

DOCKETED

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October 21, 2014

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VIA ELECTRONIC DOCKETING

The Honorable Andrew McAllister, Presiding Member
The Honorable Karen Douglas, Associate Member
Hearing Advisor Susan Cochran
1516 Ninth Street
Sacramento, CA 95814

**Re: Huntington Beach Energy Project (12-AFC-02)
Applicant's Comments on the Revised Presiding Member's Proposed Decision**

Dear Commissioners and Hearing Advisor Cochran:

On October 9, 2014, the Siting Committee issued its Revised Presiding Member's Proposed Decision ("RPMPD") for the Huntington Beach Energy Project ("HBEP"). Shortly thereafter, the Committee issued a Notice of Availability of the RPMPD, which included notice of two closed Committee conferences and the Notice of Full Commission Hearing ("Notice of RPMPD") and required Applicant and Staff to docket comments on the RPMPD on or before October 21, 2014.¹ To that end, Applicant AES Southland Development, LLC herein provides comments on the RPMPD.

In addition, on October 17, 2014, the Committee docketed a *Proposed Commission Adoption Order* (TN# 203202). Applicant provides comments on the *Proposed Commission Adoption Order* directly below.

I. COMMENTS ON PROPOSED COMMISSION ADOPTION ORDER

As noted above, the Siting Committee docketed a *Proposed Commission Adoption Order* on

¹ On October 14, 2014, Hearing Advisor Susan Cochran docketed a memorandum clarifying that, while the Committee required Applicant and Staff to file comments on the RPMPD in advance of the first closed session Committee Conference, Applicant and Staff were not precluded from filing additional comments before the end of the comment period on October 24, 2014 at 5:00 p.m. As such, should Applicant determine additional comments are required, such comments will be filed on or before the October 24, 2014 deadline.



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October 17, 2014 (TN# 203202). While Applicant generally concurs with the language contained therein, Finding 7 does not accurately reflect the RPMPD findings related to environmental justice. Specifically, the RPMPD finds that “the minority population in the six-mile buffer is not meaningfully greater than the minority populations in the comparison geographies” and “the below-poverty-level population in the six-mile buffer is not meaningfully greater than the below-poverty-level population in the comparison geographies” and, therefore, neither constitutes an environmental justice population as defined by *Environmental Justice: Guidance Under the National Environmental Policy Act*. (RPMPD at pp. 6.3-7 and 6.3-8.) Therefore, Applicant proposes the following revision to Finding 7 in the *Proposed Commission Adoption Order*:

7. An environmental justice screening analysis found ~~that the~~ no below-poverty-line or minority populations within a six-mile buffer of the project **are not meaningfully greater than the below poverty-line or minority populations in the comparison geographies**. As such, the project will not have a disproportionate impact on below-poverty-line or minority populations.

Or, in the alternative, the Finding can be simplified to read as follows, which is based on Conclusion of Law number 4 on page 6.3-28 of the RPMPD:

7. **There is not An** environmental justice **population, based on either the presence of minority or low income populations,** ~~screening analysis found no below poverty line or minority populations within a six miles~~ **buffer** of the project **site**. As such, the project will not have a disproportionate impact on below-poverty-line or minority populations.

In addition, since there is no override required for HBEP, Order No. 10 (page 4 of the *Proposed Commission Adoption Order*) should be deleted in its entirety, as follows:

~~10. Pursuant to Public Resources Code section 25523(d)(1), the Executive Director of the Commission shall notify the appropriate agencies of the Commission’s adoption of findings pursuant to Public Resources Code section 25525.~~

The remaining item in the Order should be renumbered accordingly.



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II. RPMPD COMMENTS

Applicant's comments on the RPMPD as set forth herein are organized in the same order as the topics are addressed in the RPMPD. Where Applicant has no comments to a particular section, such section is not identified herein.

A. ENGINEERING ASSESSMENT

1. Transmission Line Safety and Nuisance

There is a typographical error on page 3.5-4, which reads: "The connector line for power block 1 would be approximately 0.22 miles, while the one for power block 2 would be 0.16 miles. Each line would be designed as a combination of single-and/ or double-circle line to be supported on self-supporting steel structures." The term "double-circle" should be changed to "double-circuit."

In addition, as noted in Applicant's Initial Comments, Applicant proposed revisions to TLSN-1. Staff concurred with these revisions during the September 17, 2014 PMPD Conference. (*See* Applicant's Revisions to PMPD Appendix A at p. APP-23 (TN# 203068).) Such changes are reflected in the Committee's September 25, 2014 Draft Interim Errata (TN# 203103) but not all of the changes are reflected accurately in the RPMPD. TLSN-1 should read:

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

VERIFICATION: At least 30 days prior to start of construction of the **generator tie 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.



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B. PUBLIC HEALTH AND SAFETY

1. Greenhouse Gas

In response to Intervenor Rudman's GHG PMPD comments, the RPMPD clearly delineates the methodology used to assess HBEP's GHG impacts (RPMPD pp. 4.1-2 - 4.1-8) and how HBEP's GHG impacts conform to the applicable methodology. (RPMPD pp. 4.1-10 - 4.1-16).

2. Air Quality

The Committee received public comments regarding the PMPD's treatment of construction emission impacts, secondary ammonia impacts, Best Available Control Technology ("BACT") assessment for CO, VOC, and PM10, and South Coast Air Quality Management District's ("SCAQMD") Rule 1305 compliance and Rule 1325 applicability. Applicant notes that the RPMPD addresses construction emission impacts on pages 4.2-10 through 4.2-14. Likewise, the RPMPD addresses secondary ammonia impacts on pages 4.2-18 to 4.2-19. The RPMPD identifies SCAQMD's jurisdiction to determine what constitutes BACT on page 4.2-2 and summarizes the emission control levels that SCAQMD determined to be BACT under the heading "Emission Controls" on page 4.2-15. Furthermore, the RPMPD summarizes the SCAQMD's Rule 1325 applicability determination for HBEP on page 4.2-17.

Helping Hand Tools comments allege that the Applicant's Redondo Beach Generating Station is a high priority violator ("HPV") of the Clean Air Act for the last 12 calendar quarters. This allegation appears to be based on an Environmental Protection Agency ("EPA") website report for the Redondo Beach Generating Station.² The EPA website referred to in this comment is cryptic and it is not clear exactly what the information listed there is intended to represent; however, a review of this website's Compliance Summary Data shows a Description for the HPV as "Violation Addressed." The webpage's Detailed Facility Report Data Dictionary³ defines "Description" as "[t]he text description for the event that resulted in the permit or site being in Significant Non-compliance (SNC), High Priority Violation (HPV), or designated as a Serious Violator." Thus, as noted, the violation has been addressed and there is no ongoing violation. The SCAQMD's Facility Information Detail website confirms this conclusion. As of October 20, 2014, no unresolved Notices of Violation or Notices of Compliance have been

² <http://echo.epa.gov/detailed-facility-report?fid=110014322170#pane3110014322170>.

³ Available at <http://echo.epa.gov/help/reports/dfr-data-dictionary#comphistory>.



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issued to the Redondo Beach Generating Station.⁴ SCAQMD does not note any existing violations that have not been resolved, and Helping Hand Tools' comment letter does not cite any such violations. Based on the foregoing, Applicant believes that this comment has been addressed.

C. Environmental Assessment

1. Biological Resources

Regarding Biological Resources, the RPMPD correctly concludes that light-footed clapper rail has not been documented breeding in the Brookhurst Marsh. (RPMPD at p. 5-1-19 and p. 5.1-22 - 5.1-23.) The RPMPD also correctly concludes that it is speculative that the restoration activities in the Magnolia Marsh will, in the long-term, support nesting habitats of bird species of special concern. (*Id.*) However, Biological Resources Table 2 (Special Status Species Known to Occur or Potentially Occurring in the HBEP Area and the Regional Vicinity) on page 5.2-10 still reads as set forth in the PMPD, incorrectly noting that the light-footed clapper rail nests at the nearby Brookhurst Marsh, it is expected to forage in the Magnolia Marsh, and when restoration of the Magnolia Marsh is complete in a few years, the Magnolia Marsh is expected to provide suitable breeding habitat. This language, and the conclusion of a "high" potential for occurrence in the project-impact area, should be revised to reflect the RPMPD conclusions that light-footed clapper rail has not been documented breeding in the Brookhurst Marsh and that it is speculative that restoration activities in the Magnolia Marsh will, in the long-term, support nesting habitats of bird species of special concern.

While the Applicant has presented several studies documenting the variation of restoration success in providing light-footed clapper rail habitat, Applicant did not present a definitive conclusion that restoration activities would not result in creating suitable nesting habitat. Accordingly, Applicant requests the following minor revision on page 5.1-19 of the RPMPD:

“Applicant contends that the current restoration of the nearby marshes ~~will~~may not be of the type necessary to support nesting habitat for the light-footed clapper rail.”

In addition, Applicant has two additional minor revisions to Items 8 and 12 in Condition of Certification BIO-6, as follows:

⁴ http://www3.aqmd.gov/webappl/fim/prog/novnc.aspx?fac_id=115536.



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BIO-6

8. Aerial photographs, at an approved scale, of all areas to be disturbed during project construction activities prior to any site or related facilities mobilization disturbance, for comparison with aerial photographs at the same scale to be provided ~~and~~ subsequent to completion of project construction (see Verification).

12. A discussion of biological resources-related facility closure ~~measures including a description of funding mechanism(s);~~

2. Cultural Resources

Applicant concurs with the RPMPD's conclusions on pages 5.3- 8 and 5.3-9 and generally is amenable to the revised CUL-6 proposed in the RPMPD. Applicant has one minor proposed change to CUL-6, to remove the redundant and superfluous cover page requirements. Applicant's specific proposed revisions to CUL-6 are as follows:

CUL-6 (RPMPD page APP-119)

- o Plan for the next work day.
- ~~o A cover sheet shall be submitted with each day's monitoring logs, and shall at a minimum include the following:~~
- ~~o Count and list of first and last names of all CRMs and of all NAMs for that day.~~
- ~~o General description (in paragraph form) of that day's overall monitoring efforts, including monitor names and locations.~~
- ~~o Any reasons for halting work that day.~~
- ~~o Count and list of all artifacts found that day: include artifact #, location (i.e., grading in Unit X), measurements, UTMs, and very brief description (i.e., historic ear, granitic biface, quartzite flake).~~



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~~o Whether any artifacts were found out of context (i.e., in fill, caisson drilling, flood debris, spoils pile).~~

If requested by the CPM, copies of the daily monitoring logs ~~and cover sheets~~ shall be provided by email from the CRS to the CPM, as follows:

Moreover, Items 4 and 5 within CUL-6 were deleted so the numeration of the remaining paragraphs on RPMPD page APP-122 should be corrected to reflect the deletions of these items.

In addition to the above-requested changes, Applicant noted that several Conditions of Certification for Cultural Resources are missing the term “VERIFICATION” from the Condition. Specifically, the term “VERIFICATION” should be added as follows:

- CUL-2 at RPMPD page APP-109: The term “VERIFICATION” should be added prior to Item 1.
- CUL-3 at RPMPD page APP-112: The term “VERIFICATION” should be added after Item 11 and before item number 12. Item number 12 would then need to be renumbered starting at item number 1 under the VERIFICATION.
- CUL-7 at RPMPD page APP-124: The term “VERIFICATION” should be added after Item 5 before item number 6. Item number 6 would, therefore, need to be renumbered starting at item number 1 under the VERIFICATION.
- CUL-8 at RPMPD page APP-125: The term “VERIFICATION” should be added before Item 1.

2. Geological and Paleontological Resources

Applicant noted two minor items that require corrections with regard to Geological and Paleontological Resources Conditions of Certification. The first involves Condition of Certification PAL-2, where duplicate language was correctly deleted in Committee’s Interim Draft Errata Final (TN# 203103 at p. 15), but such duplicative language was reinserted in the RPMPD version of the same Condition (see RPMPD Appendix A at p. APP-130). Specifically,



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in the first sentence of the first paragraph of the verification of PAL-2, the phrase “At least 30 days prior to ground disturbance,” appears twice. One of the phrases should be deleted.

In addition, the word “VERIFICATION” is missing from Condition of Certification PAL-4 and needs to be inserted prior to item number 1 on RPMPD page APP-132.

C. LOCAL IMPACT ASSESSMENT

1. Land Use

As discussed at the PMPD conference, Applicant and Staff agreed to a revision to the verification for LAND-1. (See Applicant’s Revisions to PMPD Appendix A at p. APP-129 (TN# 203068).) The changes to the verification as reflected in the RPMPD are correct; however, there appears to be a typographical error in the core language of the Condition (see below). LAND-1 should read:

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

2. Noise and Vibration

Applicant has minor clarifications regarding the text of the Noise discussion in the RPMPD, as set forth below.

On page 6.4-4, Applicant requests the following minor revision: “It is generally accepted **by CEC staff** that a potential for a significant noise impact exists where the noise of the project plus the background exceeds the background by more than 5 dBA at the nearest sensitive receptor.”

On page 6.4-11, Applicant requests the following minor revision: “~~This would~~ **Power plant noise may** be more noticeable at nighttime when background noises are reduced.”

On pages 6.4-13 and 6.4-14, the RPMPD incorrectly summarizes the threshold of significance for noise (which is discussed on the bottom of page 6.4-4 of the PMPD). Thus, Applicant



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proposes the following revision to the paragraph that begins on the bottom of RPMPD page 6.4-13 and continues on page 6.4-14, as follows:

Condition of Certification **NOISE-4** limits nighttime operational noise levels resulting from HBEP alone to 61 dBA at M2, 45 dBA at M3, and 49 dBA at M4. The Final Subsequent Environmental Impact Report for Poseidon predicts the noise levels from its operational activities to be 49 dBA near M2, 41 dBA near M3, and 43 dBA near M4. Combining 61 dBA and 49 dBA at M2 results in 61 dBA, which does not change the existing ambient level. Combining 45 dBA and 41 dBA at M3 results in 46 dBA, which is 5 dBA above the existing ambient level. Combining 49 dBA and 43 dBA at M4 results in 50 dBA, which is 4 dBA above the existing ambient level. None of these increases exceed ~~to~~the 5 dBA threshold of **potential** significance.

In addition, in the first Finding of Fact on page 6.4-14 of the RPMPD, Applicant requests the replacement of the subjective term “noticeably,” which could imply that the project must be inaudible, with the word “significantly,” as follows: “1. Construction and operation of the HBEP will not create noise levels **significantly** ~~noticeably~~-above existing ambient levels in the surrounding project area.”

The RPMPD includes additional discussion of the local LORS governing deviation from the City of Huntington Beach’s construction noise restrictions. The text of the RPMPD summarizes the local LORS, but Condition of Certification NOISE-6 does not accurately reflect the requirements contained in the applicable local LORS. Consistent with Huntington Beach Municipal Code section 8.40.130, Applicant requests the following modification to the verification for NOISE-6:

VERIFICATION:

The request submitted to the CPM shall specify At the same time, the project owner shall notify the ~~residents and~~**affected** property owners within ~~one-half mile~~ **300 feet** of the project site **proposed noise source** of the request....

The project owner shall not perform any heavy equipment operation or noisy construction activities outside of the timeframes set forth above until the CPM has granted the request



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for exemption. If the exemption is granted, the project owner shall notify the ~~residents and~~**affected** property owners within ~~one-half mile~~ **300 feet** of the ~~project site~~**proposed noise source** of the approval of the request. The project owner shall provide copies to the CPM of all transmittal letters to **affected** property owners ~~and residents~~.

3. Visual Resources

Applicant agrees with the additional changes to the Visual Resources Conditions of Certification set forth in the RPMPD. Applicant maintains that the Project will not have a significant or potentially significant impact on views from KOP-4 and KOP-5. However, Applicant is willing to implement the Visual Resources Conditions of Certification as set forth in the RPMPD with a few additional minor revisions. Specifically, as proposed, the Conditions prohibit the project owner from ordering or otherwise committing to various items. Just as the risk of permitting for a project such as HBEP is borne by the Applicant, including the ordering of turbines and other project related equipment prior to receipt of the CEC license, any risk related to the ordering of visual-related items shall also be borne by the project owner post-licensing. Thus, Applicant has deleted all such prohibitions from the Visual Resources Conditions of Certification as set forth below.

VIS-1:

- RPMPD page APP-153: Delete the first sentence so the timing matches the timing set forth in the Verification, as follows:

~~Prior to submitting the master drawings and master specifications list for the project to the Chief Building Official (CBO) and the Compliance Project Manager (CPM),~~ **T**he project owner shall prepare and submit a Visual Screening and Enhancement Plan for Project Structures (Plan) that includes methods and materials to visually screen and treat surfaces of publicly visible power plant structures. (Condition of Certification GEN-2 in the Facility Design section of the Commission Decision addresses requirements pertaining to the master drawings and master specifications list.)

- RPMPD page APP-155: Revise first sentence (second line) as follows:



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“Prior to **construction of visual enhancement and screening elements** ~~submitting instructions and orders for architectural screening materials, prefabricated project structures, and paints and other surface treatments to manufacturers or vendors of project structures,~~ the project owner shall submit...

- The Verification for VIS-1 also requires modification. As written, the Verification requires full implementation of the visual screening and enhancement plan, including the visual enhancements recommended by the City, within 90 days of completing demolition of Units 1 and 2. This timeframe is impossible. Full implementation cannot be completed until after construction is complete. Applicant therefore requests the following revision to RPMPD page APP-157 as follows:

...the requirements set forth in the Visual Screening and Enhancement Plan for Project Structures and 2) a schedule for completing the remaining Plan requirements during the construction timeline. These steps shall be repeated for commercial operation of Power Block 2.

The project owner shall schedule periodic site visits with the CPM to view progress on implementing the Plan. At a minimum, site visits shall be scheduled within 30 calendar days of commercial operation of Power Block 1 and again within 30 calendar days of commercial operation of Power Block 2. ~~The Plan shall be fully implemented within 90 calendar days of completing demolition of the Huntington Beach Generating Station Units 1 and 2.~~ The project owner shall verify in writing when the Plan is fully implemented and the facility is ready for inspection. The project owner shall obtain written confirmation from the CPM that the project complies with the Visual Screening and Enhancement Plan for Project Structures.

VIS-2:

- RPMPD page APP-158: Revise as follows:

The Perimeter Screening and On-site Landscape and Irrigation Plan shall include construction of an 8-foot-tall decorative masonry wall to extend along the site boundary adjacent to the Huntington Beach Wetlands & Wildlife Care Center and



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parking lot and along Magnolia Marsh (i.e., the southwest-west and southeast-east boundaries). All existing **exterior** site perimeter chain-link fencing shall be replaced with an 8-foot-tall decorative masonry wall.

~~The project owner shall not purchase or order plants, landscape and irrigation supplies and materials, or construction materials for the masonry wall until written approval of the final Plan is received from the CPM. Modifications to the final Plan shall not occur without the CPM's approval.~~

The Perimeter Screening and On-site Landscape and Irrigation Plan shall meet the following minimum requirements:

- For the reasons discussed above, it is not possible to complete implementation of the landscape and irrigation plan within 90 days of demolition. Applicant therefore requests RPMPD page APP-161: Revise the second full paragraph as follows:

The project owner shall schedule periodic site visits with the CPM to view progress on implementing the Plan. At a minimum, site visits shall be scheduled within 30 calendar days of commercial operation of Power Block 1 and again within 30 calendar days of commercial operation of Power Block 2. ~~The Plan shall be fully implemented within 90 calendar days of completing demolition of the Huntington Beach Generating Station Units 1 and 2.~~ The project owner shall verify in writing when the Plan is fully implemented and the facility is ready for inspection. The project owner shall obtain written confirmation from the CPM that the project complies with the Perimeter Screening and On-Site Landscape and Irrigation Plan.

- RPMPD page APP-163: Currently only the first half of the last paragraph before the Verification has been deleted. For the reasons set forth above, the following additional portion of the last paragraph should also be deleted, as follows:

~~... The project owner shall not purchase or order any materials for site perimeter screening fencing until written approval of the final Construction Screening,~~



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~~Landscape Protection, and Site Restoration Plan is received from the CPM.~~
Modifications to the Construction Screening, Landscape Protection, and Site Restoration Plan are prohibited shall not occur without the CPM's approval.

VIS-5:

- RPMPD page APP-166: Revise as follows:

~~The project owner shall not purchase or order any lighting fixtures or apparatus until written approval of the final plan is received from the Compliance Project Manager (CPM).~~ Modifications to the final Lighting Management Plan shall not occur without the CPM's approval.

- RPMPD page APP-168: The timing in the Verification of VIS-5 needs to be revised to match the Condition, which requires that the project owner shall prepare and implement a comprehensive Lighting Management Plan for the HBEP prior to commercial operation of the HBEP Power Block 1.

VERIFICATION: At least 60 calendar days before **commercial operation of Power Block 1** ~~ordering any permanent lighting equipment for Power Block 1 and related facilities and structures,~~ the project owner shall submit a comprehensive Lighting Management Plan to the CPM for review and approval. . . .

VIS-6:

- RPMPD page APP-169: Revise as follows:

~~The project owner shall not purchase or order any permanent lighting for Power Block 2 or new buildings (including administrative or maintenance buildings or warehouses) until written approval of the final plan is received from the CPM.~~ Modifications to the Lighting Management Plan are prohibited without the CPM's approval. Installation of lighting must be completed by the start of commercial operation of Power Block 2.



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- RPMPD page APP-169: The timing in the Verification of VIS-6 needs to be revised to match the Condition, which requires that the project owner shall review the approved Lighting Management Plan for the HBEP and provide a letter report prior to commercial operation of the HBEP Power Block 2.

VERIFICATION: At least 60 calendar days before **commercial operation of Power Block 2** ~~ordering any permanent lighting for Power Block 2 and other buildings and structures~~, the project owner shall submit the Lighting Management Plan review and letter report to the CPM for review and approval....

Finally, the third paragraph on RPMPD page 6.5-2 is incorrect and should be revised as follows:

The ~~proposed project would use the~~ existing lighting of the HBGS structures, including ~~ing~~ exterior lighting on the stack platforms, scaffolding on the power block exteriors, and exterior staircases. The tops of the existing exhaust stacks are lit with red aircraft safety warning beacons. (Ex. 2000, p. 4.12-5.)

D. COMPLIANCE AND CLOSURE

In addition, as noted in Applicant's Initial Comments, Applicant proposed revisions to COM-13. Staff concurred with these revisions during the September 17, 2014 PMPD Conference. (*See Applicant's Revisions to PMPD Appendix A at p. APP-23 (TN# 203068).*) Such changes are reflected in the Committee's September 25, 2014 Draft Interim Errata (TN# 203103) but are not accurately reflected in the RPMPD. COM-13 should reflect the following deletion:

- COM-13 (RPMPD at page APP-181):

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



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E. DEFINITIONS

Applicant noted that the RPMPD added definitions to Appendix A as such relate to certain activities described within the Conditions of Certification. In order to maintain consistency with past Commission practices, and to ensure the definitions are consistent with terminology used throughout the Conditions of Certification and accompanying verification language, Applicant requests that certain definitions be revised. In particular, the terms “Site Mobilization” and “Construction” are defined as one term in DEF-1. However, these terms are used independently throughout the Conditions of Certification and do not concern the same activities. Accordingly, these terms should be defined separately to reflect the distinct activities associated with each. Applicant suggests using the following definitions for “site mobilization” and “construction” in DEF-1, Item 3:

SITE MOBILIZATION

Site mobilization is limited to preconstruction, site preparation and remediation activities to allow for the installation of fencing, construction trailers, construction trailer utilities, and construction trailer parking at the site. Limited ground disturbance, grading, testing, environmental remediation and trenching associated with the above mentioned pre-construction activities is considered part of site mobilization. Walking, driving or parking a passenger vehicle, pickup truck and/or light vehicles is allowable during site mobilization.

CONSTRUCTION

Onsite work to install permanent equipment or structures for any facility.

Applicant also requests changing the definition of measurement to use the project fence line and not project boundary. The project boundary will include public facilities outside of the project fence line, such as sidewalks and landscaped buffer. Accordingly, Applicant requests the following modification to the definition of “measurement” in DEF-1:

8. MEASUREMENT

Whenever distance is used in these Conditions of Certification, it shall be measured from the **fence line**~~project boundary~~.



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IV. CONCLUSION

Applicant appreciates the Committee's diligence in preparing a comprehensive RPMPD and looks forward to participating in the full Commission's hearing, and possible approval of HBEP, on October 29, 2014.

Respectfully submitted,

A handwritten signature in blue ink that reads "Melissa A. Foster". The signature is written in a cursive, flowing style.

Melissa A. Foster
MAF:jmw