Banks and Section 7 Offsite Compensation April 11, 2006 (enclosed).
2. Project-related vehicles shall observe a 20-mph speed limit in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. To the extent possible, night-time construction should

be minimized. Off-road traffic outside of designated project areas should be prohibited.

3. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under number 13 of this section must be followed.
4. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. if necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.
5. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction or project site.
6. No firearms shall be allowed on the project site.
7. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets will be permitted on project sites.
8. Use of rodenticides and herbicides in project areas will be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service, if rodent control must be conducted, zinc phosphide should be used because of proven lower risk to kit fox.
9. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped individual. The representative will be identified

during the employee education program. The representative's name and telephone number shall be provided to the Service.

10. An employee education program shall be conducted. The program will consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and agency personnel involved in the project. The program will include the following: a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the above-mentioned people and anyone else who may enter the project site. The program will be conducted in languages other than English, as appropriate.
11. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. will be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but that after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the Service, California Department of Fish and Game (CDFG), and revegetation experts.
12. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the Service should be contacted for advice.
13. Any contractor, employee, or military or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG and the Service immediately in the case of a dead, injured or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.
14. The Sacramento Fish and Wildlife Office and CDFG will be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers

given below. The CDFG contact is Mr. Ron Schlorff at Street, Sacramento, California 95814, (916) 654-4262.

15. Limits of grading and construction activities should be clearly delineated so that no vegetation outside the delineated grading limits would be disturbed by construction personnel or equipment. Project personnel will drive only on existing roads outside of construction limits.
16. SPM will implement the Best Management Practices identified in the project specific Storm Water Pollution Prevention Plan (SWPPP).
17. In order to comply with the Migratory Bird Treaty Act and relevant sections of the CDFG Code (e.g., 3503, 3503.4, 3504, 3505, et seq.), any vegetation clearing would take place outside of the typical avian nesting season (i.e., February 1st — August 3 1st), to the maximum extent practical. If this is not possible, prior to ground-disturbing activities, construction, and so forth within the study area, a qualified biologist will conduct and submit a migratory nesting bird and raptor survey report. A qualified biologist is an individual with sufficient education and field experience in local California ecology and biology to adequately identify local plant and wildlife species. The survey shall occur not more than 72 hours prior to initiation of Project activities and any occupied passerines and/or raptor nests occurring within or adjacent to the study area will be delineated. To the maximum extent practicable, a minimum buffer zone from occupied nests will be maintained during physical ground-disturbing activities. Once nesting has been determined to cease, the buffer may be removed.
18. SPM will retain the services of a Biological Monitor who will be responsible for overseeing project environmental protection measures. All encounters with listed species will be reported to the Biological Monitor, who will record the following information: species name; location (narrative and maps) and dates of observations; general condition and health, including injuries and state of healing; diagnostic markings, including identification numbers or markers; and locations moved from and to (if appropriate).

Verification: All mitigation measures and their implementation methods shall be included in the BRMIMP. Implementation of the measures will be reported in the monthly compliance reports by the Designated Biologist.

Within thirty (30) days after completion of project construction, the project owner shall provide to the CPM, for review and approval, a written construction termination report identifying how measures have been completed.

EVAPORATION POND DESIGN

BIO-10 The project owner shall submit copies of technical drawings for the design of the evaporation pond. The project owner shall design and build the pond with slopes as steep as practicable and of sufficient size to keep water to a depth of less than 2 feet.

Verification: No less than thirty (30) days prior to the start of evaporation pond construction, the project owner shall provide copies of the evaporation pond design drawings to the CPM for review and approval, and CDFG for review and comment.

EVAPORATION POND MONITORING

BIO-11 Following the start of operations, the evaporation pond shall be monitored twice monthly (once every two weeks), for two hours for wildlife usage and water quality by the Designated Biologist or biological monitor. Monitoring is not required if the pond does not contain water. If a substantial number of birds and other wildlife are using the pond and water quality is poor, remedial actions to reduce wildlife use shall be implemented. An evaporation pond monitoring plan shall be developed prior to the start of operations and evaporation pond monitoring reports shall be submitted after the start of operations.

Evaporation Pond Monitoring Plan. Prior to the start of operations, the project owner shall develop an evaporation pond monitoring plan that shall include wildlife survey and water quality testing methods and specific remedial actions in the case that wildlife usage thresholds are exceeded. The wildlife usage thresholds shall also be defined in coordination with USFWS and CDFG and included in the plan. Elements to be tested shall include selenium, mercury, uranium, boron, arsenic, and vanadium. All wildlife use and water quality indices, thresholds, and remedial actions to be taken must be approved by the CPM, in consultation with USFWS and CDFG.

Evaporation Pond Monitoring Report. The project owner shall submit an evaporation pond monitoring report to the CPM once every three months after the start of operations. Records shall include the date, time, bird species, number of individuals, and behavior. The reports shall contain all records of monitoring dates, data collected, certified lab results, and any corrective actions taken. This monitoring shall occur for the first two years of plant operation, and depending on the results, could be discontinued after consultation with the CPM and USFWS and CDFG or continue as needed. A request to lessen or stop monitoring before the end of the second year of operation must be submitted in writing to the CPM, and to USFWS and CDFG for consideration.

Verification: No less than thirty (30) days prior to the start of power plant operations, the project owner shall provide copies of the evaporation pond monitoring plan and all supporting materials to the CPM for approval. The project owner shall submit copies of

the evaporation pond monitoring report to the CPM, USFWS, and CDFG four times each year (once every three months).

HABITAT COMPENSATION

BIO-12 The project owner shall provide habitat compensation for temporary and permanent impacts to San Joaquin kit fox habitat at a location and amount approved by USFWS.

Verification: No less than 30 days prior to the start of any site or related facilities mobilization activities, the project owner shall submit written verification to the CPM and USFWS that the transaction for habitat compensation has occurred.

MIDWAY PEAKING PROJECT (06-AFC-07C)
CULTURAL RESOURCES CONDITIONS OF CERTIFICATION

CUL-1 Prior to the start of preconstruction site mobilization; construction ground disturbance; construction grading, boring, and trenching; and construction, the project owner shall obtain the services of a Cultural Resources Specialist (CRS), and one or more alternates, if alternates are needed. The CRS shall manage all monitoring, mitigation, curation and reporting activities required in accordance with the Conditions of Certification (Conditions). The CRS may elect to obtain the services of Cultural Resources Monitors (CRMs) and other technical specialists, if needed, to assist in monitoring, mitigation, and curation activities. The project owner shall ensure that the CRS makes recommendations regarding the eligibility for listing in the California Register of Historical Resources (CRHR) of any cultural resources that are newly discovered or that may be affected in an unanticipated manner (Discovery). No preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction shall occur prior to CPM approval of the CRS, unless specifically approved by the CPM. Approval of a CRS may be denied or revoked for non-compliance on this or other projects.

CULTURAL RESOURCES SPECIALIST

The resumes for the CRS and alternate(s) shall include information demonstrating to the satisfaction of the CPM that their training and backgrounds conform to the U.S. Secretary of Interior's Professional Qualifications Standards, as published in the Code of Federal Regulations, 36 CFR Part 61. In addition, the CRS shall have the following qualifications:

1. The CRS's qualifications shall be appropriate to the needs of the project and shall include a background in anthropology, archaeology, history, architectural history, or a related field; and
2. At least three years of archaeological or historic, as appropriate, resources mitigation and field experience in California.
3. At least one year of experience in a decision-making capacity on cultural resources projects in California and the appropriate training and experience to knowledgably make recommendations regarding the significance of cultural resources.

The resumes of the CRS and alternate CRS shall include the names and telephone numbers of contacts familiar with the work of the CRS/alternate CRS on referenced projects and demonstrate to the satisfaction of the CPM that the CRS/alternate CRS has the appropriate training and experience to effectively implement the Conditions of Certification.

CULTURAL RESOURCES MONITORS

CRMs shall have the following qualifications:

1. a BS or BA degree in anthropology, archaeology, historical archaeology or a related field and one year experience monitoring in California; or
2. an AS or AA degree in anthropology, archaeology, historical archaeology or a related field, and four years experience monitoring in California; or
3. enrollment in upper division classes pursuing a degree in the fields of anthropology, archaeology, historical archaeology or a related field, and two years of monitoring experience in California.

CULTURAL RESOURCES TECHNICAL SPECIALISTS

The resume(s) of any additional technical specialists, e.g., historical archaeologist, historian, architectural historian, and/or physical anthropologist, shall be submitted to the CPM for approval.

Verification: At least 45 days prior to the start of preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction, the project owner shall submit the resume for the CRS, and alternate(s) if desired, to the CPM for review and approval.

At least 10 days prior to a termination or release of the CRS, or within 10 days after the resignation of a CRS, the project owner shall submit the resume of the proposed new CRS to the CPM for review and approval. At the same time, the project owner shall also provide to the approved new CRS the AFC and all cultural documents, field notes, photographs, and other cultural materials generated by the project.

At least 20 days prior to preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction, the CRS shall provide a letter naming anticipated CRMs for the project and stating that the identified CRMs meet the minimum qualifications for cultural resources monitoring required by this Condition. If additional CRMs are obtained during the project, the CRS shall provide additional letters to the CPM identifying the CRMs and attesting to the qualifications of the CRMs, at least five days prior to the CRMs beginning on-site duties.

At least 10 days prior to beginning tasks, the resume(s) of any additional technical specialists shall be provided to the CPM for review and approval.

At least 10 days prior to the start of preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction, the project owner shall confirm in writing to the CPM that the approved CRS will be available for onsite work and is prepared to implement the cultural resources Conditions.

CUL-2 Prior to the start of preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction, if the CRS has not previously worked on the project, the project owner

shall provide the CRS with copies of the AFC, data responses, and confidential cultural resources reports for the project. The project owner shall also provide the CRS and the CPM with maps and drawings showing the footprint of the power plant and all linear facilities. Maps shall include the appropriate USGS quadrangles and a map at an appropriate scale (e.g., 1:2000 or 1" = 200') for plotting cultural features or materials. If the CRS requests enlargements or strip maps for linear facility routes, the project owner shall provide copies to the CRS and CPM. The CPM shall review submittals and, in consultation with the CRS, approve those that are appropriate for use in cultural resources planning activities. No preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction activities shall occur prior to CPM approval of maps and drawings, unless specifically approved by the CPM.

If construction of the project would proceed in phases, maps and drawings, not previously provided, shall be submitted prior to the start of each phase. Written notification identifying the proposed schedule of each project phase shall be provided to the CRS and CPM.

At a minimum, the CRS shall consult weekly with the project construction manager to confirm area(s) to be worked during the next week, until ground disturbance is completed.

The project owner shall notify the CRS and CPM of any changes to the scheduling of the construction phases.

Verification: At least 40 days prior to the start of preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction, the project owner shall provide the AFC, data responses, and confidential cultural resources documents to the CRS, if needed, and the subject maps and drawings to the CRS and CPM. The CPM will review submittals in consultation with the CRS and approve maps and drawings suitable for cultural resources planning activities.

If there are changes to any project-related footprint, revised maps and drawings shall be provided at least 15 days prior to start of preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction for those changes.

If project construction is phased, if not previously provided, the project owner shall submit the subject maps and drawings 15 days prior to each phase.

On a weekly basis during preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction, a current schedule of anticipated project activity shall be provided to the CRS and CPM by letter, email, or fax.

Within five days of identifying changes, the project owner shall provide written notice of any changes to scheduling of construction phase.

CUL-3 Prior to the start of preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction, the project owner shall submit the Cultural Resources Monitoring and Mitigation Plan (CRMMP), as prepared by or under the direction of the CRS, to the CPM for review and approval.

The CPM shall provide the project owner with a model CRMMP to adapt for project use. The CRMMP shall be provided in the Archaeological Resource Management Report (ARMR) format, and, per ARMR guidelines, the author's name shall appear on the title page of the CRMMP. The CRMMP shall identify general and specific measures to minimize potential impacts to sensitive cultural resources.

Implementation of the CRMMP shall be the responsibility of the CRS and the project owner. Copies of the CRMMP shall reside with the CRS, alternate CRS, each monitor, and the project owner's on-site construction manager.

No preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, or construction shall occur prior to CPM approval of the CRMMP, unless specifically approved by the CPM.

The CRMMP shall include, but not be limited to, the following elements and measures:

1. A proposed general research design that includes a discussion of archaeological research questions and testable hypotheses specifically applicable to the project area, and a discussion of artifact collection, retention/disposal, and curation policies as related to the research questions formulated in the research design. A prescriptive treatment plan may be included in the CRMMP for limited resource types. A refined research design will be prepared for any resource where data recovery is required.
2. The following statement included in the Introduction: "Any discussion, summary, or paraphrasing of the Conditions in this CRMMP is intended as general guidance and as an aid to the user in understanding the Conditions and their implementation. The Conditions, as written in the Commission Decision, shall supersede any summarization, description, or interpretation of the Conditions in the CRMMP. The Cultural Resources Conditions of Certification from the Commission Decision are contained in Appendix A."
3. Specification of the implementation sequence and the estimated time frames needed to accomplish all project-related tasks during ground disturbance, construction, and post-construction analysis phases of the project.

4. Identification of the person(s) expected to perform each of the tasks, their responsibilities, and the reporting relationships between project construction management and the mitigation and monitoring team.
5. A description of the manner in which Native American observers or monitors will be included, the procedures to be used to select them, and their role and responsibilities.
6. A description of all impact-avoidance measures (such as flagging or fencing) to prohibit or otherwise restrict access to sensitive resource areas that are to be avoided during construction and/or operation, and identification of areas where these measures are to be implemented. The description shall address how these measures would be implemented prior to the start of construction and how long they would be needed to protect the resources from project-related effects.
7. A statement that all cultural resources encountered shall be recorded on a DPR form 523 and mapped and photographed. In addition, all archaeological materials retained as a result of the archaeological investigations (survey, testing, data recovery) shall be curated in accordance with the California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections, into a retrievable storage collection in a public repository or museum.
8. A statement that the project owner will pay all curation fees and a copy of an agreement with, or other written commitment from, a curation facility to accept artifacts from this project. Any agreements concerning curation will be retained and available for audit for the life of the project.
9. A statement that the CRS has access to equipment and supplies necessary for site mapping, photography, and recovery of any cultural resources materials that are encountered during construction and cannot be treated prescriptively.
10. A description of the contents and format of the Cultural Resources Report (CRR), which shall be prepared according to ARMR guidelines.

Verification: At least 30 days prior to the start of preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction, the project owner shall submit the subject CRMMP to the CPM for review and approval. Preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, or construction may not commence until the CRMMP is approved, unless specifically approved by the CPM.

At least 30 days prior to the start of preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction, a

letter shall be provided to the CPM indicating that the project owner agrees to pay curation fees for any materials collected as a result of the archaeological investigations (survey, testing, data recovery).

CUL-4 The project owner shall submit the Cultural Resources Report (CRR) to the CPM for approval. The CRR shall be written by or under the direction of the CRS and shall be provided in the ARMR format. The CRR shall report on all field activities including dates, times and locations, findings, samplings, and analyses. All survey reports, Department of Parks and Recreation (DPR) 523 forms, and additional research reports not previously submitted to the California Historical Resources Information System (CHRIS) and the State Historic Preservation Officer (SHPO) shall be included as an appendix to the CRR.

If the project owner requests a suspension of construction activities, then a draft CRR that covers all cultural resources activities associated with the project shall be prepared by the CRS and submitted to the CPM for review and approval on the same day as the suspension/extension request. The draft CRR shall be retained at the project site in a secure facility until construction resumes or the project is withdrawn. If the project is withdrawn, then a final CRR shall be submitted to the CPM for review and approval at the same time as the withdrawal request.

Verification: Within 90 days after completion of ground disturbance (including landscaping), the project owner shall submit the CRR to the CPM for review and approval. If any reports have previously been sent to the CHRIS, then receipt letters from the CHRIS or other verification of receipt shall be included in an appendix.

Within 10 days after CPM approval, the project owner shall provide documentation to the CPM confirming that copies of the CRR have been provided to the SHPO, the CHRIS, and the curating institution, if archaeological materials were collected.

Within 30 days after requesting a suspension of construction activities, the project owner shall submit a draft CRR to the CPM for review and approval.

CUL-5 Prior to and for the duration of preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction, the project owner shall provide Worker Environmental Awareness Program (WEAP) training to project managers, construction supervisors, foremen, and general workers who are involved with or operate ground disturbing equipment or tools. The training shall be prepared by the CRS, may be conducted by any member of the archaeological team, and may be presented in the form of a video. The CRS shall be available (by telephone or in person) to answer questions posed by employees. The training shall include:

1. A discussion of applicable laws and penalties under the law;
2. Samples or visuals of artifacts that might be found in the project vicinity;

3. Instruction that the CRS, alternate CRS, and CRMs have the authority to halt construction in the area of a Discovery to an extent sufficient to ensure that the resource is protected from further impacts, as determined by the CRS;
4. Instruction that employees are to halt work on their own in the vicinity of a potential cultural resources Discovery and shall contact their supervisor and the CRS or CRM, and that redirection of work would be determined by the construction supervisor and the CRS;
5. An informational brochure that identifies reporting procedures in the event of a Discovery;
6. An acknowledgement form signed by each worker indicating that he/she has received the training; and
7. A sticker that shall be placed on hard hats indicating that environmental training has been completed.

No preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction, shall occur prior to implementation of the WEAP program, unless specifically approved by the CPM.

Verification: At least 30 days prior to the beginning of pre-construction site mobilization, the CRS shall provide the training program draft text and graphics and the informational brochure to the CPM for review and approval, and the CPM will provide to the project owner a WEAP Training Acknowledgement form for each WEAP-trained worker to sign.

On a monthly basis, the project owner shall provide in the Monthly Compliance Report (MCR) the WEAP Training Acknowledgement forms of persons who have completed the training in the prior month and a running total of all persons who have completed training to date.

CUL-6 The project owner shall ensure that the CRS, alternate CRS, or CRMs shall monitor preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction full time at the project site and linear facilities, and ground disturbance full time at laydown areas or other ancillary areas, to ensure there are no impacts to undiscovered resources and to ensure that known resources are not impacted in an unanticipated manner (Discovery). Specifically, the CRS, alternate CRS, or CRMs shall monitor: the initial soil stripping and any grading of the plant site; the excavation of structural foundations, of trenches for the natural gas and water pipelines, and of the 25,000 square-foot evaporation pond; and the drilling of the 1,500-foot-deep well, if this alternate water source is necessary.

Full-time archaeological monitoring for this project shall be the archaeological monitoring of all native-soil–removing activities on the construction site or along the linear facility routes for as long as the

activities are ongoing. Full-time archaeological monitoring shall require at least one monitor per excavation area where machines are actively removing native soils. If an excavation area is too large for one monitor to effectively observe the soil removal, one or more additional monitors shall be retained to observe the area.

In the event that the CRS determines that the current level of monitoring is not appropriate in certain locations, a letter or e-mail detailing the justification for changing the level of monitoring shall be provided to the CPM for review and approval prior to any change in the level of monitoring.

The research design in the CRMMP shall govern the collection, treatment, retention/disposal, and curation of any archaeological materials encountered.

On forms provided by the CPM, CRMs shall keep a daily log of any monitoring and other cultural resources activities and any instances of non-compliance with the Conditions and/or applicable LORS. Copies of the daily logs shall be provided to the CPM by the CRS as directed by the CPM. From these logs, the CRS shall compile a monthly monitoring summary report to be included in the MCR. If there are no monitoring activities, the summary report shall specify why monitoring has been suspended. The CRS or alternate CRS shall report daily to the CPM on the status of cultural resources-related activities at the construction site, unless reducing or ending daily reporting is requested by the CRS and approved by the CPM.

The CRS, at his or her discretion, or at the request of the CPM, may informally discuss cultural resources monitoring and mitigation activities with Energy Commission technical staff (Staff).

Cultural resources monitoring activities are the responsibility of the CRS. Any interference with monitoring activities, removal of a monitor from duties assigned by the CRS, or direction to a monitor to relocate monitoring activities by anyone other than the CRS shall be considered non compliance with these Conditions.

Upon becoming aware of any incidents of non-compliance with the Conditions and/or applicable LORS, the CRS and/or the project owner shall notify the CPM by telephone or e-mail within 24 hours. The CRS shall also recommend corrective action to resolve the problem or achieve compliance with the Conditions. When the issue is resolved, the CRS shall write a report describing the issue, the resolution of the issue, and the effectiveness of the resolution measures. This report shall be provided in the next MCR for the review of the CPM.

A Native American monitor shall be obtained to monitor ground disturbance in areas where Native American artifacts are discovered. Informational lists of concerned Native Americans and guidelines for

monitoring shall be obtained from the Native American Heritage Commission. Preference in selecting a monitor shall be given to Native Americans with traditional ties to the area that shall be monitored.

Verification: At least 30 days prior to the start of preconstruction site mobilization; construction ground disturbance; construction grading, boring and trenching; and construction, the CPM will provide to the CRS an electronic copy of a form to be used as a daily monitoring log. While monitoring is on-going, the project owner shall include in each MCR a copy of the monthly summary report of cultural resources-related monitoring prepared by the CRS.

Daily, the CRS shall provide a statement that "no cultural resources over 50 years of age were discovered" to the CPM as an e-mail, or in some other form acceptable to the CPM. If the CRS concludes that daily reporting is no longer necessary, a letter or e-mail providing a detailed justification for the decision to reduce or end daily reporting shall be provided to the CPM for review and approval at least 24 hours prior to reducing or ending daily reporting.

At least 24 hours prior to implementing a proposed change in monitoring level, documentation justifying the change shall be submitted to the CPM for review and approval.

CUL-7 The project owner shall grant authority to halt construction to the CRS, alternate CRS, and the CRMs in the event of a Discovery. Redirection of ground disturbance shall be accomplished under the direction of the construction supervisor in consultation with the CRS.

In the event cultural resources over 50 years of age or considered exceptionally significant are found, or impacts to such resources can be anticipated, construction shall be halted or redirected in the immediate vicinity of the Discovery sufficient to ensure that the resource is protected from further impacts. The halting or redirection of construction shall remain in effect until the CRS has visited the Discovery, and all of the following have occurred:

1. The CRS has notified the project owner, and the CPM has been notified within 24 hours of the Discovery, or by Monday morning if the cultural resources Discovery occurs between 8:00 AM on Friday and 8:00 AM on Sunday morning, including a description of the Discovery (or changes in character or attributes), the action taken (i.e. work stoppage or redirection), a recommendation of eligibility, and recommendations for mitigation of any cultural resources Discoveries, whether or not a determination of significance has been made.
2. The CRS has completed field notes, measurements, and photography for a DPR 523 primary form. The "Description" entry of the 523 form shall include a recommendation on the significance of the find. The project owner shall submit completed forms to the CPM.

3. The CRS, the project owner, and the CPM have conferred, and the CPM has concurred with the recommended eligibility of the Discovery and approved the CRS's proposed data recovery, if any, including the curation of the artifacts, or other appropriate mitigation; and any necessary data recovery and mitigation have been completed.

Verification: At least 30 days prior to the start of preconstruction site mobilization, construction ground disturbance, construction grading, boring and trenching, and construction, the project owner shall provide the CPM and CRS with a letter confirming that the CRS, alternate CRS, and CRMs have the authority to halt construction activities in the vicinity of a cultural resources Discovery, and that the project owner shall ensure that the CRS notifies the CPM within 24 hours of a Discovery, or by Monday morning if the cultural resources Discovery occurs between 8:00 AM on Friday and 8:00 AM on Sunday morning.

Completed DPR form 523s shall be submitted to the CPM for review and approval no later than 24 hours following the notification of the CPM, or 48 hours following the completion of data recordation/recovery, whichever is more appropriate for the subject cultural resource, as determined by the CRS.

MIDWAY PEAKING PROJECT (06-AFC-07C)
FACILITY DESIGN CONDITIONS OF CERTIFICATION

GEN-1 The project owner shall design, construct and inspect the project in accordance with the 2007 California Building Standards Code (CBSC) (also known as Title 24, California Code of Regulations), which encompasses the California Building Code (CBC), California Building Standards Administrative Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Fire Code, California Code for Building Conservation, California Reference Standards Code, and all other applicable engineering laws, ordinances, regulations and standards (LORS) in effect at the time initial design plans are submitted to the Chief Building Official (CBO) for review and approval. (The CBSC in effect is that edition that has been adopted by the California Building Standards Commission and published at least 180 days previously.) The project owner shall insure that all the provisions of the above applicable codes be enforced during any construction, addition, alteration, moving, demolition, repair, or maintenance of the completed facility [2001 CBC, Section 101.3, Scope]. All transmission facilities (lines, switchyards, switching stations and substations) are handled in conditions of certification in the Transmission System Engineering section of this document.

In the event that the initial engineering designs are submitted to the CBO when a successor to the CBSC is in effect, the 2007 CBSC provisions identified herein shall be replaced with the applicable successor provisions. Where, in any specific case, different sections of the code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

The project owner shall insure that all contracts with contractors, subcontractors and suppliers shall clearly specify that all work performed and materials supplied on this project comply with the codes listed above.

Verification: Within 30 days after receipt of the Certificate of Occupancy, the project owner shall submit to the Compliance Project Manager (CPM) a statement of verification, signed by the responsible design engineer, attesting that all designs, construction, installation and inspection requirements of the applicable LORS and the Energy Commission's Decision have been met in the area of facility design. The project owner shall provide the CPM a copy of the Certificate of Occupancy within 30 days of receipt from the CBO [2007 CBC, Section 109 – Certificate of Occupancy].

Once the Certificate of Occupancy has been issued, the project owner shall inform the CPM at least 30 days prior to any construction, addition, alteration, moving, demolition, repair, or maintenance to be performed on any portion(s) of the completed facility which may require CBO approval for the purpose of complying with the above stated codes.

The CPM will then determine the necessity of CBO approval on the work to be performed.

GEN-2 Prior to submittal of the initial engineering designs for CBO review, the project owner shall furnish to the CPM and to the CBO a schedule of facility design submittals, a Master Drawing List and a Master Specifications List. The schedule shall contain a list of proposed submittal packages of designs, calculations and specifications for major structures and equipment. To facilitate audits by Energy Commission staff, the project owner shall provide specific packages to the CPM when requested.

Verification: At least 60 days (or project owner and CBO approved alternative timeframe) prior to the start of rough grading, the project owner shall submit to the CBO and to the CPM the schedule, the Master Drawing List and the Master Specifications List of documents to be submitted to the CBO for review and approval. These documents shall be the pertinent design documents for the major structures and equipment listed in Facility Design Table 2 below. Major structures and equipment shall be added to or deleted from the table only with CPM approval. The project owner shall provide schedule updates in the Monthly Compliance Report.

Facility Design Table 2
Major Structures and Equipment List

Equipment/System	Quantity (Plant)
Combustion Turbine Generator (CT) Unit Foundation and Connections	2
CO/SCR Stack Structure, Foundation and Connections	2
CO/SCR Catalytic Structure, Foundation and Connections	2
CT Step-up Transformer Foundation and Connections	1
Secondary Control Enclosure Foundation and Connections	1
Air Compressor Skid Foundation and Connections	1
CT Inlet Air Filter House Foundation and Connections	2
Fuel tank Storage Structure, Foundation and Connections	1
CEMS Enclosure Structure, Foundation and Connections	2
RO/Evaporation Pond Foundation	1
RO Unit Foundation and Connections	1
Waste Water System Collection Sump Foundation	1
Waste Water System Above-ground Storage Tank Structure, Foundation and Connections	1
Ammonia Storage Tank Foundation and Connections	2
Ammonia Forwarding Pump Skid Foundation and Connections	1
Ammonia Injection Control Skid Foundation and Connections	2
Gas Fuel Scrubber Skid Foundation and Connections	1
Raw water Storage Tank Structure, Foundation and Connections	1

Equipment/System	Quantity (Plant)
Demineralized Water Storage Tank Structure, Foundation and Connections	2
Demineralized Water Pump Skid Foundation and Connections	1
Dead End Structure, Foundation and Connections	1
Control/Administration Building Structure, Foundation and Connections	1
Drainage Systems (including sanitary drain and waste)	1 Lot
High Pressure and Large Diameter Piping and Pipe Racks	1 Lot
HVAC and Refrigeration Systems	1 Lot
Temperature Control and Ventilation Systems (including water and sewer connections)	1 Lot
Building Energy Conservations Systems	1 Lot
Switchyard, Buses and Towers	1 Lot
Electrical Duct Banks	1 Lot

GEN-3 The project owner shall make payments to the CBO for design review, plan check and construction inspection based upon a reasonable fee schedule to be negotiated between the project owner and the CBO. These fees may be consistent with the fees listed in the 2001 CBC [Chapter 1, Section 107 and Table 1-A, Building Permit Fees; Appendix Chapter 33, Section 3310 and Table A-33-A, Grading Plan Review Fees; and Table A-33-B, Grading Permit Fees], adjusted for inflation and other appropriate adjustments; may be based on the value of the facilities reviewed; may be based on hourly rates; or may be as otherwise agreed by the project owner and the CBO.

Verification: The project owner shall make the required payments to the CBO in accordance with the agreement between the project owner and the CBO.

The project owner shall send a copy of the CBO's receipt of payment to the CPM in the next Monthly Compliance Report indicating that the applicable fees have been paid.

GEN-4 Prior to the start of rough grading, the project owner shall assign a California registered architect, structural engineer or civil engineer, as a resident engineer (RE), to be in general responsible charge of the project [Building Standards Administrative Code (Cal. Code Regs., tit. 24, § 4-209, Designation of Responsibilities)]. All transmission facilities (lines, switchyards, switching stations and substations) are handled in conditions of certification in the Transmission System Engineering section of this document.

The RE may delegate responsibility for portions of the project to other registered engineers. Registered mechanical and electrical engineers may be delegated responsibility for mechanical and electrical portions of the project, respectively. A project may be divided into parts, provided each part is clearly defined as a distinct unit. Separate assignment of general responsible charge may be made for each designated part.

The RE shall:

1. Monitor construction progress of work requiring CBO design review and inspection to ensure compliance with LORS;
2. Ensure that construction of all the facilities subject to CBO design review and inspection conforms in every material respect to the applicable LORS, these conditions of certification, approved plans, and specifications;
3. Prepare documents to initiate changes in the approved drawings and specifications when directed by the project owner or as required by conditions on the project;
4. Be responsible for providing the project inspectors and testing agency(ies) with complete and up-to-date set(s) of stamped drawings, plans, specifications and any other required documents;
5. Be responsible for the timely submittal of construction progress reports to the CBO from the project inspectors, the contractor, and other engineers who have been delegated responsibility for portions of the project; and
6. Be responsible for notifying the CBO of corrective action or the disposition of items noted on laboratory reports or other tests as not conforming to the approved plans and specifications.

The RE shall have the authority to halt construction and to require changes or remedial work, if the work does not conform to applicable requirements.

If the RE or the delegated engineers are reassigned or replaced, the project owner shall submit the name, qualifications and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer.

Verification: At least 30 days (or project owner and CBO approved alternative timeframe) prior to the start of rough grading, the project owner shall submit to the CBO for review and approval, the resume and registration number of the RE and any other delegated engineers assigned to the project. The project owner shall notify the CPM of the CBO's approvals of the RE and other delegated engineer(s) within five days of the approval.

If the RE or the delegated engineer(s) are subsequently reassigned or replaced, the project owner has five days in which to submit the resume and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer within five days of the approval.

GEN-5 Prior to the start of rough grading, the project owner shall assign at least one of each of the following California registered engineers to the project:

A) a civil engineer; and B) a soils engineer, or a geotechnical engineer or a civil engineer experienced and knowledgeable in the practice of soils engineering. Prior to the start of construction, the project owner shall assign at least one of each of the following California registered engineers to the project: C) a design engineer, who is either a structural engineer or a civil engineer fully competent and proficient in the design of power plant structures and equipment supports; D) a mechanical engineer; and E) an electrical engineer. [California Business and Professions Code section 6704 et seq., and sections 6730, 6731 and 6736 requires state registration to practice as a civil engineer or structural engineer in California.] All transmission facilities (lines, switchyards, switching stations and substations) are handled in conditions of certification in the Transmission System Engineering section of this document.

The tasks performed by the civil, mechanical, electrical or design engineers may be divided between two or more engineers, as long as each engineer is responsible for a particular segment of the project (e.g., proposed earthwork, civil structures, power plant structures, equipment support). No segment of the project shall have more than one responsible engineer. The transmission line may be the responsibility of a separate California registered electrical engineer.

The project owner shall submit to the CBO for review and approval, the names, qualifications and registration numbers of all responsible engineers assigned to the project [2001 CBC, Section 104.2, Powers and Duties of Building Official].

If any one of the designated responsible engineers is subsequently reassigned or replaced, the project owner shall submit the name, qualifications and registration number of the newly assigned responsible engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer.

A. The civil engineer shall:

    1. Review the Foundation Investigations Report, Geotechnical Report or Soils Report prepared by the soils engineer, the geotechnical engineer, or by a civil engineer experienced and knowledgeable in the practice of soils engineering;

    2. Design, or be responsible for design, stamp, and sign all plans, calculations and specifications for proposed site work, civil works and related facilities requiring design review and inspection by the CBO. At a minimum, these include: grading, site preparation, excavation, compaction, construction of secondary containment, foundations, erosion and sedimentation control structures, drainage facilities, underground utilities, culverts, site access roads and sanitary sewer systems; and

3. Provide consultation to the RE during the construction phase of the project and recommend changes in the design of the civil works facilities and changes in the construction procedures.

B. The soils engineer, geotechnical engineer, or civil engineer experienced and knowledgeable in the practice of soils engineering, shall:

1. Review all the engineering geology reports;
2. Prepare the Foundation Investigations Report, Geotechnical Report or Soils Report containing field exploration reports, laboratory tests and engineering analysis detailing the nature and extent of the soils that may be susceptible to liquefaction, rapid settlement or collapse when saturated under load [2001 CBC, Appendix Chapter 33, Section 3309.5, Soils Engineering Report; Section 3309.6, Engineering Geology Report; and Chapter 18, Section 1804, Foundation Investigations];
3. Be present, as required, during site grading and earthwork to provide consultation and monitor compliance with the requirements set forth in the 2001 CBC, Appendix Chapter 33; Section 3317, Grading Inspections; and
4. Recommend field changes to the civil engineer and RE.

This engineer shall be authorized to halt earthwork and to require changes if site conditions are unsafe or do not conform with predicted conditions used as a basis for design of earthwork or foundations [2001 CBC, section 104.2.4, Stop orders].

C. The design engineer shall:

1. Be directly responsible for the design of the proposed structures and equipment supports;
2. Provide consultation to the RE during design and construction of the project;
3. Monitor construction progress to ensure compliance with engineering LORS;
4. Evaluate and recommend necessary changes in design; and
5. Prepare and sign all major building plans, specifications and calculations.

D. The mechanical engineer shall be responsible for, and sign and stamp a statement with, each mechanical submittal to the CBO, stating that the proposed final design plans, specifications, and calculations conform with all of the mechanical engineering design requirements set forth in the Energy Commission’s Decision.

E. The electrical engineer shall:

1. Be responsible for the electrical design of the project; and
2. Sign and stamp electrical design drawings, plans, specifications, and calculations.

Verification: At least 30 days (or project owner and CBO approved alternative timeframe) prior to the start of rough grading, the project owner shall submit to the CBO for review and approval, resumes and registration numbers of the responsible civil engineer and soils (geotechnical) engineer assigned to the project.

At least 30 days (or project owner and CBO approved alternative timeframe) prior to the start of construction, the project owner shall submit to the CBO for review and approval, resumes and registration numbers of the responsible design engineer, mechanical engineer and electrical engineer assigned to the project.

The project owner shall notify the CPM of the CBO's approvals of the responsible engineers within five days of the approval.

If the designated responsible engineer is subsequently reassigned or replaced, the project owner has five days in which to submit the resume and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer within five days of the approval.

GEN-6 Prior to the start of an activity requiring special inspection, the project owner shall assign to the project, qualified and certified special inspector(s) who shall be responsible for the special inspections required by the 2001 CBC, Chapter 17 [Section 1701, Special Inspections; Section 1701.5, Type of Work (requiring special inspection)]; and Section 106.3.5, Inspection and observation program. All transmission facilities (lines, switchyards, switching stations and substations) are handled in conditions of certification in the Transmission System Engineering section of this document.

The special inspector shall:

1. Be a qualified person who shall demonstrate competence, to the satisfaction of the CBO, for inspection of the particular type of construction requiring special or continuous inspection;
2. Observe the work assigned for conformance with the approved design drawings and specifications;
3. Furnish inspection reports to the CBO and RE. All discrepancies shall be brought to the immediate attention of the RE for correction, then, if uncorrected, to the CBO and the CPM for corrective action [2001 CBC, Chapter 17, Section 1701.3, Duties and Responsibilities of the Special Inspector]; and
4. Submit a final signed report to the RE, CBO, and CPM, stating whether the work requiring special inspection was, to the best of

the inspector's knowledge, in conformance with the approved plans and specifications and the applicable provisions of the applicable edition of the CBC.

A certified weld inspector, certified by the American Welding Society (AWS), and/or American Society of Mechanical Engineers (ASME) as applicable, shall inspect welding performed on-site requiring special inspection (including structural, piping, tanks and pressure vessels).

Verification: At least 15 days (or project owner and CBO approved alternative timeframe) prior to the start of an activity requiring special inspection, the project owner shall submit to the CBO for review and approval, with a copy to the CPM, the name(s) and qualifications of the certified weld inspector(s), or other certified special inspector(s) assigned to the project to perform one or more of the duties set forth above.

The project owner shall also submit to the CPM a copy of the CBO's approval of the qualifications of all special inspectors in the next Monthly Compliance Report.

If the special inspector is subsequently reassigned or replaced, the project owner has five days in which to submit the name and qualifications of the newly assigned special inspector to the CBO for approval. The project owner shall notify the CPM of the CBO's approval of the newly assigned inspector within five days of the approval.

GEN-7 If any discrepancy in design and/or construction is discovered in any engineering work that has undergone CBO design review and approval, the project owner shall document the discrepancy and recommend the corrective action required [2001 CBC, Chapter 1, Section 108.4, Approval Required; Chapter 17, Section 1701.3, Duties and Responsibilities of the Special Inspector; Appendix Chapter 33, Section 3317.7, Notification of Noncompliance]. The discrepancy documentation shall be submitted to the CBO for review and approval. The discrepancy documentation shall reference this condition of certification and, if appropriate, the applicable sections of the CBC and/or other LORS.

Verification: The project owner shall transmit a copy of the CBO's approval of any corrective action taken to resolve a discrepancy to the CPM in the next Monthly Compliance Report. If any corrective action is disapproved, the project owner shall advise the CPM, within five days, of the reason for disapproval and the revised corrective action to obtain CBO's approval.

GEN-8 The project owner shall obtain the CBO's final approval of all completed work that has undergone CBO design review and approval. The project owner shall request the CBO to inspect the completed structure and review the submitted documents. The project owner shall notify the CPM after obtaining the CBO's final approval. The project owner shall retain one set of approved engineering plans, specifications and calculations (including all approved changes) at the project site or at another accessible location during the operating life of the project [2001 CBC, Section 106.4.2, Retention of Plans]. Electronic copies of the approved

plans, specifications, calculations and marked-up as-builts shall be provided to the CBO for retention by the CPM.

Verification: Within 15 days of the completion of any work, the project owner shall submit to the CBO, with a copy to the CPM, in the next Monthly Compliance Report, (a) a written notice that the completed work is ready for final inspection, and (b) a signed statement that the work conforms to the final approved plans. After storing final approved engineering plans, specifications and calculations as described above, the project owner shall submit to the CPM a letter stating that the above documents have been stored and indicate the storage location of such documents.

Within 90 days of the completion of construction, the project owner shall provide to the CBO three sets of electronic copies of the above documents at the project owner's expense. These are to be provided in the form of "read only" adobe PDF 6.0 files, with restricted printing privileges (i.e. password protected), on archive quality compact discs.

CIVIL-1 The project owner shall submit to the CBO for review and approval the following:

1. Design of the proposed drainage structures and the grading plan;
2. An erosion and sedimentation control plan;
3. Related calculations and specifications, signed and stamped by the responsible civil engineer; and
4. Soils Report, Geotechnical Report or Foundation Investigations Report required by the 2001 CBC [Appendix Chapter 33, Section 3309.5, Soils Engineering Report; Section 3309.6, Engineering Geology Report; and Chapter 18, Section 1804, Foundation Investigations].

Verification: At least 15 days (or project owner and CBO approved alternative timeframe) prior to the start of site grading the project owner shall submit the documents described above to the CBO for design review and approval. In the next Monthly Compliance Report following the CBO's approval, the project owner shall submit a written statement certifying that the documents have been approved by the CBO.

CIVIL-2 The resident engineer shall, if appropriate, stop all earthwork and construction in the affected areas when the responsible soils engineer, geotechnical engineer, or the civil engineer experienced and knowledgeable in the practice of soils engineering identifies unforeseen adverse soil or geologic conditions. The project owner shall submit modified plans, specifications and calculations to the CBO based on these new conditions. The project owner shall obtain approval from the CBO before resuming earthwork and construction in the affected area [2001 CBC, Section 104.2.4, Stop orders].

Verification: The project owner shall notify the CPM within 24 hours, when earthwork and construction is stopped as a result of unforeseen adverse geologic/soil conditions. Within 24 hours of the CBO's approval to resume earthwork and construction in the

affected areas, the project owner shall provide to the CPM a copy of the CBO's approval.

CIVIL-3 The project owner shall perform inspections in accordance with the 2001 CBC, Chapter 1, Section 108, Inspections; Chapter 17, Section 1701.6, Continuous and Periodic Special Inspection; and Appendix Chapter 33, Section 3317, Grading Inspection. All plant site-grading operations, for which a grading permit is required, shall be subject to inspection by the CBO.

If, in the course of inspection, it is discovered that the work is not being performed in accordance with the approved plans, the discrepancies shall be reported immediately to the resident engineer and the CBO [2001 CBC, Appendix Chapter 33, Section 3317.7, Notification of Noncompliance]. The project owner or resident engineer shall prepare a written report, with copies to the CBO and the CPM, detailing all discrepancies, non-compliance items, and the proposed corrective action.

Verification: Within five days of the discovery of any discrepancies, the project owner or resident engineer shall transmit to the CBO and the CPM a Non-Conformance Report (NCR), and the proposed corrective action for review and approval. Within five days of resolution of the NCR, the project owner shall submit the details of the corrective action to the CBO and the CPM.

A list of NCRs, for the reporting month, shall also be included in the following Monthly Compliance Report.

CIVIL-4 After completion of finished grading and erosion and sedimentation control and drainage work, the project owner shall obtain the CBO's approval of the final grading plans (including final changes) for the erosion and sedimentation control work. The civil engineer shall state that the work within his/her area of responsibility was done in accordance with the final approved plans [2001 CBC, Section 3318, Completion of Work].

Verification: Within 30 days (or project owner and CBO approved alternative timeframe) of the completion of the erosion and sediment control mitigation and drainage work, the project owner shall submit to the CBO, for review and approval, the final grading plans (including final changes) and the responsible civil engineer's signed statement that the installation of the facilities and all erosion control measures were completed in accordance with the final approved combined grading plans, and that the facilities are adequate for their intended purposes, with a copy of the transmittal letter to the CPM.

The project owner shall submit a copy of the CBO's approval to the CPM in the next Monthly Compliance Report.

STRUC-1 Prior to the start of any increment of construction of any major structure or component listed in **Facility Design Table 2** of Condition of Certification **GEN-2**, above, the project owner shall submit to the CBO for design review and approval the proposed lateral force procedures for project

structures and the applicable designs, plans and drawings for project structures. Proposed lateral force procedures, designs, plans and drawings shall be those for the following items (from Table 2, above):

1. Major project structures;
2. Major foundations, equipment supports and anchorage; and
3. Large field fabricated tanks.

Construction of any structure or component shall not commence until the CBO has approved the lateral force procedures to be employed in designing that structure or component.

The project owner shall:

1. Obtain approval from the CBO of lateral force procedures proposed for project structures;
2. Obtain approval from the CBO for the final design plans, specifications, calculations, soils reports and applicable quality control procedures. If there are conflicting requirements, the more stringent shall govern (i.e., highest loads, or lowest allowable stresses shall govern). All plans, calculations and specifications for foundations that support structures shall be filed concurrently with the structure plans, calculations and specifications [2001 CBC, Section 108.4, Approval Required];
3. Submit to the CBO the required number of copies of the structural plans, specifications, calculations and other required documents of the designated major structures prior to the start of on-site fabrication and installation of each structure, equipment support, or foundation [2001 CBC, Section 106.4.2, Retention of plans; and Section 106.3.2, Submittal documents];
4. Ensure that the final plans, calculations and specifications clearly reflect the inclusion of approved criteria, assumptions and methods used to develop the design. The final designs, plans, calculations and specifications shall be signed and stamped by the responsible design engineer [2001 CBC, Section 106.3.4, Architect or Engineer of Record]; and
5. Submit to the CBO the responsible design engineer's signed statement that the final design plans conform to the applicable LORS [2001 CBC, Section 106.3.4, Architect or Engineer of Record].

Verification: At least 60 days (or project owner and CBO approved alternative timeframe) prior to the start of any increment of construction of any structure or component listed in **Facility Design Table 2** of Condition of Certification **GEN-2** above, the project owner shall submit to the CBO the above final design plans, specifications and calculations, with a copy of the transmittal letter to the CPM.

The project owner shall submit to the CPM, in the next Monthly Compliance Report a copy of a statement from the CBO that the proposed structural plans, specifications and calculations have been approved and are in compliance with the requirements set forth in the applicable engineering LORS.

STRUC-2 The project owner shall submit to the CBO the required number of sets of the following documents related to work that has undergone CBO design review and approval:

1. Concrete cylinder strength test reports (including date of testing, date sample taken, design concrete strength, tested cylinder strength, age of test, type and size of sample, location and quantity of concrete placement from which sample was taken, and mix design designation and parameters);
2. Concrete pour sign-off sheets;
3. Bolt torque inspection reports (including location of test, date, bolt size, and recorded torques);
4. Field weld inspection reports (including type of weld, location of weld, inspection of non-destructive testing (NDT) procedure and results, welder qualifications, certifications, qualified procedure description or number (ref: AWS); and
5. Reports covering other structural activities requiring special inspections shall be in accordance with the 2001 CBC, Chapter 17, Section 1701, Special Inspections; Section 1701.5, Type of Work (requiring special inspection); Section 1702, Structural Observation and Section 1703, Nondestructive Testing.

Verification: If a discrepancy is discovered in any of the above data, the project owner shall, within five days, prepare and submit an NCR describing the nature of the discrepancies and the proposed corrective action to the CBO, with a copy of the transmittal letter to the CPM [2001 CBC, Chapter 17, Section 1701.3, Duties and Responsibilities of the Special Inspector]. The NCR shall reference the Condition(s) of Certification and the applicable CBC chapter and section. Within five days of resolution of the NCR, the project owner shall submit a copy of the corrective action to the CBO and the CPM.

The project owner shall transmit a copy of the CBO's approval or disapproval of the corrective action to the CPM within 15 days. If disapproved, the project owner shall advise the CPM, within five days, the reason for disapproval, and the revised corrective action to obtain CBO's approval.

STRUC-3 The project owner shall submit to the CBO design changes to the final plans required by the 2001 CBC, Chapter 1, Section 106.3.2, Submittal documents and Section 106.3.3, Information on plans and specifications, including the revised drawings, specifications, calculations, and a complete description of, and supporting rationale for, the proposed changes, and shall give to the CBO prior notice of the intended filing.

Verification: On a schedule suitable to the CBO, the project owner shall notify the CBO of the intended filing of design changes, and shall submit the required number of sets of revised drawings and the required number of copies of the other above-mentioned documents to the CBO, with a copy of the transmittal letter to the CPM.

The project owner shall notify the CPM, via the Monthly Compliance Report, when the CBO has approved the revised plans.

STRUC-4 Tanks and vessels containing quantities of toxic or hazardous materials exceeding amounts specified in Chapter 3, Table 3-E of the 2001 CBC shall, at a minimum, be designed to comply with the requirements of that Chapter.

Verification: At least 30 days (or project owner and CBO approved alternate timeframe) prior to the start of installation of the tanks or vessels containing the above specified quantities of toxic or hazardous materials, the project owner shall submit to the CBO for design review and approval final design plans, specifications and calculations, including a copy of the signed and stamped engineer's certification.

The project owner shall send copies of the CBO approvals of plan checks to the CPM in the following Monthly Compliance Report. The project owner shall also transmit a copy of the CBO's inspection approvals to the CPM in the Monthly Compliance Report following completion of any inspection.

MECH-1 The project owner shall submit, for CBO design review and approval, the proposed final design, specifications and calculations for each plant major piping and plumbing system listed in **Facility Design Table 2**, Condition of Certification **GEN-2**, above. Physical layout drawings and drawings not related to code compliance and life safety need not be submitted. The submittal shall also include the applicable QA/QC procedures. Upon completion of construction of any such major piping or plumbing system, the project owner shall request the CBO's inspection approval of said construction [2001 CBC, Section 106.3.2, Submittal Documents; Section 108.3, Inspection Requests; Section 108.4, Approval Required; 2001 California Plumbing Code, Section 103.5.4, Inspection Request; Section 301.1.1, Approval].

The responsible mechanical engineer shall stamp and sign all plans, drawings and calculations for the major piping and plumbing systems subject to the CBO design review and approval, and submit a signed statement to the CBO when the said proposed piping and plumbing systems have been designed, fabricated and installed in accordance with all of the applicable laws, ordinances, regulations and industry standards [Section 106.3.4, Architect or Engineer of Record], which may include, but are not limited to:

- American National Standards Institute (ANSI) B31.1 (Power Piping Code);
- ANSI B31.2 (Fuel Gas Piping Code);

- ANSI B31.3 (Chemical Plant and Petroleum Refinery Piping Code);
- ANSI B31.8 (Gas Transmission and Distribution Piping Code);
- Title 24, California Code of Regulations, Part 5 (California Plumbing Code);
- Title 24, California Code of Regulations, Part 6 (California Energy Code, for building energy conservation systems and temperature control and ventilation systems);
- Title 24, California Code of Regulations, Part 2 (California Building Code); and
- Specific City/County code.

The CBO may deputize inspectors to carry out the functions of the code enforcement agency [2001 CBC, Section 104.2.2, Deputies].

Verification: At least 30 days (or project owner and CBO approved alternative timeframe) prior to the start of any increment of major piping or plumbing construction listed in **Facility Design Table 2**, Condition of Certification **GEN-2** above, the project owner shall submit to the CBO for design review and approval the final plans, specifications and calculations, including a copy of the signed and stamped statement from the responsible mechanical engineer certifying compliance with the applicable LORS, and shall send the CPM a copy of the transmittal letter in the next Monthly Compliance Report.

The project owner shall transmit to the CPM, in the Monthly Compliance Report following completion of any inspection, a copy of the transmittal letter conveying the CBO's inspection approvals.

MECH-2 For all pressure vessels installed in the plant, the project owner shall submit to the CBO and California Occupational Safety and Health Administration (Cal-OSHA), prior to operation, the code certification papers and other documents required by the applicable LORS. Upon completion of the installation of any pressure vessel, the project owner shall request the appropriate CBO and/or Cal-OSHA inspection of said installation [2001 CBC, Section 108.3, Inspection Requests].

The project owner shall:

1. Ensure that all boilers and fired and unfired pressure vessels are designed, fabricated and installed in accordance with the appropriate section of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, or other applicable code. Vendor certification, with identification of applicable code, shall be submitted for prefabricated vessels and tanks; and
2. Have the responsible design engineer submit a statement to the CBO that the proposed final design plans, specifications and

calculations conform to all of the requirements set forth in the appropriate ASME Boiler and Pressure Vessel Code or other applicable codes.

Verification: At least 30 days (or project owner and CBO approved alternative timeframe) prior to the start of on-site fabrication or installation of any pressure vessel, the project owner shall submit to the CBO for design review and approval, the above listed documents, including a copy of the signed and stamped engineer's certification, with a copy of the transmittal letter to the CPM.

The project owner shall transmit to the CPM, in the Monthly Compliance Report following completion of any inspection, a copy of the transmittal letter conveying the CBO's and/or Cal-OSHA inspection approvals.

MECH-3 The project owner shall submit to the CBO for design review and approval the design plans, specifications, calculations and quality control procedures for any heating, ventilating, air conditioning (HVAC) or refrigeration system. Packaged HVAC systems, where used, shall be identified with the appropriate manufacturer's data sheets.

The project owner shall design and install all HVAC and refrigeration systems within buildings and related structures in accordance with the CBC and other applicable codes. Upon completion of any increment of construction, the project owner shall request the CBO's inspection and approval of said construction. The final plans, specifications and calculations shall include approved criteria, assumptions and methods used to develop the design. In addition, the responsible mechanical engineer shall sign and stamp all plans, drawings and calculations and submit a signed statement to the CBO that the proposed final design plans, specifications and calculations conform with the applicable LORS [2001 CBC, Section 108.7, Other Inspections; Section 106.3.4, Architect or Engineer of Record].

Verification: At least 30 days (or project owner and CBO approved alternative timeframe) prior to the start of construction of any HVAC or refrigeration system, the project owner shall submit to the CBO the required HVAC and refrigeration calculations, plans and specifications, including a copy of the signed and stamped statement from the responsible mechanical engineer certifying compliance with the CBC and other applicable codes, with a copy of the transmittal letter to the CPM.

ELEC-1 Prior to the start of any increment of electrical construction for electrical equipment and systems 480 volts and higher, listed below, with the exception of underground duct work and any physical layout drawings and drawings not related to code compliance and life safety, the project owner shall submit, for CBO design review and approval, the proposed final design, specifications and calculations [CBC 2001, Section 106.3.2, Submittal documents]. Upon approval, the above listed plans, together with design changes and design change notices, shall remain on the site or at another accessible location for the operating life of the project. The

project owner shall request that the CBO inspect the installation to ensure compliance with the requirements of applicable LORS [2001 CBC, Section 108.4, Approval Required, and Section 108.3, Inspection Requests]. All transmission facilities (lines, switchyards, switching stations and substations) are handled in conditions of certification in the **Transmission System Engineering** section of this document.

A. Final plant design plans to include:
    1. one-line diagrams for the 13.8 kV, 4.16 kV and 480 V systems; and
    2. system grounding drawings.

B. Final plant calculations to establish:
    1. short-circuit ratings of plant equipment;
    2. ampacity of feeder cables;
    3. voltage drop in feeder cables;
    4. system grounding requirements;
    5. coordination study calculations for fuses, circuit breakers and protective relay settings for the 13.8 kV, 4.16 kV and 480 V systems;
    6. system grounding requirements; and
    7. lighting energy calculations.

C. The following activities shall be reported to the CPM in the Monthly Compliance Report:
    1. Receipt or delay of major electrical equipment;
    2. Testing or energization of major electrical equipment; and
    3. A signed statement by the registered electrical engineer certifying that the proposed final design plans and specifications conform to requirements set forth in the Energy Commission Decision.

Verification: At least 30 days (or project owner and CBO approved alternative timeframe) prior to the start of each increment of electrical construction, the project owner shall submit to the CBO for design review and approval the above listed documents.

The project owner shall include in this submittal a copy of the signed and stamped statement from the responsible electrical engineer attesting compliance with the applicable LORS, and shall send the CPM a copy of the transmittal letter in the next Monthly Compliance Report.

MIDWAY PEAKING PROJECT (06-AFC-07C)
GEOLOGICAL AND PALEONTOLOGICAL RESOURCES
CONDITIONS OF CERTIFICATION

GEO-1 The Soils Engineering Report required by the 2007 CBC Appendix Chapter 33, Section 3309.5 Soils Engineering Report, should specifically include laboratory test data, associated geotechnical engineering analyses, and a thorough discussion of potential dynamic compaction, hydrocompaction, expansion potential, and settlement potential of the site soils; as well as recommendations for ground improvement and/or foundation systems necessary to mitigate these potential geologic hazards.

Verification: The project owner shall include in the application for a grading permit a copy of the Soils Engineering Report which addresses the potential for site soils to experience dynamic compaction, hydrocompaction, expansion, and settlement due to structure surcharge, and a summary of how the results of the analyses were incorporated into the project foundation and grading plan design for review and comment by the Chief Building Official (CBO). A copy of the Soils Engineering Report, application for grading permit and any comments by the CBO are to be provided to the CPM at least 30 days prior to grading.

PAL-1 The project owner shall provide the Compliance Project Manager (CPM) with the resume and qualifications of its Paleontological Resource Specialist (PRS) for review and approval. If the approved PRS is replaced prior to completion of project mitigation and submittal of the Paleontological Resources Report, the project owner shall obtain CPM approval of the replacement PRS. The project owner shall submit to the CPM to keep on file, resumes of the approved Paleontological Resource Monitors (PRMs). If a PRM is replaced, the resume of the replacement PRM shall also be provided to the CPM.

The PRS resume shall include the names and phone numbers of references. The resume shall also demonstrate to the satisfaction of the CPM, the appropriate education and experience to accomplish the required paleontological resource tasks.

As determined by the CPM, the PRS shall meet the minimum qualifications for a vertebrate paleontologist as described in the Society of Vertebrate Paleontology (SVP) guidelines of 1995. 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 of the following qualifications:

- BS or BA degree in geology or paleontology and one year 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.

Verification: At least 60 days prior to the start of ground disturbance, the project owner shall submit a resume and statement of availability of its designated PRS for on-site work.

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 and stating that the identified monitors meet the minimum qualifications for paleontological resource monitoring required by the condition. 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 no later than one week prior to the monitor beginning on-site duties.

Prior to the termination or release of a PRS, the project owner shall submit the resume of the proposed new PRS to the CPM for review and approval.

PAL-2 The project owner shall provide to the PRS and the CPM, for approval, maps and drawings showing the footprint of the power plant, construction laydown areas, and all related facilities. Maps shall identify all areas of the project where ground disturbance to greater than 5 feet depth 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 can be at a scale of 1 inch = 40 feet to 1 inch = 100 feet range. If the footprint of the power plant or linear facility changes, the project owner shall provide maps and drawings reflecting these changes to the PRS and CPM.

If construction of the project will proceed 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. Prior to work commencing 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 during the next week, until ground disturbance is completed.

Verification: 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.

PAL-3 The project owner shall ensure the PRS prepares, and the project owner submits to the CPM for review and approval, a Paleontological Resources Monitoring and Mitigation Plan (PRMMP) to identify general and specific measures to minimize potential impacts to significant paleontological resources. Approval of the PRMMP by the CPM shall occur prior to any ground disturbance. The PRMMP shall function as the formal guide for monitoring, collecting and sampling activities and may be modified with CPM approval. This document shall be used as a basis for discussion in the event that on-site decisions or changes are proposed. Copies of the PRMMP shall reside with the PRS, each monitor, the project on-site manager, and the CPM.

The PRMMP shall be developed in accordance with the guidelines of the Society of Vertebrate Paleontology (SVP, 1995) and shall include, but not be limited to, the following:

1. Assurance that the performance and sequence of project-related tasks, such as any literature searches, pre-construction surveys, worker environmental training, fieldwork, flagging or staking, construction monitoring, mapping and data recovery, fossil preparation and collection, identification and inventory, preparation of final reports, and transmittal of materials for curation will be performed according to the PRMMP procedures;
2. Identification of the person(s) expected to assist with each of the tasks identified within the PRMMP and the Conditions of Certification;
3. A thorough discussion of the anticipated geologic units expected to be encountered, the location and depth of the units relative to the project when known, and the known sensitivity of those units based on the occurrence of fossils either in that unit or in correlative units;

4. An explanation of why, how, and how much sampling is expected to take place and in what units. Include descriptions of different sampling procedures that shall be used for fine-grained and coarse-grained units;
5. A discussion of the locations of where the monitoring of project construction activities is deemed necessary, and a proposed plan for the monitoring and sampling;
6. A discussion of the procedures to be followed in the event of a significant fossil discovery, halting construction, resuming construction, and how notifications will be performed;
7. A discussion of equipment and supplies necessary for collection of fossil materials and any specialized equipment needed to prepare, remove, load, transport, and analyze large-sized fossils or extensive fossil deposits;
8. Procedures for inventory, preparation, and delivery for curation into a retrievable storage collection in a public repository or museum, which meets the Society of Vertebrate Paleontology standards and requirements for the curation of paleontological resources;
9. Identification of the institution that has agreed to receive any data and fossil materials collected, requirements or specifications for materials delivered for curation and how they will be met, and the name and phone number of the contact person at the institution; and
10. A copy of the paleontological Conditions of Certification.

Verification: At least 30 days prior to ground disturbance, the project owner shall provide a copy of the PRMMP to the CPM. The PRMMP shall include an affidavit of authorship by the PRS, and acceptance of the PRMMP by the project owner evidenced by a signature.

PAL-4 Prior to ground disturbance and for the duration of construction activities involving ground disturbance, the project owner and the PRS shall prepare and conduct weekly CPM-approved training for the following workers: project managers, construction supervisors, foremen, and general workers who are involved with or operate ground disturbing equipment or tools.

Workers shall not excavate in sensitive units prior to receiving CPM-approved worker training. Worker training shall consist of an initial in-person PRS training during the project kick-off for those mentioned above. Following initial training, a CPM-approved video or in-person training may be used for new employees. The training program may be combined with other training programs prepared for cultural and biological resources, hazardous materials, or any other areas of interest or concern. No ground disturbance shall occur prior to CPM approval of the WEAP, unless specifically approved by the CPM.

The Worker Environmental Awareness Program (WEAP) shall address the potential to encounter paleontological resources in the field, the sensitivity and importance of these resources, and the legal obligations to preserve and protect such resources.

The training shall include:

1. A discussion of applicable laws and penalties for violation of the laws;
2. Depictive photographs or physical examples of vertebrate fossils shall be provided for project sites containing units of high paleontologic sensitivity;
3. Information discussing the authority of the PRS or PRM to halt or redirect construction in the event of a discovery or unanticipated impact to a paleontological resource;
4. Instruction directing employees to halt or redirect work in the vicinity of a find and to contact their supervisor and the PRS or PRM;
5. An informational brochure that identifies reporting procedures in the event of a paleontological discovery;
6. A Certification of Completion of WEAP form signed by each worker indicating that he/she has received the training; and
7. A sticker for employees to place on hard hats indicating that environmental training has been completed.

Verification: At least 30 days prior to ground disturbance, the project owner shall submit the proposed WEAP including the brochure with the set of reporting procedures the workers are to follow.

At least 30 days prior to ground disturbance, the project owner shall submit the script and final video to the CPM for approval if the project owner is planning on using a video for interim training.

If the owner requests an alternate paleontological trainer, the resume and qualifications of the trainer shall be submitted to the CPM for review and approval prior to installation of an alternate trainer. Alternate trainers shall not conduct training prior to CPM authorization.

In the Monthly Compliance Report (MCR) the project owner shall provide copies of the WEAP Certification of Completion forms with the names of those trained and the trainer or type of training (in-person or video) offered that month. The MCR shall also include a running total of all persons who have completed the training to date.

PAL-5 The project owner shall ensure that the PRS and PRM(s) monitor consistent with the PRMMP all construction-related grading, excavation, trenching, and augering in areas where potentially fossil-bearing materials have been identified, both at the site and along any constructed linear facilities associated with the project. In the event that the PRS determines

full time monitoring is not necessary in locations that were identified in the PRMMP as potentially fossil-bearing, the project owner shall notify and seek the concurrence of the CPM.

The project owner shall ensure that the PRS and PRM(s) have the authority to halt or redirect construction if paleontological resources are encountered. The project owner shall ensure that there is no interference with monitoring activities unless directed by the PRS. Monitoring activities shall be conducted as follows:

1. Any change of monitoring different from the accepted schedule presented in the PRMMP shall be proposed in a letter or email from the PRS and the project owner to the CPM prior to the change in monitoring. These changes should also be included in the Monthly Compliance Report. The letter or email shall state the justification for the change in monitoring and be submitted to the CPM for review and approval;
2. The project owner shall ensure the PRM(s) keeps a daily log of monitoring of paleontological resource activities. The PRS may informally discuss paleontological resource monitoring and mitigation activities with the CPM at any time;
3. The project owner shall ensure the PRS immediately notifies the CPM within 24 hours of the occurrence of any incidents of non-compliance with any paleontological resources Conditions of Certification. The PRS shall recommend corrective action to resolve the issues or achieve compliance with the Conditions of Certification;
4. For any significant paleontological resources encountered, either the project owner or the PRS shall notify the CPM within 24 hours or Monday morning in the case of a weekend when construction has been halted due to a paleontological find.

The project owner shall ensure the PRS prepares a summary of the monitoring and other paleontological activities which will be placed in the Monthly Compliance Reports (MCR). The summary will include the name(s) of PRS or PRM(s) active during the month, general descriptions of training and monitored construction activities and general locations of excavations, grading, etc. A section of the report shall include the geologic units or subunits encountered; descriptions of sampling within each unit; and a list of identified fossils. A final section of the report will address any issues or concerns about the project relating to paleontologic monitoring including any incidents of non-compliance and any changes to the monitoring plan approved by the CPM. If no monitoring took place during the month, the report shall include an explanation in the summary as to why monitoring was not conducted.

Verification: The project owner shall ensure the PRS submits the summary of monitoring and paleontological activities in the MCR. When feasible, the CPM shall be notified 10 days in advance of any proposed changes in monitoring different from the plan identified in the PRMMP. If there is any unforeseen change in monitoring, the notice shall be given as soon as possible prior to implementation of the change.

PAL-6 The project owner, in collaboration with the designated PRS, shall ensure all components of the PRMMP are adequately performed including collection of fossil materials, preparation of fossil materials for analysis, analysis of fossils, identification and inventory of fossils, the preparation of fossils for curation, and the delivery for curation of all significant paleontological resource materials encountered and collected during the project construction.

Verification: The project owner shall maintain in their compliance file copies of signed contracts or agreements with the designated PRS and other qualified research specialists. The project owner shall maintain these files for a period of three years after completion and approval of the CPM-approved Paleontological Resource Report (See **PAL-7**).

The project owner shall be responsible to pay any curation fees charged by the museum for fossils collected and curated as a result of paleontological mitigation. A copy of the letter of transmittal submitting the fossils to the curating institution shall be provided to the CPM.

PAL-7 The project owner shall ensure preparation of a Paleontological Resources Report (PRR) by the designated PRS. The PRR shall be prepared following completion of the ground disturbing activities. The PRR shall include an analysis of the collected fossil materials and related information and submitted to the CPM for review and approval.

The report shall include, but is not limited to, a description and inventory of recovered fossil materials; a map showing the location of paleontological resources encountered; determinations of sensitivity and significance; and a statement by the PRS that project impacts to paleontological resources have been mitigated below the level of significance.

Verification: Within 90 days after completion of ground disturbing activities, including landscaping, the project owner shall submit the Paleontological Resources Report under confidential cover to the CPM.

MIDWAY PEAKING PROJECT (06-AFC-07C)
HAZARDOUS MATERIALS MANAGEMENT CONDITIONS OF CERTIFICATION

HAZ-1 The project owner shall not use any hazardous materials not listed in the Application for Certification, or in greater quantities than those set forth in the AFC, unless approved in advance by the Compliance Project Manager (CPM).

Verification: The project owner shall provide to the CPM, in the Annual Compliance Report, a list of hazardous materials and storage quantities contained at the facility.

HAZ-2 The project owner shall concurrently provide a Business Plan and a Risk Management Plan (RMP) to the Certified Unified Program Authority (CUPA) – Fresno County Environmental Health Division and the CPM for review at the time the RMP is first submitted to the U.S. Environmental Protection Agency (EPA). After receiving comments from the CUPA, the EPA, and the CPM, the project owner shall reflect all recommendations in the final documents. Copies of the final Business Plan and RMP shall then be provided to the CUPA and EPA for information and to the CPM for approval.

Verification: At least 60 days prior to receiving any hazardous material on the site for commissioning or operations, the project owner shall provide a copy of a final Business Plan to the CPM for approval. At least sixty (60) days prior to delivery of aqueous ammonia to the site, the project owner shall provide the final RMP to the CUPA for information and to the CPM for approval.

HAZ-3 The project owner shall develop and implement a Safety Management Plan (SMP) for delivery of aqueous ammonia and other liquid hazardous materials and an Emergency Response Plan (ERP) that addresses actions to take in the event of a spill of hazardous materials. These plans shall be submitted to the CPM for review and approval. The SMP shall include procedures, protective equipment requirements, training and a checklist. It shall also include a section describing all measures to be implemented to prevent mixing of incompatible hazardous materials including provisions to maintain lockout control by a power plant employee not involved in the delivery or transfer operation. The ERP shall include emergency response procedures, spill containment and prevention systems, personnel training, spill notification, and cleanup procedures. These plans shall be applicable during construction, commissioning, and operation of the power plant.

Verification: At least sixty (60) days prior to the first delivery of any liquid hazardous material to the facility, the project owner shall provide a SMP and an ERP as described above to the CPM for review and approval.

HAZ-4 The aqueous ammonia storage facility shall be designed to either the ASME Pressure Vessel Code and ANSI K61.6 or to API 620. In either

case, the storage tank shall be protected by a secondary containment basin capable of holding 125 percent of the storage volume or the storage volume plus the volume associated with 24 hours of rain assuming the 25-year storm. The final design drawings and specifications for the ammonia storage tank and secondary containment basins shall be submitted to the CPM for review and approval.

Verification: At least sixty (60) days prior to delivery of aqueous ammonia to the facility, the project owner shall submit final design drawings and specifications for the ammonia storage tank and secondary containment basin to the CPM for review and approval.

HAZ-5 The project owner shall direct, in writing, all vendors delivering aqueous ammonia to the site to use only tanker truck transport vehicles that meet or exceed the specifications of U.S. DOT Code MC-307.

Verification: At least sixty (60) days prior to the first receipt of aqueous ammonia on site, the project owner shall submit copies of the notification letter to supply vendors indicating the transport vehicle specifications to the CPM for review and approval.

HAZ-6 The project owner shall direct, in writing, all vendors delivering any hazardous material to the site to use only the route approved by the CPM (from Interstate 5, to West Panoche Road, to the project site). The project owner shall submit any desired change to the approved delivery route to the CPM for review and approval.

Verification: At least sixty (60) days prior to receipt of any hazardous materials on site, the project owner shall submit copies of the required transportation route limitation direction to the CPM for review and approval.

HAZ-7 At least 30 days prior to commencing construction, a site-specific Construction Site Security Plan for the construction phase shall be prepared and made available to the CPM for review and approval. The Construction Security Plan shall include the following:

1. Perimeter security consisting of fencing enclosing the construction area;
2. Security guards;
3. Site access control consisting of a check-in procedure or tag system for construction personnel and visitors;
4. Written standard procedures for employees, contractors and vendors when encountering suspicious objects or packages on-site or off-site;
5. Protocol for contacting law enforcement and the CPM in the event of suspicious activity or emergency; and
6. Evacuation procedures.

Verification: At least thirty (30) days prior to commencing construction, the project owner shall notify the CPM that a site-specific Construction Security Plan is available for review and approval.

HAZ-8 The project owner shall also prepare a site-specific Security Plan for the operational phase and shall be made available to the CPM for review and approval. The project owner shall implement site security measures addressing physical site security and hazardous materials storage. The level of security to be implemented will be determined by the results of the Vulnerability Assessment but in no case shall the level of security be less than that described as below (as per NERC 2002).

The Operation Security Plan shall include the following:

1. Permanent full perimeter fence or wall, at least 8 feet high;
2. Main entrance security gate, either hand operable 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;
6. 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 ascertain the accuracy of employee identity and employment history, and shall be conducted in accordance with state and federal law 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 contractor personnel that visit the project site.
7. Site access controls for employees, contractors, vendors, and visitors;
8. 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 conformity with 49 CFR 172.880,

and that they have conducted employee background investigations in accordance with 49 CFR Part 1572, subparts A and B;

9. Closed Circuit TV (CCTV) monitoring system, recordable, and viewable in the power plant control room and security station (if separate from the control room) capable of viewing, at a minimum, the main entrance gate and the ammonia storage tank; and
10. Additional measures to ensure adequate perimeter security consisting of either:
    A. Security guard present 24 hours per day, 7 days per week.

    or

    B. Surveillance and warning devices able to be viewed in the control room and from a remote location that include:
        1. The CCTV monitoring system required in number 9 above shall include cameras that are able to pan, tilt, and zoom (PTZ), have low-light capability, are recordable, and are able to view 100 percent of the perimeter fence, the ammonia storage tank, the outside entrance to the control room, and the front gate, and
        2. 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 the security plans. The CPM may authorize modifications to these measures, or may require additional measures, such as protective barriers for critical power pant components (e.g., transformers, gas lines, compressors, etc.) depending on 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 appropriate law enforcement agencies and the applicant.

Verification: At least 30 days prior to the initial receipt of hazardous materials onsite, the project owner shall notify the CPM that a site-specific Vulnerability Assessment and Operations Site Security Plan are 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 updated certification statements are 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.

MIDWAY PEAKING PROJECT (06-AFC-07C)
LAND USE CONDITIONS OF CERTIFICATION

LAND-1 The project owner shall mitigate for the permanent loss of 6.16 acres of prime farmland at a one-to-one ratio.

Verification: The project owner shall provide a mitigation fee payment to a Fresno County agricultural land trust or a statewide agricultural land trust at least 30 days prior to the start of construction. The fee payment will be determined by Fresno County and the project owner and set forth in a prepared Farmlands Mitigation Agreement (FMA), also determined between the project owner and Fresno County. The project owner shall provide a copy of the FMA to the Compliance Project Manager (CPM) for approval at the time of fee payment submittal. The FMA will require that 6.16 acres of prime farmland and/or easements shall be purchased within five years of start of construction as compensation for the 6.16 acres of prime farmland to be converted by the SPP. The FMA shall guarantee that the land managed by the trust will be located in Fresno County and will be farmed in perpetuity. The project owner shall provide to the CPM updates in the Annual Compliance Report on the status of farmland/easement purchase(s).

LAND-2 The project owner shall design and construct the project to the applicable development standards in Sections 816.5 and 874 of the Fresno County Ordinance Code.

1. Any access gate shall be setback a minimum of 20 feet (or the length of the longest vehicle to initially enter the site from the edge of the ultimate road right-of-way.
2. The number of parking spaces required as part of this project shall be one space for every permanent employee, one space for each sales person, and one space for each company vehicle for a total of 2 spaces.
3. Each lot shall have a front yard of not less than 35 feet extending across the full width of the lot; each lot shall have a side yard on each side of not less than 20 feet.

Verification: At least sixty (60) days prior to the start of construction the project owner shall submit to the Compliance Project Manager (CPM) written documentation including evidence of review by Fresno County that the project conforms to the standards in Sections 816.5 and 843 of the Fresno County Ordinance Code.

LAND-3 The project owner shall provide a copy of Fresno County's Final Certificate of Cancellation of Contract from Agriculture Preserve No. 367.

Verification: At least 60 days prior to construction, the project owner shall submit to the CPM a copy of Fresno County's Final Certificate of Cancellation of Contract from Agriculture Preserve No. 367.

MIDWAY PEAKING PROJECT (06-AFC-07C)
NOISE CONDITIONS OF CERTIFICATION

These Conditions of Certification were changed per the following Energy Commission Approval(s) or Order(s):

Type of Approval	Approval Date or Order #	Docket Transaction Number (TN)	Changed Conditions of Certification
Commission Order	09-0729-04	52625	NOISE-4

NEIGHBORHOOD NOTIFICATION

NOISE-1 At least 15 days prior to the start of ground disturbance, the project owner shall notify all residents within one mile of the site and one-half 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 SPP, 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 below, or a 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 the 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 five days of receiving a noise complaint, the project owner shall file a copy of the noise complaint resolution form with the local jurisdiction and the CPM, documenting the resolution of the complaint. If mitigation is required to resolve a complaint, and the complaint is not resolved within a three-day period, the project owner shall submit an updated noise complaint resolution form when the mitigation is implemented.

NOISE-3 The project owner shall submit to the CPM for review and approval a noise control program. The noise control program shall be used to reduce employee exposure to high noise levels during construction and also to comply with applicable OSHA and Cal-OSHA standards.

Verification: At least 30 days prior to the start of ground disturbance, the project owner shall submit to the CPM the noise control program. The project owner shall make the program available to Cal-OSHA upon request.

NOISE RESTRICTIONS

NOISE-4 The project design and implementation shall include appropriate noise mitigation measures adequate to ensure that operation of the project will not cause noise levels due to plant operation plus ambient, during the four quietest consecutive hours of the nighttime, to exceed an average of 45 dBA L50 as measured near monitoring locations ML2 (approximately 1,600 feet west of the center of the project site) and as measured near a location 400 feet from the project site (as shown in Noise Figure 1).

No new pure-tone components may be caused by the project. No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints.

When the project first achieves a sustained output of 90 percent or greater of rated capacity, the project owner shall conduct a 4-hour community noise survey at monitoring location ML2 or at a closer location acceptable to the CPM. This survey during power plant operation 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.

- During this survey, the project owner shall also conduct a 4-hour noise survey at a location 400 feet from the project site (as shown in Noise figure 1).
- The above noise measurements shall be conducted during four consecutive hours within the nighttime period, from 10 p.m. to 7 a.m.

- 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 above noise survey indicate that the power plant noise level plus ambient (L50) at the affected receptor sites exceeds the above value during the above specified time periods, mitigation measures shall be implemented to reduce noise to a level of compliance with this limit.
- If the results from the noise survey indicate that pure tones are present, mitigation measures shall be implemented to eliminate the pure tones.

Verification: The survey shall take place within 60 days of the project first achieving a sustained output of 90 percent or greater of rated capacity.

Within 15 days after completing the survey, the project owner shall submit a summary report of the survey 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 limit, and a schedule, subject to CPM approval, for implementing these measures. When these measures are 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 this new noise survey, performed as described above and showing compliance with this condition.

NOISE-5 Prior to ground disturbance, the project owner shall fully execute its agreement with the landowner of the property at ML1 to relocate its residents to a location not near the project site. The project design and implementation shall include appropriate noise mitigation measures adequate to ensure that operation of the project will not cause noise levels due to plant operation plus ambient, during the four quietest consecutive hours of the nighttime, to exceed an average of 45 dBA L50 as measured near this new location.

No new pure-tone components may be caused by the project. No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints.

- If the new location is within 3,000 feet of the project site, when the project first achieves a sustained output of 90 percent or greater of rated capacity, the project owner shall conduct a short-term survey

of noise at this new location or at a closer location acceptable to the CPM. The short-term noise measurements shall be conducted during every hour of the nighttime hours, from 10 p.m. to 7 a.m., during the period of the survey.

- If during the operating life of the project, the project owner plans to convert the five-unit multiplex at ML1 back to a residential use, the project owner shall repeat this survey at ML1 or at a closer location acceptable to the CPM, prior to any resident(s) occupying the multiplex.
- 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 any of the above noise surveys indicate that the power plant noise level plus ambient (L50) at the affected receptor sites exceeds the above value during the above specified time period, mitigation measures shall be implemented to reduce noise to a level of compliance with this limit. ML1 shall not be reoccupied (as explained above), unless the SPP can demonstrate compliance with this requirement at this location.
- If the results from the noise surveys indicate that pure tones are present, mitigation measures shall be implemented to eliminate the pure tones.

Verification: Prior to ground disturbance, the project owner shall transmit to the CPM a statement, signed by the project owner's project manager, stating that the residents in the property at ML1 have been relocated, and describing the new location and its distance to the project site.

The first noise survey shall take place within 30 days of the project first achieving a sustained output of 90 percent or greater of rated capacity. If the second survey is needed (as described above) it shall take place prior to the property at ML1 being reoccupied.

Within 15 days after completing each of the surveys, the project owner shall submit a summary report of the survey 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 limit, and a schedule, subject to CPM approval, for implementing these measures. When these measures are in place, the project owner shall repeat the noise survey.

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

NOISE-6 Following the project first achieving a sustained output of 90 percent or greater of rated capacity, the project owner shall conduct an occupational noise survey to identify the noise hazardous areas in the facility.

The survey shall be conducted by a qualified person in accordance with the provisions of Title 8, California Code of Regulations, sections 5095-5099 (Article 105) and Title 29, Code of Federal Regulations, section 1910.95. The survey results shall be used to determine the magnitude of employee noise exposure.

The project owner shall prepare a report of the survey results and, if necessary, identify proposed mitigation measures that will be employed to comply with the applicable California and federal regulations.

Verification: Within 30 days after completing the survey, the project owner shall submit the noise survey report to the CPM. The project owner shall make the report available to OSHA and Cal-OSHA upon request.

CONSTRUCTION TIME RESTRICTIONS

NOISE-7 Heavy equipment operation and noisy construction work relating to any project features (including pile driving work) shall be restricted to the times delineated below, unless a special permit has been issued by the County of Fresno:

Any day except Saturdays and Sundays	6 a.m. to 9 p.m.
Saturdays and Sundays	7 a.m. to 5 p.m.

Haul trucks and other engine-powered equipment shall be equipped with adequate mufflers. Haul trucks shall be operated in accordance with posted speed limits. Truck engine exhaust brake use shall be limited to emergencies.

Verification: Prior to ground disturbance, the project owner shall transmit to the CPM a statement acknowledging that the above restrictions will be observed throughout the construction of the project.

PILE DRIVING MANAGEMENT

NOISE-8 The project owner shall perform pile driving using a quieter process than the traditional pile driving techniques to ensure that noise from these operations does not cause annoyance at monitoring locations ML2 and ML3.

Verification: At least 15 days prior to first pile driving, the project owner shall submit to the CPM a description of the pile driving technique to be employed, including calculations showing its projected noise impacts at monitoring locations ML2 and ML3.

MIDWAY PEAKING PROJECT (06-AFC-07C)
SOCIOECONOMICS CONDITIONS OF CERTIFICATION

SOCIO-1 The project owner shall pay the one-time statutory school development fee to the Mendota Unified School District as required by Education Code Section 17620.

Verification: At least 30 days prior to start of project construction, the project owner shall provide the CPM proof of payment of the statutory development fee.

MIDWAY PEAKING PROJECT (06-AFC-07C)
TRAFFIC AND TRANSPORTATION CONDITIONS OF CERTIFICATION

TRANS-1 Prior to site mobilization activities, the project owner shall prepare a mitigation plan for West Panoche Road should it be damaged by project construction. The intent of this plan is to ensure that if West Panoche Road is damaged by project construction it will be repaired and reconstructed to original or as near original condition as possible. This plan shall include:

- Documentation of the pre-construction condition of West Panoche Road from I-5 to the access road to the site. Prior to the start of site mobilization, the project owner shall provide to the CPM photographs or videotape of West Panoche Road.
- Documentation of any portions of West Panoche Road that may be inadequate to accommodate oversize or large construction vehicles, and identify necessary remediation measures;
- Provide for appropriate bonding or other assurances to ensure that any damage to West Panoche Road due to construction activity will be remedied by the project owner; and
- Reconstruction of portions of West Panoche Road that are damaged by project construction.

Verification: At least 90 days prior to the start of site mobilization, the project owner shall submit a mitigation plan focused on restoring West Panoche Road to their pre-project condition to the Fresno County Planning Department for review and comment, and to the CPM for review and approval.

Within 90 days following the completion of construction, the project owner shall provide photo/videotape documentation to the Fresno County Planning Department, and the CPM that the damaged sections of West Panoche Road have been restored to their pre-project condition.

TRANS-2 The Project owner shall consult with Fresno County and the City of Mendota and prepare and submit to the CPM for approval, a construction traffic control plan (TCP) and implementation program. The TCP should address the following issues:

- Timing of heavy equipment and building materials deliveries
- Signing, lighting and traffic control device placement, if required
- Need for construction work hours and arrival/departure times outside of peak traffic periods, local school bus travel times on Panoche Road, and the intervals that children would be walking to and from bus stops.

- Installation of road signs along Panoche Road to inform drivers of school bus zones.
- Signs directing construction workers and deliveries off of Panoche Road.
- Ensure access for emergency vehicles to the project site.
- Temporary travel lane closure.
- Installation of barriers to protect school children waiting for the school bus.

Verification: At least 45 days prior to site mobilization, the project owner shall submit the plan to the appropriate jurisdictions for review and comment, and to the CPM for review and approval.

TRANS-3 Throughout construction of the project, the project owner shall document, Investigate, evaluate and attempt to resolve all complaints related to construction traffic affecting school bus safety or children walking to and from school bus stops. The project owner or authorized agent shall:

- Use a CPM-approved Complaint Resolution Form, or functionally equivalent procedure acceptable to the CPM, to document and respond to each traffic safety complaint;
- Attempt to contact the person(s) making the traffic safety complaint within 24 hours;
- Conduct an investigation to determine the source of the traffic safety problem related to the complaint;
- If the traffic safety issue is project related, take all feasible measures to reduce the safety problem 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 traffic safety improvement efforts; and if obtainable, a signed statement by the complainant stating that the traffic safety problems resolved to the complainant's satisfaction.
- The project owner shall establish a telephone number for use by the public to report any project-related traffic safety issues. 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. The telephone number shall be posted at the project site during construction in a manner visible to passerby. This telephone number shall be maintained until project construction is complete.

Verification: Prior to site mobilization, the project owner shall transmit to the CPM a statement, signed by the project manager, stating that a telephone number has been established and posted at the site, and provide the telephone number. Within 5 days

after receiving a traffic safety complaint, the project owner shall file a Complaint Resolution Form 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 3-day period, the project owner shall submit an updated Complaint Resolution Form when the mitigation is implemented.

TRANS-4 Prior to site mobilization, the project owner shall develop and Implement a Worker Traffic Safety Program (WTSP) focusing on awareness of school buses and school children in the vicinity of the project. The plan shall include, as a minimum, the following:

- A discussion of all applicable motor vehicle laws and penalties under the law; safe driving practices, potential road conditions (e.g., school bus stops, children who are walking to or from a bus stop, children boarding or exiting buses, ground fog, horses/livestock, slow vehicles, etc.) along the expected travel corridor (i.e., Panoche Road),
- Required commute work travel times,
- Expected school bus travel times, and
- A discussion of consequences in the event a worker is found driving in an unsafe manner.

The training shall be provided on a weekly basis to all new employees (including all contractors and subcontractors) at the start of ground disturbance, and continue for the duration of construction. The training may be presented in the form of a video.

Verification: The project owner shall provide a copy of the WTSP to the CPM for review and approval 30 days prior to site mobilization. The training may be presented in the form of a video, if the video has been approved by the CPM. The video shall be provided to the CPM for review and approved 30 days prior to site mobilization. The project owner shall provide the WTSP certification of completion for persons who have completed the training in the prior month, and a running total of all persons who have completed training to date in the monthly compliance report.

MIDWAY PEAKING PROJECT (06-AFC-07C)
TRANSMISSION LINE SAFETY AND NUISANCE CONDITIONS OF CERTIFICATION

TLSN-1 The project owner shall construct the proposed transmission lines according to 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-reduction guidelines.

Verification: At least thirty days before starting 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 ensure that every reasonable effort will be made to identify and correct, on a case-specific basis, any complaints of interference with radio or television signals from operation of the project-related lines and associated switchyards. The project owner shall maintain written records for a period of five years, of all complaints of radio or television interference attributable to plant operation together with the corrective action taken in response to each complaint. All complaints shall be recorded to include notations on the corrective action taken. Complaints not leading to a specific action or for which there was no resolution should be noted and explained. The record shall be signed by the project owner and also the complainant, if possible, to indicate concurrence with the corrective action or agreement with the justification for a lack of action.

Verification: All reports of line-related complaints shall be summarized for the project-related lines and included during the first five years of plant operation in the Annual Compliance Report.

TLSN-3 The project owner shall hire a qualified consultant to measure the strengths of the electric and magnetic fields from the line before and after it is energized. The measurements shall be made according to the American National Standard Institute/Institute of Electrical and Electronic Engineers (ANSI/IEEE) standard procedures at the locations of maximum field strengths along the proposed route. These measurements shall be completed not later than six months after the start of operations.

Verification: The project owner shall file copies of the pre-and post-energization measurements and measurements with the CPM within 60 days after completion of the measurements.

TLSN-4 The project owner shall ensure that the rights-of-way of the proposed transmission line are kept free of combustible material, as required under

the provisions of Section 4292 of the Public Resources Code and Section 1250 of Title 14 of the California Code of Regulations.

Verification: During the first five years of plant operation, the project owner shall provide a summary of inspection results and any fire prevention activities carried out along the right-of-way and provide such summaries in the Annual Compliance Report.

TLSN-5 The project owner shall ensure that all permanent metallic objects within the right-of-way of the project-related lines are grounded according to industry standards regardless of ownership. In the event of a refusal by any property owner to permit such grounding, the project owner shall so notify the CPM. Such notification shall include, when possible, the owner's written objection. Upon receipt of such notice, the CPM may waive the requirement for grounding the object involved.

Verification: At least 30 days before the lines are energized, the project owner shall transmit to the CPM a letter confirming compliance with this Condition.

MIDWAY PEAKING PROJECT (06-AFC-07C)
TRANSMISSION SYSTEM ENGINEERING CONDITIONS OF CERTIFICATION

These Conditions of Certification were changed per the following Energy Commission Approval(s) or Order(s):

Type of Approval	Approval Date or Order #	Docket Transaction Number (TN)	Changed Conditions of Certification
Verification Change	2008-08-13	47537	TSE-5

TSE-1 The project owner shall furnish to the Compliance Project Manager (CPM) and to the Chief Building Official (CBO) a schedule of transmission facility design submittals, a Master Drawing List, a Master Specifications List, and a Major Equipment and Structure List. The schedule shall contain a description and list of proposed submittal packages for design, calculations, and specifications for major structures and equipment. To facilitate audits by Energy Commission staff, the project owner shall provide designated packages to the CPM when requested.

Verification: At least 60 days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of construction, the project owner shall submit the schedule, a Master Drawing List, and a Master Specifications List to the CBO and to the CPM. The schedule shall contain a description and list of proposed submittal packages for design, calculations, and specifications for major structures and equipment (see a list of major equipment in Table 1: Major Equipment List below). Additions and deletions shall be made to the table only with CPM and CBO approval. The project owner shall provide schedule updates in the Monthly Compliance Report.

Table 1: Major Equipment List

Breakers
Step-up Transformer
Switchyard
Busses
Surge Arrestors
Disconnects
Take off facilities
Electrical Control Building
Switchyard Control Building
Transmission Pole/Tower
Grounding System

TSE-2 Prior to the start of construction the project owner shall assign an electrical engineer and at least one of each of the following to the project: A) a civil engineer; B) a geotechnical engineer or a civil engineer experienced and knowledgeable in the practice of soils engineering; C) a design engineer, who is either a structural engineer or a civil engineer fully competent and

proficient in the design of power plant structures and equipment supports; or D) a mechanical engineer. (Business and Professions Code Sections 6704 et seq. require state registration to practice as a civil engineer or structural engineer in California.)

The tasks performed by the civil, mechanical, electrical or design engineers may be divided between two or more engineers, as long as each engineer is responsible for a particular segment of the project (e.g., proposed earthwork, civil structures, power plant structures, equipment support). No segment of the project shall have more than one responsible engineer. The transmission line may be the responsibility of a separate California registered electrical engineer. The civil, geotechnical or civil and design engineer assigned in conformance with Facility Design condition GEN-5, may be responsible for design and review of the TSE facilities.

The project owner shall submit to the CBO for review and approval, the names, qualifications and registration numbers of all engineers assigned to the project. If any one of the designated engineers is subsequently reassigned or replaced, the project owner shall submit the name, qualifications and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer. This engineer shall be authorized to halt earthwork and to require changes; if site conditions are unsafe or do not conform with predicted conditions used as a basis for design of earthwork or foundations.

The electrical engineer shall:

1. Be responsible for the electrical design of the power plant switchyard, outlet and termination facilities; and
2. Sign and stamp electrical design drawings, plans, specifications, and calculations.

Verification: At least 30 days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of rough grading, the project owner shall submit to the CBO for review and approval, the names, qualifications and registration numbers of all the responsible engineers assigned to the project. The project owner shall notify the CPM of the CBO's approvals of the engineers within five days of the approval.

If the designated responsible engineer is subsequently reassigned or replaced, the project owner has five days in which to submit the name, qualifications, and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer within five days of the approval.

TSE-3 If any discrepancy in design and/or construction is discovered in any engineering work that has undergone CBO design review and approval, the project owner shall document the discrepancy and recommend corrective action. (2001 California Building Code, Chapter 1, Section

108.4, Approval Required; Chapter 17, Section 1701.3, Duties and Responsibilities of the Special Inspector; Appendix Chapter 33, Section 3317.7, Notification of Noncompliance). The discrepancy documentation shall become a controlled document and shall be submitted to the CBO for review and approval and shall reference this condition of certification.

Verification: The project owner shall submit a copy of the CBO's approval or disapproval of any corrective action taken to resolve a discrepancy to the CPM within 15 days of receipt. If disapproved, the project owner shall advise the CPM, within five days, the reason for disapproval, and the revised corrective action required to obtain the CBO's approval.

TSE-4 For the power plant switchyard, outlet line and termination, the project owner shall not begin any increment of construction until plans for that increment have been approved by the CBO. These plans, together with design changes and design change notices, shall remain on the site for one year after completion of construction. The project owner shall request that the CBO inspect the installation to ensure compliance with the requirements of applicable LORS. The following activities shall be reported in the Monthly Compliance Report:

a. receipt or delay of major electrical equipment;

b. testing or energization of major electrical equipment; and

c. the number of electrical drawings approved, submitted for approval, and still to be submitted.

Verification: At least 30 days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of each increment of construction, the project owner shall submit to the CBO for review and approval the final design plans, specifications and calculations for equipment and systems of the power plant switchyard, outlet line and termination, including a copy of the signed and stamped statement from the responsible electrical engineer attesting to compliance with the applicable LORS, and send the CPM a copy of the transmittal letter in the next Monthly Compliance Report.

TSE-5 The project owner shall ensure that the design, construction, and operation of the proposed transmission facilities will conform to all applicable LORS, including the requirements listed below. The project owner shall submit the required number of copies of the design drawings and calculations as determined by the CBO.

1. The existing Panoche Substation will require upgrades and rearrangement to accommodate the addition of the SPP.
    a. Install a tap interconnection at the CalPeak Panoche generator tie-line.
    b. Reconductor the CalPeak Panoche generator tie-line between CB 142 at CalPeak Panoche and CB 162 at

Panoche Substation with 954 kcmil aluminum conductor or conductor with a higher rating.

c. Rearrange or rebuild the Panoche-Shindler 115 kV Number 1 and Number 2 lines to accommodate crossing of the new tap line.

d. Protection requirements will consist of a fully redundant, three-terminal, double-pilot current differential scheme.

2. The SPP will be interconnected to the Panoche Substation via a single 115 kV transmission line approximately 1000 feet long with 954 kcmil aluminum conductor or conductor with a higher rating.

3. The power plant outlet line shall meet or exceed the electrical, mechanical, civil, and structural requirements of California Public Utilities Commission General Order 95 or National Electric Safety Code (NESC); Title 8 of the California Code of Regulations; articles 35, 36 and 37 of the High-Voltage Electric Safety Orders; California ISO Standards; National Electric Code (NEC); and related industry standards.

4. Breakers and busses in the power plant switchyard and other switchyards, where applicable, shall be sized to comply with a short-circuit analysis.

5. Outlet line crossings and line parallels with transmission and distribution facilities shall be coordinated with the transmission line owner and comply with the owner's standards.

6. The project conductors shall be sized to accommodate the full output from the project.

7. Termination facilities shall comply with applicable PG&E interconnection standards.

8. The project owner shall provide to the CPM:

   a. The final Detailed Facility Study including a description of facility upgrades, operational mitigation measures, and/or special protection system sequencing and timing, if applicable.

   b. Executed project owner and California ISO facility interconnection agreement.

9. A request for minor changes to the facilities described in this condition may be allowed if the project owner informs the CBO and CPM and receives approval for the proposed change. A detailed description of the proposed change and complete engineering, environmental, and economic rationale for the change shall accompany the request. Construction involving changed equipment

or substation configurations shall not begin without prior written approval of the changes by the CBO and the CPM.

Verification: At least 60 days prior to the start of construction of transmission facilities (or a lesser number of days mutually agreed to by the project owner and CBO), the project owner shall submit the following to the CBO for approval.

The project owner shall submit a letter from PG&E confirming that PG&E will build the facilities identified in **TSE-5** starting with the point of interconnection, the conductor tie into the "A" frame takeoff on Midway property, through the PG&E substation in accordance with PG&E standards.

The project owner shall submit design drawings, specifications and calculations conforming with California Public Utilities Commission General Order 95 or National Electric Safety Code; Title 8 of the California Code of Regulations; articles 35, 36, and 37 of the High Voltage Electric Safety Orders; California ISO standards; National Electric Code; and related industry standards, for the poles/towers, foundations, anchor bolts, conductors, grounding systems, and major switchyard equipment for facilities installed by the owner and not PG&E.

For each element of the transmission facilities identified above and installed by the owner and not PG&E, the submittal package to the CBO shall contain the design criteria, a discussion of the calculation method(s), a sample calculation based on worst-case conditions, and a statement signed and sealed by the registered engineer in charge, or other acceptable alternative verification, that the transmission element(s) will conform with California Public Utilities Commission General Order 95 or National Electric Safety Code; Title 8 of the California Code of Regulations, articles 35, 36, and 37 of the High-Voltage Electric Safety Orders; California ISO standards; National Electric Code and related industry standards.

The project owner shall submit electrical one-line diagrams signed and sealed by the registered professional electrical engineer in charge, a route map, an engineering description of equipment, and the configurations covered by requirements 1 through 9 in Condition Of Certification **TSE-5** above and installed by the owner and not PG&E.

The final Detailed Facility Study, including a description of facility upgrades, operational mitigation measures, and/or special protective system sequencing and timing, if applicable, shall be provided concurrently to the CPM.

At least 60 days prior to the construction of transmission facilities, the project owner shall inform the CBO and the CPM of any impending changes that may not conform to the facilities described in this condition, and shall request approval to implement such changes.

TSE-6 The project owner shall provide the following Notice to the California Independent System Operator prior to synchronizing the facility with the California transmission system:

1. At least one week prior to synchronizing the facility with the grid for testing, provide the CAL ISO with a letter stating the proposed date of synchronization; and

2. At least one business day prior to synchronizing the facility with the grid for testing, provide telephone notification to the ISO Outage Coordination Department.

Verification: The project owner shall provide copies of the CAL ISO letter to the CPM when it is sent to the CAL ISO one week prior to initial synchronization with the grid. The project owner shall contact the CAL ISO Outage Coordination Department, Monday through Friday, between the hours of 0700 and 1530 at (916) 351-2300 at least one business day prior to synchronizing the facility with the grid for testing. A report of conversation with the CAL ISO shall be provided electronically to the CPM one day before synchronizing the facility with the California transmission system for the first time.

TSE-7 The project owner shall be responsible for the inspection of the transmission facilities during and after project construction, and any subsequent CPM and CBO approved changes thereto, to ensure conformance with CPUC General Order 95 or National Electric Safety Code (NESC); Title 8 of the California Code and Regulations (Title 8); Articles 35, 36 and 37 of the "High Voltage Electric Safety Orders", CAL ISO standards, National Electric Code (NEC) and related industry standards. In case of non-conformance, the project owner shall inform the CPM and CBO in writing, within 10 days of discovering such non-conformance and describe the corrective actions to be taken.

Verification: Within 60 days after first synchronization of the project, the project owner shall transmit to the CPM and CBO:

a. "As built" engineering description(s) and one-line drawings of the electrical portion of the facilities signed and sealed by the registered electrical engineer in responsible charge. A statement attesting to conformance with CPUC General Order 95 or National Electric Safety Code (NESC); Title 8 of the California Code and Regulations (Title 8); Articles 35, 36 and 37 of the "High Voltage Electric Safety Orders", CAL ISO standards, National Electric Code (NEC) and related industry standards.

b. An "as built" engineering description of the mechanical, structural, and civil portion of the transmission facilities signed and sealed by the registered engineer in responsible charge or acceptable alternative verification. "As built" drawings of the electrical, mechanical, structural, and civil portion of the transmission facilities shall be maintained at the power plant and made available, if requested, for CPM audit as set forth in the "Compliance Monitoring Plan".

c. A summary of inspections of the completed transmission facilities, and identification of any nonconforming work and corrective actions taken, signed and sealed by the registered engineer in charge.

MIDWAY PEAKING PROJECT (06-AFC-07C)
VISUAL RESOURCES CONDITIONS OF CERTIFICATION

Surface Treatment of Project Structures and Buildings

VIS-1 The project owner shall color and finish the surfaces of all project structures and buildings visible to the public to ensure that they:

1. minimize visual intrusion and contrast by blending with the landscape;
2. minimize glare; and
3. comply with local design policies and ordinances. The transmission line conductors shall be non-specular and non-reflective, and the insulators shall be non-reflective and non-refractive.

The project owner shall submit a surface treatment plan to the Compliance Project Manager (CPM) for review and approval. The treatment plan shall include:

A. A description of the overall rationale for the proposed surface treatment, including the selection of the proposed color(s) and finishes;

B. A list of each major project structure, building, tank, pipe, and wall; transmission line towers and/or poles; and fencing, specifying the color(s) and finish proposed for each. Colors must be identified by vendor, name, and number; or according to a universal designation system;

C. One set of color brochures or color chips showing each proposed color and finish;

D. One set of 11” x 17” color photo simulations at life size scale of the proposed treatment for project structures, including structures treated during manufacture, from the Key Observation Points;

E. A specific schedule for completing the treatment; and

F. A procedure to ensure proper treatment maintenance for the life of the project.

The project owner shall not request vendor treatment of any buildings or structures during their manufacture, or perform final field treatment on any buildings or structures, until the project owner has received treatment plan approval by the CPM.

Verification: At least 90 days prior to specifying vendor color(s) and finish (es) for structures or buildings to be surface treated during manufacture, the project owner shall submit the proposed treatment plan to the CPM for review and approval and simultaneously to the County of Fresno Department of Public Works and Planning, Development Services Division for review and comment. The project owner shall

provide the CPM with the County's comments at least 30 days prior to the estimated date of providing paint specification to vendors.

If the CPM determines that the plan requires revision, the project owner shall provide to the CPM a plan with the specified revision(s) for review and approval by the CPM before any treatment is applied. Any modifications to the treatment plan must be submitted to the CPM for review and approval.

Within ninety (90) days after the start of commercial operation, the project owner shall notify the CPM that surface treatment of all listed structures and buildings has been completed and is ready for inspection; and shall submit one set of electronic color photographs from the Key Observation Points.

The project owner shall provide a status report regarding surface treatment maintenance in the Annual Compliance Report. The report shall specify:

1. the condition of the surfaces of all structures and buildings at the end of the reporting year;
2. maintenance activities that occurred during the reporting year; and
3. the schedule of maintenance activities for the next year.

Construction Lighting

VIS-2 The project owner shall ensure that lighting for construction of the power plant is used in a manner that minimizes potential night lighting impacts, as follows:

A. All lighting shall be of minimum necessary brightness consistent with worker safety and security;

B. All fixed position lighting shall be shielded/hooded, and directed downward and toward the area to be illuminated to prevent direct illumination of the night sky and obtrusive spill light beyond the boundaries of the power plant site or the site of construction of ancillary facilities, including any security related boundaries;

C. Wherever feasible and safe and not needed for security, lighting shall be kept off when not in use; and

D. Complaints concerning adverse lighting impacts will be promptly addressed and mitigated.

Verification: Within seven days after the first use of construction lighting, the project owner shall notify the CPM that the lighting is ready for inspection. If the CPM requires modifications to the lighting, the project owner shall implement the necessary modifications within 15 days of the CPM's request and notify the CPM that the modifications have been completed.

Within 10 days of receiving a lighting complaint, the project owner shall provide the CPM with a complaint resolution form report as specified in the compliance General Conditions including a proposal to resolve the complaint, and a schedule for implementation. The project owner shall notify the CPM within 10 days after completing

implementation of the proposal. A copy of the complaint resolution form report shall be included in the subsequent Monthly Compliance Report following complaint resolution.

Permanent Exterior Lighting

VIS-3 To the extent feasible, consistent with safety and security considerations and commercial availability, the project owner shall design and install all permanent exterior lighting such that:

a. light fixtures do not cause obtrusive spill light beyond the project site;

b. lighting does not cause excessive reflected glare;

c. direct lighting does not illuminate the nighttime sky;

d. illumination of the project and its immediate vicinity is minimized, and

e. lighting complies with local policies and ordinances.

The project owner shall submit to the CPM for review and approval and simultaneously to the County of Fresno Department of Public Works and Planning, Development Services Division for review and comment a lighting mitigation plan that includes the following:

A. A process for addressing and mitigating complaints received about potential lighting impacts;

B. Lighting shall incorporate commercially available fixture hoods/shielding, with light directed downward or toward the area to be illuminated;

C. Light fixtures shall not cause obtrusive spill light beyond the project boundary;

D. All lighting shall be of minimum necessary brightness consistent with operational safety and security; and

E. Lights in high illumination areas not occupied on a continuous basis (such as maintenance platforms) shall have (in addition to hoods) switches, timer switches, or motion detectors so that the lights operate only when the area is occupied.

Verification: At least 90 days prior to ordering any permanent exterior lighting, the project owner shall contact the CPM to determine the required documentation for the lighting mitigation plan.

At least 60 days prior to ordering any permanent exterior lighting, the project owner shall submit to the CPM for review and approval and simultaneously to the County of Fresno Department of Public Works and Planning, Development Services Division for review and comment a lighting mitigation plan. The project owner shall provide the County's comments to the CPM at least 10 days prior to the date lighting materials are ordered.

If the CPM determines that the plan requires revision, the project owner shall provide to the CPM a revised plan for review and approval by the CPM.

The project owner shall not order any exterior lighting until receiving CPM approval of the lighting mitigation plan.

Prior to commercial operation, the project owner shall notify the CPM that the lighting has been installed and is ready for inspection. If after inspection the CPM notifies the project owner that modifications to the lighting are needed, within 30 days of receiving that notification the project owner shall implement the modifications and notify the CPM that the modifications have been completed and are ready for inspection.

Within 10 days of receiving a lighting complaint, the project owner shall provide the CPM with a complaint resolution form report as specified in the Compliance General Conditions including a proposal to resolve the complaint, and a schedule for implementation.

A copy of the complaint resolution form report shall be submitted to the CPM within 30 days of complaint resolution.

MIDWAY PEAKING PROJECT (06-AFC-07C)
WASTE MANAGEMENT CONDITIONS OF CERTIFICATION

These Conditions of Certification were changed per the following Energy Commission Approval(s) or Order(s):

Type of Approval	Approval Date or Order #	Docket Transaction Number (TN)	Changed Conditions of Certification
Commission Order	08-1120-02	49292	WASTE-5

WASTE-1 The project owner shall provide the resume of a Registered Professional Engineer or Geologist, who shall be available for consultation during soil excavation and grading activities, to the Compliance Project Manager (CPM) for review and approval. The resume shall show experience in remedial investigation and feasibility studies.

The Registered Professional Engineer or Geologist shall be given full authority by the project owner to oversee any earth moving activities that have the potential to disturb contaminated soil.

Verification: At least 30 days prior to the start of site mobilization, the project owner shall submit the resume to the CPM for review and approval.

WASTE-2 If potentially contaminated soil is unearthed during excavation at either the proposed site or linear facilities as evidenced by discoloration, odor, detection by handheld instruments, or other signs, the Registered Professional Engineer or Geologist shall inspect the site, determine the need for sampling to confirm the nature and extent of contamination, and file a written report to the project owner representatives of Department of Toxic Substances Control, and CPM stating the recommended course of action and obtain approvals from the Department of Toxic Substances Control.

Depending on the nature and extent of contamination, the Registered Professional Engineer or Geologist shall have the authority to temporarily suspend construction activity at that location for the protection of workers or the public. If, in the opinion of the Registered Professional Engineer or Geologist, significant remediation may be required, the project owner shall contact representatives of the Department of Toxic Substances Control for guidance and possible oversight.

Verification: The project owner shall submit any final reports filed by the Registered Professional Engineer or Geologist to the CPM within 5 days of their receipt. The project owner shall notify the CPM within 24 hours of any orders issued to halt construction.

WASTE-3 The project owner shall obtain a hazardous waste generator identification number from the Department of Toxic Substances Control prior to generating any hazardous waste during construction and operations.

Verification: The project owner shall keep its copy of the identification number on file at the project site and notify the CPM via the relevant Monthly Compliance Report of its receipt.

WASTE-4 Upon becoming aware of any impending waste management-related enforcement action by any local, state, or federal authority, the project owner shall notify the CPM of any such action taken or proposed to be taken against the project itself, or against any waste hauler or disposal facility or treatment operator with which the owner contracts.

Verification: The project owner shall notify the CPM in writing within 10 days of becoming aware of an impending enforcement action. The CPM shall notify the project owner of any changes that will be required in the manner in which project-related wastes are managed.

WASTE-5 The project owner shall prepare a Construction Waste Management Plan and an Operation Waste Management Plan for all wastes generated during construction and operation of the facility, respectively, and shall submit both plans to the CPM for review and approval. The plans shall contain, at a minimum, the following:

- A description of all waste streams, including projections of frequency, amounts generated and hazard classifications; and
- Methods of managing each waste, including temporary onsite storage, treatment methods and companies contracted with for treatment services, waste testing methods to assure correct classification, methods of transportation, disposal requirements and sites, and recycling and waste minimization/reduction plans.

In addition, the Operation Waste Management Plan shall include a separate section detailing how wastewaters proposed for discharge into the onsite evaporation pond will be managed and disposed of in the event that discharge to the pond is prohibited or otherwise interrupted. The Operation Waste Management Plan shall be revised as necessary to reflect any changes to plant operations and/or waste management procedures. A copy of the approved Operation Waste Management Plan shall be made available for inspection at the project site.

Verification: No less than 30 days prior to the start of site mobilization, the project owner shall submit the Construction Waste Management Plan to the CPM for approval. The project owner shall submit any required revisions within 20 days of notification by the CPM.

No less than 30 days prior to the start of project operation, the project owner shall submit the Operation Waste Management Plan to the CPM for approval. The project owner shall submit any required revisions within 20 days of notification by the CPM and as necessary to reflect changes in plant operations and/or waste management procedures. The project owner shall maintain an up-to-date copy of the approved

Operation Waste Management Plan at the project site for use by staff and for inspection by appropriate federal, state, or local waste management personnel.

In the Annual Compliance Reports, the project owner shall document the actual waste management methods used during the year and provide a comparison of the actual methods used to those management methods proposed in the original Operation Waste Management Plan.

WASTE-6 Prior to the construction of a water pipeline from Baker Farm's backwash water pond to the Starwood site, the project owner shall provide a protocol and soil sampling plan to the CPM for review and approval. The plan should include a figure showing the proposed alignment for the water pipeline and indicate the location and depth where two samples would be collected. Identify the contaminants that will be analyzed in each discrete sample and the laboratory proposed to do the analysis.

Verification: No less than 30 days prior to the start of site mobilization, after the soil sampling plan is approved, the project owner shall complete the sampling and analyses and submit the certified laboratory report of the findings to the CPM.

MIDWAY PEAKING PROJECT (06-AFC-07C)
WATER QUALITY AND SOILS CONDITIONS OF CERTIFICATION

These Conditions of Certification were changed per the following Energy Commission Approval(s) or Order(s):

Type of Approval	Approval Date or Order #	Docket Transaction Number (TN)	Changed Conditions of Certification
Commission Order	08-1120-02	49292	SOIL&WATER-5 thru 9

SOIL&WATER-1 The project owner shall comply with the requirements of the General National Pollutant Discharge Elimination System (NPDES) permit for discharges of storm water associated with construction activity. The project owner shall develop and implement a storm water pollution prevention plan for the construction of the entire Starwood Power Project (SPP).

Verification: The project owner shall submit copies to the compliance project manager (CPM) of all correspondence between the project owner and the Central Valley Regional Water Quality Control Board (RWQCB) regarding the General NPDES permit for the discharge of storm water associated with construction activities within 10 days of its receipt (when the project owner receives correspondence from the RWQCB) or within 10 days of its mailing (when the project owner sends correspondence to the RWQCB). This information shall include copies of the notice of intent sent to the State Water Resources Control Board, and the notice of termination for the project.

SOIL&WATER-2 Prior to site mobilization, the project owner shall obtain CPM approval for a site-specific drainage, erosion, and sedimentation control plan (DESCP) that ensures protection of water quality and soil resources of the project site and all linear facilities for both the construction and operation phases of the project. This plan shall address appropriate methods and actions, both temporary and permanent, for the protection of water quality and soil resources, demonstrate no increase in off-site flooding potential, meet local requirements, and identify all monitoring and maintenance activities. Monitoring activities shall include routine measurement of the volume of accumulated sediment in the stormwater retention basin. Maintenance activities must include removal of accumulated sediment from the retention basin when an average depth of 0.5 feet of sediment has accumulated in the retention basin. The plan shall be consistent with the grading and drainage plan as required by Condition of Certification **CIVIL-1** and may incorporate by reference any storm water pollution prevention plan developed in conjunction with any NPDES permit. The DESCP shall contain the following elements:

- Vicinity Map – A map shall be provided indicating the location of all project elements with depictions of all significant geographic

features to include watercourses, washes, irrigation and drainage canals, and sensitive areas.

- Site Delineation – The site and all project elements shall be delineated showing boundary lines of all construction areas and the location of all existing and proposed structures, pipelines, roads, and drainage facilities.
- Watercourses and Critical Areas – The DESCP shall show the location of all nearby watercourses including washes, irrigation and drainage canals, and drainage ditches, and shall indicate the proximity of those features to the construction site.
- Drainage – The DESCP shall provide a topographic site map showing all existing, interim, and proposed drainage systems. drainage area boundaries and watershed sizes in acres, and the hydraulic analysis to support the selection of best management practices (BMPs) to divert off-site drainage around or through the site and laydown areas. Spot elevations shall be required where relatively flat conditions exist. The spot elevations and contours shall be extended off site for a minimum distance of 100 feet in flat terrain.
- Clearing and Grading – The plan shall provide a delineation of all areas to be cleared of vegetation and areas to be preserved. The plan shall provide elevations, slopes, locations, and extent of all proposed grading as shown by contours, cross sections, or other means. The locations of any disposal areas, fills, or other special features shall also be shown. Existing and proposed topography tying in proposed contours with existing topography shall be illustrated. The DESCP shall include a statement of the quantities of material excavated or filled for each element of the project (for example, project site, transmission corridors, and pipeline corridors), whether such excavations or fill is temporary or permanent, and the amount of such material to be imported or exported or a statement explaining that there will be no clearing and/or grading conducted for each element of the project.
- Project Schedule – The DESCP shall identify on the topographic site map the location of the site-specific BMPs to be employed during each phase of construction (initial grading, project element excavation and construction, and final grading/stabilization). Separate BMP implementation schedules shall be provided for each project element for each phase of construction.
- Best Management Practices – The DESCP shall show the location, timing, and maintenance schedule of all erosion- and sediment-control BMPs to be used prior to initial grading, during project element excavation and construction, during final grading/stabilization, and after construction. BMPs shall include

measures designed to control dust and stabilize construction access roads and entrances. The maintenance schedule shall include post-construction maintenance of treatment-control BMPs applied to disturbed areas following construction.

- Erosion Control Drawings – The erosion-control drawings and narrative shall be designed and sealed by a professional engineer or erosion-control specialist.

Verification: No later than 90 days prior to start of site mobilization, the project owner shall submit a copy of the plan to Fresno County for review and comment.

A copy shall be submitted to the CPM no later than 60 days prior to the start of site mobilization for review and approval. The CPM shall consider comments received from Fresno County.

During construction, the project owner shall provide an analysis in the monthly compliance report on the effectiveness of the drainage-, erosion- and sediment-control measures and the results of monitoring and maintenance activities. Once operational, the project owner shall provide in the annual compliance report information on the results of monitoring and maintenance activities.

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 a storm water pollution prevention plan for the operation of the site.

Verification: At least 30 days prior to commercial operation, the project owner shall submit copies to the CPM of the operational storm water pollution prevention plan for the entire SPP site. Within 10 days of its mailing or receipt, the project owner shall submit to the CPM any correspondence between the project owner and the RWQCB about the general NPDES permit for discharge of storm water associated with industrial activity. This information shall include a copy of the notice of intent sent by the project owner to the State Water Resources Control Board and the notice of termination. A letter from the RWQCB indicating that there is no requirement for a general NPDES permit for discharges of storm water associated with industrial activity will satisfy this condition.

SOIL&WATER-4 Prior to operation, the project owner shall comply with the waste discharge requirements issued by the Central Valley Regional Water Quality Control Board regarding the evaporation pond facility. The project owner shall report to the CPM any notice of violation, cease and desist order, clean-up and abatement order, or other enforcement action taken by the RWQCB related to the waste-discharge requirements. The project owner shall describe all actions taken to correct violations and operate the project in compliance with waste-discharge requirement permit conditions. The project owner shall provide confirmation from the RWCQB that any violations have been resolved to the satisfaction of the RWQCB.

Verification: The project owner shall submit copies to the CPM of all correspondence between the project owner and the RWQCB regarding the waste discharge requirements within 10 days of its receipt (when the project owner receives correspondence from the RWQCB) or within 10 days of its mailing (when the project owner sends correspondence to the RWQCB). This information shall include copies of the report of waste discharge sent to the State Water Resources Control Board and copies of the waste discharge requirements and final approval of the evaporation pond design. Final RWQCB waste-discharge requirements and evidence of an approved constructed evaporation pond must be received by the CPM prior to start of commercial operation and/or discharge of waste to the ponds.

The project owner shall report violations and the final resolution of the violation within 10 days of notice by the RWQCB. A letter from the RWQCB in which it is stated that waste discharge requirements are not needed will satisfy this condition.

SOIL&WATER-5 The project owner shall shut down the reverse osmosis system and cease discharge into the wastewater evaporation pond if:

1. the evaporation pond reaches maximum capacity (to avoid any evaporation pond overflow); or
2. the pond cannot be used due to project use of groundwater or other pond use restrictions established by Waste Discharge Requirements (WDRs) issued by the Central Valley Regional Water Quality Control Board (RWQCB) in accordance with Condition of Certification **SOIL & WATER-4**.

In the event that the project uses groundwater in any amount or volume of the total water volume necessary for plant industrial use, discharge into the evaporation pond shall be prohibited unless and until the project owner:

a. submits a new or revised Report of Waste Discharge (ROWD) to the Central Valley RWQCB;

b. receives new or revised WDRs for use of the evaporation pond; and

c. retrofits or reconstructs the evaporation pond to meet any conditions or pond design parameters established in the new or revised WDRs.

Verification: The project owner, in the annual compliance report, shall provide a wastewater-accounting summary that states the amount of wastewater in acre-feet discharged into the evaporation pond and, as appropriate, the quantity of residue in pounds or tons removed from the pond and/or the volume of wastewater disposed of offsite for each year.

In addition, the project owner shall provide a written description within 30 days of any incident where the evaporation pond reached maximum capacity, or discharge to the pond was prohibited, and the reverse osmosis system had to be shut down.

In the event that the project uses groundwater in any amount or volume, the project owner will immediately cease all discharges into the evaporation pond and notify the CPM. Prior to reinstating wastewater discharge to the onsite evaporation pond, the project owner shall provide to the CPM documentation that the proposed discharge and pond operation complies with all provisions of Condition of Certification **SOIL & WATER-4**.

SOIL&WATER-6 The project owner shall construct and operate an onsite groundwater well that produces water exclusively from the upper semi-confined aquifer. The project owner shall ensure that the well is properly completed in the semi-confined aquifer in accordance with all applicable state and local water well construction permits and requirements.

Prior to initiation of well construction activities, the project owner shall submit a well construction packet to the County of Fresno containing all documentation, plans, and fees normally required to satisfy the county's well permit program requirements for County review and comment, and submit the same packet to the CPM for review and approval.

The project owner shall not construct the well or extract and use any groundwater until the County of Fresno issues written concurrence that the proposed well construction and operation activities comply with all county well requirements and meet the requirements established by the county's water well permit program, and the CPM provides approval to construct the well. The project owner shall provide documentation to the CPM that the well has been properly completed in and producing groundwater exclusively from the semi-confined aquifer.

The project owner shall ensure compliance with all county water well standards and requirements for the life of the well and shall provide the CPM with two (2) copies of all monitoring or other reports required for compliance with the County of Fresno water well standards and operation requirements, as well as any changes made to the operation of the well.

Verification:

a. No later than sixty (60) days prior to the start of construction of the onsite water supply well, the project owner shall submit one copy of the water well construction packet to the County of Fresno for review and comment, and two (2) copies of the packet to the CPM for review and approval.

b. No later than fifteen (15) days prior to the construction of the onsite water supply well, the project owner shall submit two (2) copies of the written concurrence document from the County of Fresno indicating that the proposed well construction activities comply with all county well requirements and meet the requirements established by the county's water well permit program.

c. Prior to water production from the onsite well for plant operational use, the project owner shall provide to the CPM documentation (in the form of well drilling logs, water quality analyses, and any inspection reports that may be available)

that the well is properly completed in and producing groundwater exclusively from the semi-confined aquifer.

d. During well construction and for the operational life of the well, the project owner shall:

   i. Submit copies to the CPM and the County of Fresno of any proposed well construction or operation changes.

   ii. Submit copies of any water well monitoring reports required by the County of Fresno well standards to the CPM in the annual compliance report.

SOIL&WATER-7 The project owner shall ensure that all onsite water well drilling activities are conducted in compliance with applicable Title 23, California Code of Regulations, Chapter 15, Discharges of Hazardous Wastes to Land, (23 CCR, sections 2510 et seq.) requirements.

Verification: No later than thirty (30) days after completion of the onsite water supply well, the project owner shall submit documentation to the CPM and the Central Valley Regional Water Quality Control Board (RWQCB) that well drilling activities were conducted in compliance with Title 23, California Code of Regulations, Chapter 15, Discharges of Hazardous Wastes to Land (23 CCR, sections 2510 et seq.) requirements and that any onsite drilling sumps used for project drilling activities were removed in compliance with 23 CCR section 2511(c).

SOIL&WATER-8 Upon permanent closure of the facility, the project owner shall ensure that the onsite water supply well is properly plugged and destroyed according to all applicable County of Fresno and state requirements.

Verification: No later than sixty (60) days after permanent closure of the facility, the project owner shall provide documentation to the CPM that the water supply well was properly plugged and destroyed according to all applicable County of Fresno and state requirements (including County of Fresno well destruction permit requirements).

SOIL&WATER-9 Prior to use of groundwater from the onsite well, the project owner shall install and maintain metering devices as part of the groundwater supply and distribution system to monitor and record in gallons per day the total volume of water supplied to the project from the onsite well. The metering devices shall be operational for the life of the project. In accordance with Condition of Certification **WATER RESOUCES-1**, the project's annual groundwater use shall not exceed 136 acre-feet per year without prior approval by the CPM.

The project owner shall include in the project's annual water use summary required by **WATER RESOURCES-1** the monthly range and monthly average of daily groundwater use in gallons per day, and total volume of groundwater used by the project on a monthly and annual basis in acre-feet.

Verification: At least sixty (60) days prior to use of onsite well water for commercial operation, the project owner shall submit to the CPM evidence that metering devices

have been installed and are operational on the groundwater supply and distribution system. The project owner shall also provide documentation in the annual compliance report of the continued operation of the groundwater metering devices, including documentation of any servicing, testing, or calibration of the metering devices necessary to maintain operation.

In addition, as part of the annual water use summary required by **WATER RESOURCES-1**, the project owner shall provide to the CPM the monthly range and monthly average of daily groundwater use in gallons per day, as well as the total volume of groundwater used by the project on a monthly and annual basis in acre-feet.

MIDWAY PEAKING PROJECT (06-AFC-07C)
WATER RESOURCES CONDITIONS OF CERTIFICATION

These Conditions of Certification were changed per the following Energy Commission Approval(s) or Order(s):

Type of Approval	Approval Date or Order #	Docket Transaction Number (TN)	Changed Conditions of Certification
Commission Order	08-1120-02	49292	WATER RESOURCES-1

WATER RESOURCES-1 Water used for project operation for process, sanitary and landscape irrigation purposes shall be groundwater from the upper semiconfined aquifer obtained from the onsite well and/or Baker Farms irrigation water filter backwash (backwash water). Water use shall not exceed the annual water-use limit of 136 acre-feet without prior approval by the CPM.

The project owner shall monitor and record the total water used on a monthly basis. If the amount of water to be used will exceed 136 acre-feet per year during any annual reporting period, the project owner shall provide a written request and explanation for the anticipated water-use increase to the CPM sixty (60) days prior to the date when the water-use limit is expected to be exceeded. If the project owner can demonstrate that the requested increase is necessary and is not caused by wasteful practices or malfunctions in the water processing systems, the CPM shall approve an up to one-year increase in the water-use limit for the period requested.

Verification: The project owner, in the annual compliance report, shall provide a water-accounting summary that states the source and quantity of water used on a monthly basis in units of gallons and on an annual basis in units of acre-feet.

WATER RESOURCES-2 Prior to construction of a water pipeline from Baker Farms' backwash water pond to the Starwood site, the project owner will provide a letter for Westlands Water District, signed by an authorized officer of Westlands Water District, that states that it is permissible for Baker Farms to provide backwash water for use at Starwood (an industrial power plant). If such a letter cannot be provided to the CPM, the project owner is not permitted to use backwash water and shall use semi-confined aquifer water.

Verification: Prior to construction activities associated with the backwash water pipeline from Baker Farms to the project site, the project owner will submit to the CPM a signed letter from Westlands Water District stating that it is permissible for Baker Farms to provide backwash water to the project.

WATER RESOURCES-3 In the event Applicant determines that its source of water is Baker Farms backwash water, Applicant shall:

a. Provide the CPM with a copy of the agreement between Baker Farms and the Applicant which demonstrates the payments to be made to Baker Farms and the obligation of Baker Farms to construct and operate the pipe and pump system used to gather the backwash water at a central holding pond,

b. Provide the CPM with evidence that the pipe and pumping infrastructure will be operational for the Summer 2008 period,

c. Ensure that under no circumstances Applicant uses an amount of backwash water greater than 50% (on a rolling 3-year average) of the water collected. The remaining 50% or more will be made available for agricultural purposes,

d. Provide the CPM with a schematic of the collection system and pond system demonstrating collection and ponding capacity of 30 AF or more,

e. Install three meters:

    1. to measure the Applicant's usage of backwash filter water usage (pond to plant),

    2. to measure the amount of water usage for irrigation (pond to irrigation supply system), and

    3. to measure backwash filter water into the pond.

Verification: Applicant will provide CPM copy of the contract between Applicant and Baker Farms and plans for pump and piping infrastructure prior to ground disturbance. If contract is amended, Applicant will provide CPM a copy within 90 days. CPM will inspect installation of all meters.

Applicant will collect data from the meters and submit to the CPM a monthly summary to be compiled in the annual compliance report.

WATER RESOURCES-4 The 7-year existing backwash filter water contract between Baker Farms and Applicant requires a 2-year notice before termination. In the event this contract is not renewed or is terminated pursuant to notice, Applicant will proceed to modify project to accept the upper aquifer water. This includes the installation of a double-lined wastewater retention pond.

Verification: Applicant will provide notice to CPM and appropriate modification plans within 90 days upon receiving notice of termination of the contract with Baker Farms.

MIDWAY PEAKING PROJECT (06-AFC-07C)
WORKER SAFETY AND FIRE PROTECTION CONDITIONS OF CERTIFICATION

WORKER SAFETY-1 The project owner shall submit to the Compliance Project Manager (CPM) 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 CPM for review and approval concerning compliance of the program with all applicable Safety Orders. The Construction Emergency Action Plan and the Fire Prevention Plan shall be submitted to the FCFPD for review and comment prior to submittal to the CPM for approval.

Verification: At least 30 days prior to the start of construction, the project owner shall submit to the CPM for review and approval a copy of the Project Construction Safety and Health Program. The project owner shall provide the CPM with a copy of a letter from the FCFPD containing the FCFPD's comments on the Construction Fire Prevention Plan and Emergency Action Plan.

WORKER SAFETY-2 The project owner shall submit to the CPM 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,
- Hazardous Materials Management Program,
- Fire Prevention Program (8 CCR §3221), and
- 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 CPM for review and comment concerning compliance of the program with all applicable Safety Orders. The Operation Fire Prevention Plan and the Emergency Action Plan shall also be submitted to the FCFPD for review and comment.

Verification: At least 30 days prior to the start of commissioning, the project owner shall submit to the CPM for approval a copy of the Project Operations and Maintenance Safety and Health Program. The project owner shall provide a copy to the CPM of a letter from the FCFPD containing the FCFPD's comments on the Operations Fire Prevention Plan and Emergency Action Plan.

WORKER SAFETY-3 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 LORS, 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 over-all 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, emergency response reports for injuries, and inform the CPM 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 CPM the name and contact information for the Construction Safety Supervisor (CSS). The contact information of any replacement (CSS) shall be submitted to the CPM within one business day of starting in the position.

The CSS shall submit in the 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.

WORKER SAFETY-4 The project owner shall make payments to the Chief Building Official (CBO) 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 **WORKER SAFETY-3**, implements all appropriate Cal/OSHA and Energy Commission 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 to the CPM for review and approval, proof of its agreement to fund the Safety Monitor services.

WORKER SAFETY-5 The project owner shall ensure that a portable automatic cardiac defibrillator is located on site during construction and operations and shall implement a program to ensure that the equipment is properly maintained and functioning at all times and that for each shift on-site personnel shall be trained in the American Heart Association's Heartsaver Automatic External Defibrillator (AED) Course, or equivalent, as follows:

- Construction: minimum 4 personnel per shift, including one security guard,
- Operation: minimum 2 personnel per shift, including one security guard.

Verification: At least 30 days prior to the start of site mobilization the project owner shall submit to the CPM proof that a portable automatic cardiac defibrillator exists on site and a copy of the training and maintenance program for review and approval.

WORKER SAFETY-6 The project owner shall provide proof to the CPM that the surface gradient is such that spilled diesel fuel could not migrate from the tank farm onto the power plant site or shall construct a berm on the northwest fenceline adjacent to the diesel tank farm that will be adequate to prevent spilled diesel fuel at the tank farm from entering the project site. The project owner shall also provide for a secondary access gate and road a suitable safe distance from the tank farm and include in the Emergency Action Plan measures and procedures for workers to follow if a leak, a fire, or an explosion occurs at the tank farm. The project owner shall provide the proof, design drawings, and a description of the safety measures to the CPM for review and approval.

Verification: At least 30 days prior to the start of site mobilization the project owner shall submit to the CPM for review and approval proof showing that the gradient prevents spilled diesel fuel from migrating from the tank farm to the site, or design drawings of the berm at the northwest fenceline adjacent to the tank farm, plus design drawings of a second access road or walkway with a gate, and the Emergency Action Plan that gives instructions on worker procedures if there is a spill, fire, or explosion at the tank farm.

MIDWAY PEAKING PROJECT (06-AFC-07C)
GENERAL COMPLIANCE CONDITIONS OF CERTIFICATION

The project's General Compliance Conditions of Certification, including Compliance Monitoring and Closure Plan (Compliance Plan) have been established as required by Public Resources Code section 25532. The plan provides a means for assuring that the facility is constructed, operated and closed in compliance with public health and safety, environmental and other applicable regulations, guidelines, and conditions adopted or established by the California Energy Commission and specified in the written decision on the Application for Certification or otherwise required by law.

The Compliance Plan is composed of elements that:

1. set forth the duties and responsibilities of the Compliance Project Manager (CPM), the project owner, delegate agencies, and others;
2. set forth the requirements for handling confidential records and maintaining the compliance record;
3. state procedures for settling disputes and making post-certification changes;
4. state the requirements for periodic compliance reports and other administrative procedures that are necessary to verify the compliance status for all Energy Commission approved conditions of certification;
5. establish requirements for facility closure plans; and
6. specify conditions of certification for each technical area containing the measures required to mitigate any and all potential adverse project impacts associated with construction, operation and closure to an insignificant level. Each specific condition of certification also includes a verification provision that describes the method of assuring that the condition has been satisfied.

DEFINITIONS

The following terms and definitions are used to establish when Conditions of Certification are implemented.

Pre-construction Site Mobilization

Site mobilization is limited preconstruction activities at the site to allow for the installation of construction trailers, construction trailer utilities, and construction trailer parking at the site. Limited ground disturbance, grading, and trenching associated with the above mentioned pre-construction activities is considered part of site mobilization. Fencing for the site is also considered part of site mobilization. Walking, driving or parking a passenger vehicle, pickup truck and light vehicles is allowable during site mobilization.

Construction Ground Disturbance

Construction-related ground disturbance refers to activities that result in the removal of top soil or vegetation at the site and for access roads and linear facilities.

Construction Grading, boring, and trenching

Construction-related grading, boring, and trenching refers to activities that result in subsurface soil work at the site and for access roads and linear facilities, e.g., alteration of the topographical features such as leveling, removal of hills or high spots, moving of soil from one area to another, and removal of soil.

Construction

[From section 25105 of the Warren-Alquist Act.] Onsite work to install permanent equipment or structures for any facility. Construction does **not** include the following:

1. the installation of environmental monitoring equipment;
2. a soil or geological investigation;
3. a topographical survey;
4. any other study or investigation to determine the environmental acceptability or feasibility of the use of the site for any particular facility; and
5. any work to provide access to the site for any of the purposes specified in "Construction" 1, 2, 3, or 4 above.

Start of Commercial Operation

For compliance monitoring purposes, "commercial operation" begins after the completion of start-up and commissioning, where the power plant has reached reliable steady-state production of electricity at the rated capacity. For example, at the start of commercial operation, plant control is usually transferred from the construction manager to the plant operations manager.

COMPLIANCE PROJECT MANAGER RESPONSIBILITIES

The CPM will oversee the compliance monitoring and shall be responsible for:

1. ensuring that the design, construction, operation, and closure of the project facilities are in compliance with the terms and conditions of the Energy Commission Decision;
2. resolving complaints;
3. processing post-certification changes to the conditions of certification, project description, and ownership or operational control;
4. documenting and tracking compliance filings; and
5. ensuring that the compliance files are maintained and accessible.

The CPM is the contact person for the Energy Commission and will consult with appropriate responsible agencies and the Energy Commission when handling disputes, complaints and amendments.

All project compliance submittals are submitted to the CPM for processing. Where a submittal required by a condition of certification requires CPM approval, the approval will involve all appropriate Energy Commission staff and management.

Pre-Construction and Pre-Operation Compliance Meeting

The CPM usually schedules pre-construction and pre-operation compliance meetings prior to the projected start-dates of construction, plant operation, or both. The purpose of these meetings will be to assemble both the Energy Commission's and the project owner's technical staff to review the status of all pre-construction or pre-operation requirements contained in the Energy Commission's conditions of certification to confirm that they have been met, or if they have not been met, to ensure that the proper action is taken. In addition, these meetings ensure, to the extent possible, that Energy Commission conditions will not delay the construction and operation of the plant due to oversight, and to preclude any last minute, unforeseen issues from arising. Pre-construction meetings held during the certification process must be publicly noticed unless they are confined to administrative issues and processes.

Energy Commission Record

The Energy Commission shall maintain as a public record, in either the Compliance file or Dockets file, for the life of the project (or other period as required):

1. all documents demonstrating compliance with any legal requirements relating to the construction and operation of the facility;
2. all monthly and annual compliance reports filed by the project owner;
3. all complaints of noncompliance filed with the Energy Commission; and
4. all petitions for project or condition of certification changes and the resulting staff or Energy Commission action.

PROJECT OWNER RESPONSIBILITIES

The project owner is responsible for ensuring that the compliance conditions of certification and all of the other conditions of certification that appear in the Commission Decision are satisfied. The compliance conditions regarding post-certification changes specify measures that the project owner must take when requesting changes in the project design, conditions of certification, or ownership. Failure to comply with any of the conditions of certification or the compliance conditions may result in reopening of the case and revocation of Energy Commission certification, an administrative fine, or other action as appropriate. A summary of the Compliance Conditions of Certification is included as **Compliance Table 1** at the conclusion of this section.

COMPLIANCE CONDITIONS OF CERTIFICATION

Unrestricted Access (COMPLIANCE-1)

The CPM, responsible Energy Commission staff, and delegate agencies or consultants shall be guaranteed and granted unrestricted access to the power plant site, related facilities, project-related staff, and the records maintained on site, for the purpose of conducting audits, surveys, inspections, or general site visits. Although the CPM will normally schedule site visits on dates and times agreeable to the project owner, the CPM reserves the right to make unannounced visits at any time.

Compliance Record (COMPLIANCE-2)

The project owner shall maintain project files onsite or at an alternative site approved by the CPM, for the life of the project unless a lesser period of time is specified by the conditions of certification. The files shall contain copies of all "as-built" drawings, all documents submitted as verification for conditions, and all other project-related documents.

Energy Commission staff and delegate agencies shall, upon request to the project owner, be given unrestricted access to the files.

Compliance Verification Submittals (COMPLIANCE-3)

Each condition of certification is followed by a means of verification. The verification describes the Energy Commission's procedure(s) to ensure post-certification compliance with adopted conditions. The verification procedures, unlike the conditions, may be modified as necessary by the CPM, and in most cases without full Energy Commission approval.

Verification of compliance with the conditions of certification can be accomplished by:

1. reporting on the work done and providing the pertinent documentation in monthly and/or annual compliance reports filed by the project owner or authorized agent as required by the specific conditions of certification;
2. providing appropriate letters from delegate agencies verifying compliance;
3. Energy Commission staff audits of project records; and/or
4. Energy Commission staff inspections of work or other evidence that the requirements are satisfied.

Verification lead times (e.g., 90, 60 and 30-days) associated with start of construction may require the project owner to file submittals during the certification process, particularly if construction is planned to commence shortly after certification.

A cover letter from the project owner or authorized agent is required for all compliance submittals and correspondence pertaining to compliance matters. **The cover letter subject line shall identify the involved condition(s) of certification by condition number and include a brief description of the subject of the submittal**. The project owner shall also identify those submittals **not** required by a condition of certification with a statement such as: "This submittal is for information only and is not required by a

specific condition of certification." When submitting supplementary or corrected information, the project owner shall reference the date of the previous submittal.

The project owner is responsible for the delivery and content of all verification submittals to the CPM, whether such condition was satisfied by work performed by the project owner or an agent of the project owner.

All submittals shall be addressed as follows:

Compliance Project Manager
California Energy Commission
1516 Ninth Street (MS-2000)
Sacramento, CA 95814

If the project owner desires Energy Commission staff action by a specific date, it shall so request in its submittal cover letter and include a detailed explanation of the effects on the project if this date is not met.

Pre-Construction Matrix and Tasks Prior to Start of Construction (COMPLIANCE-4)

Prior to commencing construction, a compliance matrix addressing only those conditions 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 or prior to the first pre-construction meeting, whichever comes first. It will be in the same format as the compliance matrix described below.

Construction shall not commence until the pre-construction matrix is submitted, all pre-construction conditions have been complied with, and the CPM has issued a letter to the project owner authorizing construction. Various lead times (e.g., 30, 60, 90 days) for submittal of compliance verification documents to the CPM for conditions of certification 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.

Failure to submit compliance documents within the specified lead-time may result in delays in authorization to commence various stages of project development.

If the project owner anticipates starting project construction as soon as the project is certified, it may be necessary for the project owner to file compliance submittals prior to project certification. This is important 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 the submittal of compliance documents prior to project certification is at the owner's own risk. Any approval by Energy Commission staff is subject to change based upon the Commission Decision.

Compliance Reporting

There are two different compliance reports that the project owner must submit 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. During operation, an Annual Compliance Report must be submitted. These reports, and the requirement for an accompanying compliance matrix, are described below. The majority of the conditions of certification require that compliance submittals be submitted to the CPM in the monthly or annual compliance reports.

Compliance Matrix (COMPLIANCE-5)

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

The compliance matrix must identify:

1. the technical area;
2. the condition 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 of each condition, e.g., “not started,” “in progress” or “completed” (include the date).

Satisfied conditions do not need to be included in the compliance matrix after they have been identified as satisfied in at least one monthly or annual compliance report.

Monthly Compliance Report (COMPLIANCE-6)

The first Monthly Compliance Report is due one month following the Energy Commission business meeting date upon 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 Form 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 eight copies 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 submitted as attachments to the Monthly Compliance Report;
3. an initial, and thereafter updated, compliance matrix showing the status of all conditions of certification (fully satisfied conditions do not need to be included in the matrix after they have been reported as completed);
4. a list of conditions that have been satisfied during the reporting period, and a description or reference to the actions that 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 submitted to, 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 certification;
9. a listing of the month's additions to the on-site compliance file; and
10. a listing of complaints, notices of violation, official warnings, and citations received during the month, a description of the resolution of the resolved actions, and the status of any unresolved actions.

Annual Compliance Report (COMPLIANCE-7)

After construction is complete, the project owner shall submit Annual Compliance Reports instead of Monthly Compliance Reports. The reports are for each year of commercial operation and are due to the CPM each year at a date agreed to by the CPM. Annual Compliance Reports shall be submitted over the life of the project unless otherwise specified by the CPM. Each Annual Compliance Report shall identify the reporting period and shall contain the following:

1. an updated compliance matrix showing the status of all conditions of certification (fully satisfied conditions do not need to be included in the matrix after they have been reported as completed);
2. a summary of the current project operating status and an explanation of any significant changes to facility operations during the year;
3. documents required by specific conditions to be submitted along with the Annual Compliance Report. Each of these items must be identified in the transmittal letter, and submitted as attachments to the Annual Compliance Report;
4. a cumulative listing of all post-certification changes approved by the Energy Commission or cleared by the CPM;

5. an explanation for any submittal deadlines that were missed, accompanied by an estimate of when the information will be provided;
6. a listing of filings submitted to, or permits issued by, other governmental agencies during the year;
7. a projection of project compliance activities scheduled during the next year;
8. a listing of the year's additions to the on-site compliance file;
9. an evaluation of the on-site contingency plan for unplanned facility closure, including any suggestions necessary for bringing the plan up to date [see Compliance Conditions for Facility Closure addressed later in this section]; and
10. a listing of complaints, notices of violation, official warnings, and citations received during the year, a description of the resolution of any resolved matters, and the status of any unresolved matters.

Confidential Information (COMPLIANCE-8)

Any information that the project owner deems confidential shall be submitted to the Energy Commission's Dockets Unit with an application for confidentiality pursuant to Title 20, California Code of Regulations, section 2505(a). Any information that is determined to be confidential shall be kept confidential as provided for in Title 20, California Code of Regulations, section 2501 et. seq.

Annual Energy Facility Compliance Fee (COMPLIANCE-9)

Pursuant to the provisions of Section 25806(b) of the Public Resources Code, the project owner is required to pay an annual fee of seventeen thousand six hundred seventy-six dollars ($17,676), which will be adjusted annually on July 1. The initial payment is due on the date the Energy Commission adopts the final decision. All subsequent payments are due by July 1 of each year in which the facility retains its certification. The payment instrument shall be made payable to the California Energy Commission and mailed to: Accounting Office MS-02, California Energy Commission, 1516 9th St., Sacramento, CA 95814.

Reporting of Complaints, Notices, and Citations (COMPLIANCE-10)

Prior to the start of construction, the project owner must send a letter to property owners living within one mile of the project notifying them of a telephone number to contact project representatives with questions, complaints or concerns. If the telephone is not staffed 24 hours per day, it shall include automatic answering with date and time stamp recording. All recorded complaints shall be responded to within 24 hours. The telephone number shall be posted at the project site and made easily visible to passersby during construction and operation. The telephone number shall be provided to the CPM who will post it on the Energy Commission's web page at:

http://www.energy.ca.gov/sitingcases/power_plants_contacts.html

Any changes to the telephone number shall be submitted immediately to the CPM, who will update the web page.

In addition to the monthly and annual compliance reporting requirements described above, the project owner shall report and provide copies to the CPM of all complaint forms, including noise and lighting complaints, notices of violation, notices of fines, official warnings, and citations, within 10 days of receipt. Complaints shall be logged and numbered. Noise complaints shall be recorded on the form provided in the **NOISE** conditions of certification. All other complaints shall be recorded on the complaint form (Attachment A).

FACILITY CLOSURE

At some point in the future, the project will cease operation and close down. At that time, it will be necessary to ensure that the closure occurs in such a way that public health and safety and the environment are protected from adverse impacts. Although the project setting for this project does not appear, at this time, to present any special or unusual closure problems, it is impossible to foresee what the situation will be in 30 years or more when the project ceases operation. Therefore, provisions must be made that provide the flexibility to deal with the specific situation and project setting that exist at the time of closure. Laws, Ordinances, Regulations and Standards (LORS) pertaining to facility closure are identified in the sections dealing with each technical area. Facility closure will be consistent with LORS in effect at the time of closure.

There are at least three circumstances in which a facility closure can take place: planned closure, unplanned temporary closure and unplanned permanent closure.

CLOSURE DEFINITIONS

Planned Closure

A planned closure occurs when the facility is closed in an anticipated, orderly manner, at the end of its useful economic or mechanical life, or due to gradual obsolescence.

Unplanned Temporary Closure

An unplanned temporary closure occurs when the facility is closed suddenly and/or unexpectedly, on a short-term basis, due to unforeseen circumstances such as a natural disaster or an emergency.

Unplanned Permanent Closure

An unplanned permanent closure occurs if the project owner closes the facility suddenly and/or unexpectedly, on a permanent basis. This includes unplanned closure where the owner implements the on-site contingency plan. It can also include unplanned closure where the project owner fails to implement the contingency plan, and the project is essentially abandoned.

COMPLIANCE CONDITIONS FOR FACILITY CLOSURE

Planned Closure (COMPLIANCE-11)

In order to ensure that a planned facility closure does not create adverse impacts, a closure process that provides for careful consideration of available options and applicable laws, ordinances, regulations, standards, and local/regional plans in

existence at the time of closure, will be undertaken. To ensure adequate review of a planned project closure, the project owner shall submit a proposed facility closure plan to the Energy Commission for review and approval at least 12 months (or other period of time agreed to by the CPM) prior to commencement of closure activities. The project owner shall file 120 copies (or other number of copies agreed upon by the CPM) of a proposed facility closure plan with the Energy Commission.

The plan shall:

1. identify and discuss any impacts and mitigation to address significant adverse impacts associated with proposed closure activities and to address facilities, equipment, or other project related remnants that will remain at the site;
2. identify a schedule of activities for closure of the power plant site, transmission line corridor, and all other appurtenant facilities constructed as part of the project;
3. identify any facilities or equipment intended to remain on site after closure, the reason, and any future use; and
4. address conformance of the plan with all applicable laws, ordinances, regulations, standards, and local/regional plans in existence at the time of facility closure, and applicable conditions of certification.

Prior to submittal of the proposed facility closure plan, a meeting shall be held between the project owner and the Energy Commission CPM for the purpose of discussing the specific contents of the plan.

In the event that there are significant issues associated with the proposed facility closure plan's approval, or the desires of local officials or interested parties are inconsistent with the plan, the CPM shall hold one or more workshops and/or the Energy Commission may hold public hearings as part of its approval procedure. As necessary, prior to or during the closure plan process, the project owner shall take appropriate steps to eliminate any immediate threats to public health and safety and the environment, but shall not commence any other closure activities until the Energy Commission approves the facility closure plan.

Unplanned Temporary Closure/On-Site Contingency Plan (COMPLIANCE-12)

In order to ensure that public health and safety and the environment are protected in the event of an unplanned temporary facility closure, it is essential to have an on-site contingency plan in place. The on-site contingency plan will help to ensure that all necessary steps to mitigate public health and safety impacts and environmental impacts are taken in a timely manner.

The project owner shall submit an on-site contingency plan for CPM review and approval. The plan shall be submitted no less that 60 days (or other time agreed to by the CPM) prior to commencement of commercial operation. The approved plan must be in place prior to commercial operation of the facility and shall be kept at the site at all times.

The project owner, in consultation with the CPM, will update the on-site contingency plan as necessary. The CPM may require revisions to the on-site contingency plan over

the life of the project. In the annual compliance reports submitted to the Energy Commission, the project owner will review the on-site contingency plan, and recommend changes to bring the plan up to date. Any changes to the plan must be approved by the CPM.

The on-site contingency plan shall provide for taking immediate steps to secure the facility from trespassing or encroachment. In addition, for closures of more than 90 days, unless other arrangements are agreed to by the CPM, the plan shall provide for removal of hazardous materials and hazardous wastes, draining of all chemicals from storage tanks and other equipment, and the safe shutdown of all equipment. (Also see specific conditions of certification for the technical areas of Hazardous Materials Management and Waste Management.)

In addition, consistent with requirements under unplanned permanent closure addressed below, the nature and extent of insurance coverage, and major equipment warranties must also be included in the on-site contingency plan. In addition, the status of the insurance coverage and major equipment warranties must be updated in the annual compliance reports.

In the event of an unplanned temporary closure, the project owner shall notify the CPM, as well as other responsible agencies, by telephone, fax, or e-mail, within 24 hours and shall take all necessary steps to implement the on-site contingency plan. The project owner shall keep the CPM informed of the circumstances and expected duration of the closure.

If the CPM determines that an unplanned temporary closure is likely to be permanent, or for a duration of more than 12 months, a closure plan consistent with the requirements for a planned closure shall be developed and submitted to the CPM within 90 days of the CPM's determination (or other period of time agreed to by the CPM).

Unplanned Permanent Closure/On-Site Contingency Plan (COMPLIANCE-13)

The on-site contingency plan required for unplanned temporary closure shall also cover unplanned permanent facility closure. All of the requirements specified for unplanned temporary closure shall also apply to unplanned permanent closure.

In addition, the on-site contingency plan shall address how the project owner will ensure that all required closure steps will be successfully undertaken in the event of abandonment.

In the event of an unplanned permanent closure, the project owner shall notify the CPM, as well as other responsible agencies, by telephone, fax, or e-mail, within 24 hours and shall take all necessary steps to implement the on-site contingency plan. The project owner shall keep the CPM informed of the status of all closure activities.

A closure plan, consistent with the requirements for a planned closure, shall be developed and submitted to the CPM within 90 days of the permanent closure or another period of time agreed to by the CPM.

Post Certification Changes to the Energy Commission Decision: Amendments, Ownership Changes, Insignificant Project Changes and Verification Changes (COMPLIANCE-14)

The project owner must petition the Energy Commission pursuant to Title 20, California Code of Regulations, section 1769, in order to modify the project (including linear facilities) design, operation or performance requirements, and to transfer ownership or operational control of the facility. **It is the responsibility of the project owner to contact the CPM to determine if a proposed project change should be considered a project modification pursuant to section 1769.** Implementation of a project modification without first securing Energy Commission, or Energy Commission staff approval, may result in enforcement action that could result in civil penalties in accordance with section 25534 of the Public Resources Code.

A petition is required for **amendments** and for **insignificant project changes** as specified below. For verification changes, a letter from the project owner is sufficient. In all cases, the petition or letter requesting a change should be submitted to the CPM, who will file it with the Energy Commission's Dockets Unit in accordance with Title 20, California Code of Regulations, section 1209.

The criteria that determine which type of approval and the process that applies are explained below. They reflect the provisions of Section 1769 at the time this condition was drafted. If the Commission's rules regarding amendments are amended, the rules in effect at the time an amendment is requested shall apply.

Amendment

The project owner shall petition the Energy Commission, pursuant to Title 20, California Code of Regulations, Section 1769, when proposing modifications to the project (including linear facilities) design, operation, or performance requirements. If a proposed modification results in deletion or change of a condition of certification, or makes changes that would cause the project not to comply with any applicable laws, ordinances, regulations or standards, the petition will be processed as a formal amendment to the final decision, which requires public notice and review of the Energy Commission staff analysis, and approval by the full Commission. This process takes approximately two to three months to complete, and possibly longer for complex project modifications.

Change of Ownership

Change of ownership or operational control also requires that the project owner file a petition pursuant to section 1769 (b). This process takes approximately one month to complete, and requires public notice and approval by the full Commission.

Insignificant Project Change

Modifications that do not result in deletions or changes to conditions of certification, and that are compliant with laws, ordinances, regulations and standards may be authorized by the CPM as an insignificant project change pursuant to section 1769(a) (2). This process usually takes less than one month to complete, and it requires a 14-day public

review of the Notice of Insignificant Project Change that includes staff's intention to approve the modification unless substantive objections are filed.

Verification Change

A verification may be modified by the CPM without requesting an amendment to the decision if the change does not conflict with the conditions of certification and provides an effective alternate means of verification. This process usually takes less than five working days to complete.

CBO DELEGATION AND AGENCY COOPERATION

In performing construction and operation monitoring of the project, Energy Commission staff acts as, and has the authority of, the Chief Building Official (CBO). Energy Commission staff may delegate CBO responsibility to either an independent third party contractor or the local building official. Energy Commission staff retains CBO authority when selecting a delegate CBO, including enforcing and interpreting state and local codes, and use of discretion, as necessary, in implementing the various codes and standards.

Energy Commission staff may also seek the cooperation of state, regional and local agencies that have an interest in environmental protection when conducting project monitoring.

ENFORCEMENT

The Energy Commission's legal authority to enforce the terms and conditions of its Decision is specified in Public Resources Code sections 25534 and 25900. The Energy Commission may amend or revoke the certification for any facility, and may impose a civil penalty for any significant failure to comply with the terms or conditions of the Energy Commission Decision. The specific action and amount of any fines the Energy Commission may impose would take into account the specific circumstances of the incident(s). This would include such factors as the previous compliance history, whether the cause of the incident involves willful disregard of LORS, oversight, unforeseeable events, and other factors the Energy Commission may consider.

NONCOMPLIANCE COMPLAINT PROCEDURES

Any person or agency may file a complaint alleging noncompliance with the conditions of certification. Such a complaint will be subject to review by the Energy Commission pursuant to Title 20, California Code of Regulations, section 1237, but in many instances the noncompliance can be resolved by using the informal dispute resolution process. Both the informal and formal complaint procedure, as described in current State law and regulations, are described below. They shall be followed unless superseded by future law or regulations.

The Energy Commission has established a toll free compliance telephone number of **1-800-858-0784** for the public to contact the Energy Commission about power plant construction or operation-related questions, complaints or concerns.

INFORMAL DISPUTE RESOLUTION PROCEDURE

The following procedure is designed to informally resolve disputes concerning the interpretation of compliance with the requirements of this compliance plan. The project owner, the Energy Commission, or any other party, including members of the public, may initiate this procedure for resolving a dispute. Disputes may pertain to actions or decisions made by any party, including the Energy Commission's delegate agents.

This procedure may precede the more formal complaint and investigation procedure specified in Title 20, California Code of Regulations, section 1237, but is not intended to be a substitute for, or prerequisite to it. This informal procedure may not be used to change the terms and conditions of certification as approved by the Energy Commission, although the agreed upon resolution may result in a project owner, or in some cases the Energy Commission staff, proposing an amendment.

The procedure encourages all parties involved in a dispute to discuss the matter and to reach an agreement resolving the dispute. If a dispute cannot be resolved, then the matter must be brought before the full Energy Commission for consideration via the complaint and investigation process. The procedure for informal dispute resolution is as follows:

Request for Informal Investigation

Any individual, group, or agency may request the Energy Commission to conduct an informal investigation of alleged noncompliance with the Energy Commission's terms and conditions of certification. All requests for informal investigations shall be made to the designated CPM.

Upon receipt of a request for informal investigation, the CPM shall promptly notify the project owner of the allegation by telephone and letter. All known and relevant information of the alleged noncompliance shall be provided to the project owner and to the Energy Commission staff. The CPM will evaluate the request and the information to determine if further investigation is necessary. If the CPM finds that further investigation is necessary, the project owner will be asked to promptly investigate the matter and within seven working days of the CPM's request, provide a written report to the CPM of the results of the investigation, including corrective measures proposed or undertaken. Depending on the urgency of the noncompliance matter, the CPM may conduct a site visit and/or request the project owner to provide an initial report, within 48 hours, followed by a written report filed within seven days.

Request for Informal Meeting

In the event that either the party requesting an investigation or the Energy Commission staff is not satisfied with the project owner's report, investigation of the event, or corrective measures proposed or undertaken, either party may submit a written request to the CPM for a meeting with the project owner. Such request shall be made within 14 days of the project owner's filing of its written report. Upon receipt of such a request, the CPM shall:

1. immediately schedule a meeting with the requesting party and the project owner, to be held at a mutually convenient time and place;

2. secure the attendance of appropriate Energy Commission staff and staff of any other agencies with expertise in the subject area of concern, as necessary;
3. conduct such meeting in an informal and objective manner so as to encourage the voluntary settlement of the dispute in a fair and equitable manner; and
4. after the conclusion of such a meeting, promptly prepare and distribute copies to all in attendance and to the project file, a summary memorandum that fairly and accurately identifies the positions of all parties and any conclusions reached. If an agreement has not been reached, the CPM shall inform the complainant of the formal complaint process and requirements provided under Title 20, California Code of Regulations, section 1230 et seq.

Formal Dispute Resolution Procedure-Complaints and Investigations

Any person may file a complaint with the Energy Commission's Dockets Unit alleging noncompliance with a Commission decision adopted pursuant to Public Resources Code section 25500. Requirements for complaint filings and a description of how complaints are processed are in Title 20, California Code of Regulations, section 1237.

Appendix C
Midway BESS 13.8 kV Interconnection-Only
Conditions of Certification

APPENDIX C
MIDWAY BESS 13.8 KV INTERCONNECTION PROJECT-ONLY CONDITIONS OF CERTIFICATION

Based on a review of existing CEC Conditions of Certification for the Midway Peaking Plant (MPP), this appendix presents a list of assumed Midway BESS 13.8 kV Interconnection Project-Only Conditions. It is assumed that the CEC will specify Conditions of Certification specific to the Midway BESS 13.8 kV Interconnection Project and that compliance will be tracked by the CEC against these specific Conditions.

Table C-1 presents a summary of the assumed Midway BESS 13.8 kV Interconnection Project-Only Conditions, including an itemization of MPP Conditions that are assessed to be "not applicable" to the Midway BESS 13.8 kV Interconnection Project subject to CEC review and concurrence.

Table C-1.
Summary List of Assumed
Midway BESS 13.8 kV Interconnection Project-Only Conditions of Certification

Topic	Summary of Existing CEC Conditions for MIdway Peaking Plant[1]	Applicable to Midway BESS 13.8 kV Interconnection Project (Y/NA)[2]
Air Quality	AQ-SC1: AQ Construction Mitigation Manager	Not Applicable (NA)
	AQ-SC2: AQ Construction Mitigation Plan	NA
	AQ-SC3: Construction Fugitive Dust Control	Yes (Y)
	AQ-SC4: Dust Plume Response Requirement	Y
	AQ-SC5: Diesel-Fueled Engines Control	NA
	AQ-SC6: Deleted	NA
	AQ-SC7 through AQ-SC11, and AQ-1 through AQ-86 (air permit related)	NA
Biological Resources	BIO-1: Designated Biologist Requirement	Y
	BIO-2: Designated Biologist Duties	Y
	BIO-3: Biological Monitor Qualifications	Y
	BIO-4: Designated Biologist Authority	Y
	BIO-5: Worker Environmental Awareness Program	Y
	BIO-6: Biological Resources Mitigation Implementation and Monitoring Program (BRMIMP)	Y
	BIO-7: Closure Plan Measures (deleted)	NA
	BIO-8: Incorporation of Impact Avoidance Mitigation Measures into Project Design • 1. Design, install, and maintain transmission line poles, access roads, pulling sites, and storage and parking areas to avoid identified sensitive resources. • 2. Design, install, and maintain transmission lines and all electrical components in accordance with the "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996" (APLIC 1996) to reduce the likelihood of electrocutions of large birds.	Y Y
	BIO-9: Mitigation Management to Avoid Harassment or Harm	Y
	BIO-10: Evaporation Pond Design	NA
	BIO-11: Evaporation Pond Monitoring	NA
	BIO-12: Habitat Compensation	NA
Cultural Resources	CUL-1: Designated Cultural Resource Specialist	Y
	CUL-2: Project Maps Showing Ground Disturbance	Y

Topic	Summary of Existing CEC Conditions for MIdway Peaking Plant[1]	Applicable to Midway BESS 13.8 kV Interconnection Project (Y/NA)[2]
	CUL-3: Cultural Resources Monitoring and Mitigation Plan	Y
	CUL-4: Cultural Resources Report	Y
	CUL-5: Cultural Resources Awareness Training	Y
	CUL-6: Construction Monitoring	Y
	CUL-7: Cultural Resources Specialist Authority and Duties	Y
Facility Design	GEN-1: Design Project in Accordance with CA Building Code and Applicable LORS	Y
	GEN-2: Schedule of Facility Design Submittals	Y
	GEN-3 through GEN-8	Y
	CIVIL-1 through CIVIL-4	Y
	STRUC-1 through STRUC-4	Y
	MECH-1 through MECH-3	Y
	ELEC-1	Y
Paleontological Resources	PAL-1: Designated Paleontological Resources Specialist	Y
	PAL-2: Project Maps Showing Ground Disturbance	Y
	PAL-3: Paleontological Resources Monitoring & Mitigation Plan	Y
	PAL-4: Worker Paleontological Resources Awareness Program	Y
	PAL-5: Designated Paleontological Resource Specialist Duties	Y
	PAL-5: Paleontological Resource Recovery	Y
	PAL-6: Paleontological Resource Report	Y
Hazardous Materials	HAZ-1: Hazardous Material Inventory	Y
	HAZ-2: Hazardous Material Business Plan	Y
	HAZ-3: Safety Management/Emergency Response Plan (ammonia delivery and storage)	Y
	HAZ-4: Ammonia Storage	Y
	HAZ-5: Tanker Truck Standards (Aqueous Ammonia)	Y
	HAZ-6: Hazardous Material Delivery Route (fuel)	Y
	HAZ-7: Construction Site Security Plan	Y
	HAZ-8: Operations Site Security Plan	NA
Land Use	LAND-1: Agricultural Mitigation Plan	NA
	LAND-2: Fresno County Ordinance Code Developments Standards Compliance	Y
	LAND-3: Certificate of Cancellation of Agricultural Preserve No. 367	NA

Topic	Summary of Existing CEC Conditions for MIdway Peaking Plant[1]	Applicable to Midway BESS 13.8 kV Interconnection Project (Y/NA)[2]
Noise	NOISE-1: Pre-construction Notice and Construction Noise Complaint Hotline	Y
	NOISE-2: Noise Complaint Process	Y
	NOISE-3: Employee Noise Control Program	Y
	NOISE-4: Operating Noise Limitation	NA
	NOISE-5: Residents Relocation and Operating Noise Limitation	NA
	NOISE-6: Occupational Noise Survey at $\geq$ 90% Plant Capacity	NA
	NOISE-7: Construction Time Limitations	Y
	NOISE-8: Pile Driving Management	NA
Socioeconomics	SOCIO-1: School Facility Development Fee (increased enrollment related)	NA
Traffic and Transportation	TRANS-1: West Panoche Road Damage Repair Mitigation Plan	NA
	TRANS-2: Traffic Control Plan	Y
	TRANS-3: Construction Traffic Complaint Resolution	Y
	TRANS-4: Worker Traffic Safety Program	Y
Transmission Line Safety and Nuisance	TLSN-1: Transmission Line Construction Code Compliance	Y
	TLSN-2: Radio and Television Interference Complaint Resolution	Y
	TLSN-3: Electric and Magnetic Fields Measurement	Y
	TLSN-4: Transmission Line ROW Fire Safety	Y
	TLSN-5: Transmission Line Route Metallic Object Grounding Requirement	Y
Transmission System Engineering	TSE-1 through TSE-7 (as applicable)	Y
Visual Resources	VIS-1: Structure Color and Treatment Plan	Y
	VIS-2: Construction Lighting	Y
	VIS-3: Permanent Exterior Lighting	NA
Waste Management	WASTE-1: Registered Professional Engineer/Geologist	Y
	WASTE-2: Contaminated Soil Evaluation/Reporting	Y
	WASTE-3: Hazardous Waste Generator ID	Y
	WASTE-4: Waste Related Enforcement Action Procedures	Y
	WASTE-5: -Construction Waste Management Plan -Operational Waste Management Plan	 Y NA

Topic	Summary of Existing CEC Conditions for MIdway Peaking Plant[1]	Applicable to Midway BESS 13.8 kV Interconnection Project (Y/NA)[2]
	WASTE-6: Baker Farm Pipeline Soil Sampling Plan	NA
Water Quality and Soils	SOIL&WATER-1: Construction SWPPP (project disturbance footprint is below SWPPP 1 acre threshold)	NA
	SOIL&WATER-2: Drainage, Erosion, and Sedimentation Control Plan (DESCP)	NA
	SOIL&WATER-3: Operational SWPPP	NA
	SOIL&WATER-4: Evaporation Pond Waste Discharge Requirements Compliance	NA
	SOIL&WATER-5: Reverse Osmosis Discharge Limitations	NA
	SOIL&WATER-6: Onsite Groundwater Well Operation Limitations	NA
	SOIL&WATER-7: Onsite Groundwater Well Drilling Compliance	NA
	SOIL&WATER-8: Onsite Groundwater Well Abandonment Procedures	NA
Water Resources	WATER RESOURCES-1: Water Use Sources, Limitations, and Reporting	NA
	WATER RESOURCES-2: Baker Farms Backwash Water Use Approvals	NA
	WATER RESOURCES-3: Baker Farms Backwash Water Use Requirements	NA
	WATER RESOURCES-4: Baker Farms Backwash Water Contract Termination Requirements	NA
Worker Safety	WORKER SAFETY-1: Construction Safety & Health Program/Construction Injury and Illness Prevention Program	Y
	WORKER SAFETY-2: Operation Safety & Health Program/Operations and Maintenance Safety and Health Program	Y
	WORKER SAFETY-3: Construction Site Safety Supervisor (CSS)/OSHA Compliance	Y
	WORKER SAFETY-4: Safety Monitor Funding by Applicant via CBO	Y
	WORKER SAFETY-5: Cardiac Defibrillator	Y
	WORKER SAFETY-6: Tank Farm Diesel Spills	NA

[1]Refer to Midway Peaking Project (06-AFC-10) Conditions of Certification as Amended (updated March 11, 2020) for full text of existing Conditions of Certification, including Verification requirements. A copy of these Conditions of Certification is presented in Appendix B, herein.

[2]As applicable to Midway BESS 13.8 kV Interconnection Project.