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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA
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IN THE MATTER OF THE

CARLSBAD ENERGY CENTER AMENDMENTS

Docket No. 07-AFC-06C

ERRATA TO THE PRESIDING MEMBER'S PROPOSED DECISION

After reviewing the comments submitted by the parties and members of the public, we incorporate the following changes[1] into the June 9, 2015, Presiding Member's Proposed Decision (PMPD) for the Carlsbad Energy Center Amendments:

INTRODUCTION

1. On page 1-6, revise the third full paragraph as follows:

   Throughout the licensing process, members of the Committee, and ultimately the Energy Commission, serve as fact-finders and decision-makers. ~~Other parties~~**Parties**, including the Applicant, Commission staff, and ~~formal~~ intervenors, function independently with equal legal status. An "ex parte" rule prohibits parties in the case, or other persons with an interest in the case, from communicating on any issued in the proceeding with the decision-makers, their staffs, or assigned Hearing Officer unless these communications are made on the public record. The Office of the Public Adviser is available to assist the public in participating in all aspects of the certification proceeding.

2. On page 1-7, revise the first partial paragraph as follows:

   . . . proceedings, the Energy Commission acts as lead state agency under CEQA. The Energy Commission's regulatory process, including the evidentiary record and associated analyses, is functionally equivalent to the preparation of an Environmental Impact Report (EIR). As a practical matter, the Commission utilizes ~~many of~~ the substantive concepts from CEQA, including baseline, cumulative impacts, and tiering/streamlining of environmental review for projects previously approved by the Energy Commission.

[1] Where text is revised, additions are shown in **bold underline** and deletions are shown in ~~strikeout~~. Revisions that were shown in the June 9, 2015 PMPD in this manner were "accepted" and their markings removed prior to the application of these Errata markings.

3. On page 1-10, revise the second full paragraph as follows:

Evidentiary hearings were conducted on the amendment petitions on April 1 and April 2, 2015, at the Hilton Carlsbad Oceanfront Resort. **The Committee filed its PMPD on June 9, 2015, subject to a 30-day comment period. The Committee conducted a Committee Conference on the PMPD on June 29, 2015. The comment period closed on July 9, 2015.**

On July 15, 2015, the Committee filed a PMPD Errata containing corrections to the PMPD and responses to significant comments on the PMPD. At its July 30, 2015, Business Meeting, the full Energy Commission considered the PMPD and Errata and [describe the action they took].

PROJECT DESCRIPTION

4. On page 2-9, revise the Benefits subsection as follows:

1. Benefits

The changes in project location outlined above help further the goal of the City of Carlsbad to free up portions of the EPS site west of the railroad for redevelopment to non-power plant uses.[2] **While the CECP project could also result in the redevelopment of the western portion of the EPS site, it lacks a power purchase agreement or other contractual commitment to purchase its output and is unlikely to be constructed in the near future. Even if its construction were to begin today, the CECP is required only to plan for and obtain permits for the removal of the EPS facilities after they are no longer required for system reliability.[3] The actual removal of the facilities is not required until a "viable City approved redevelopment plan" is in place. Removal could be delayed for years until that plan is approved and a future developer obtains financing for its project.**

The ACECP, in contrast, has a power purchase tolling agreement. By agreement with the City of Carlsbad, it has committed to remove the EPS facilities following the start of commercial operation of ACECP.[4] Approving the ACECP is therefore likely to effect an earlier removal of the EPS facilities than would the speculative construction of the CECP.

The ACECP also reduces the total amount of water used by the power plant, and specifically eliminates the use of ocean water.[5]

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[2] Ex. 2000, p. 3-7.

[3] **Ex. 3002, pp. 8.1-25, 8.1-37 – 8.1-39, Conditions LAND-2 and LAND-3.**

[4] **Ex. 2000, pp. 3-9 – 3-10.**

[5] Ex. 2000, pp. 4.10-52, 4.10-56.

The changes to the zoning and other land use regulations by the City of Carlsbad also eliminate almost all but one of the inconsistencies between the proposed amended project and those LORS. The remaining inconsistency is with the Agua Hedionda Land Use Plan's 35-foot height limitation.**[6]**

~~The amended project would improve the overall thermal efficiency of the power plant due to the higher efficiency of the six new General Electric LMS100 gas turbines compared to the existing EPS boilers and gas turbine. This, along with an improved emission control system for the new gas turbines, leads to a reduction in emissions of most pollutants emitted per unit of electricity produced. The ACECP also features peaking capabilities that allow increased use of renewable resources.~~[7]

The ACECP would result in beneficial visual impacts at several public view locations due to the removal of the existing EPS during Phase IV of the construction schedule.[8]

5. On page 2-10, revise Footnote 25 as follows:

Ex. 501. **We also note that, as of July 15, 2015, several applications for rehearing were pending in the CPUC proceeding. See TNs 205300 – 205305 (rejected Exhibits 6020 - 6025).**

6. On page 2-10, revise Finding and Conclusion 1 as follows:

1. The change in the project will be beneficial to the public, Applicant, and intervenor by providing better consistency between the project and local land use regulations; **by reducing water use;** by removing the existing EPS power plant and thus improving visual aesthetics in the area; by additional local generating capacity, construction and operations employment, tax revenues and reduced environmental impacts compared to the approved project; and

ALTERNATIVES

7. On page 3-10, revise third and fourth full paragraphs as follows:

While the CECP would modernize the generating fleet and provide faster starting for responding to peak demands, it takes significantly longer to come up to full load than the ACECP's equipment. SDG&E's decision to award a PPTA to the ACECP confirms the utility's view that ACECP's more flexible simple-cycle units

[6] **The City's land use amendments do not eliminate the land use inconsistencies that were found for the CECP. The City amendments specifically describe the project described in the settlement agreement between the City, project owner, and SDG&E (in other words, the ACECP) as the only allowed power plant use on the site. Ex. 105, p. 10.**

[7] Ex. 2000, pp. 4.1-48 – 4.1-59.

[8] Ex. 2000, p. 4.13-35.

are more suited to the intended use of the facility than the combined-cycle units of the CECP. ~~The~~**In addition, the** CECP has a taller visual profile **(and impact) and uses twice as much water compared to** ~~than~~ the ACECP.

The CECP is required to plan for the eventual redevelopment of the EPS site west of the rail corridor, but completion of that task is left to market forces to produce the necessary resources; the ACECP includes decommissioning and demolition as part of the project**, making coastal land available for non-industrial uses**. Finally, the CECP remains inconsistent with the City's land use LORS, which were amended specifically to allow the facility described in the agreement between the project owner, SDG&E and the City (ACECP), but not other power plants such as the CECP.[retain footnote 24]

8. On page 3-12, add the following paragraph after the first paragraph:

Given its age and obsolete technology, it is unlikely that the EPS facilities would be modernized to meet the state mandate to reduce impacts or eliminate marine water use for cooling. The no project alternative might require EPS to operate substantially longer, until local reliability is assured by an as yet unspecified solution that allows the aging facility to retire. Even if the facilities were modified to comply with the state mandate to eliminate OTC, it would only meet that one project objective.

9. On page 3-12, revise Finding 2 as follows:

2. The evidentiary record contains ~~an adequate review of~~ **a reasonable range of** alternative sites, technologies, conservation and demand-side management, and the "no project" alternatives.

10. On page 3-13, revise Finding 9 as follows:

9. The "no project" alternative of retaining the EPS, would not **comply with state policy regarding OTC, and would provide inferior electrical system reliability and** ~~provide electrical system benefits, including~~ support for the integration of renewable energy.

11. On page 3-13, revise Findings 10 and 11 as follows:

10. **While the**~~The~~ no project alternative of constructing the licensed CECP would be more efficient than the ACECP when ~~it~~ **the combined-cycle facility** is fully warmed up **and run at a steady state, it would not result in a reduction of the project GHG emissions compared to ACECP because ACECP would displace more energy from very high emitting peaking resources. and provide greater flexibility necessary to integrate larger amounts of energy from intermittent renewable resources into the electricity system**~~, releasing fewer emissions per unit of generation~~. It **also** fails~~, however~~ to achieve the

objectives of obtaining a PPA and reducing inconsistencies with the City of Carlsbad's land use LORS. It may also delay the removal of the EPS facility and it has a more prominent visual profile than the ACECP.

11. **There is no feasible[9] alternative to the project that is environmentally superior.** A combination of Preferred Resources (renewable generation, DG, demand response, and storage) managed together to provide a stable, controllable output **would be**~~is the~~ environmentally **preferable were it currently feasible**~~superior alternative~~. While **many of** the technical elements necessary to create this hybrid approach are available today, the regulatory mechanisms and market incentives necessary for its development and implementation are not in place. At some future time, it may be possible to use such a combination of technologies, in lieu of gas-fired generation, for meeting reliability requirements.

COMPLIANCE AND CLOSURE

12. On page 4-2, revise Footnote 8 as follows:

~~Cf~~**E.g**., Ivanpah Solar Electric Generating System, 07-AFC-05. **The bonding requirement is imposed by the U.S. Bureau of Land Management, described in the October 2010 Record of Decision for the Ivanpah Solar Electric Generating System Project and Associated Amendment to the California Desert Conservation Area Plan (http://www.blm.gov/style/medialib/blm/ca/pdf/needles/lands_solar.Par.68027.File.dat/FinalRODIvanpahSolarProject.pdf) at pages 17 and 29.**

GREENHOUSE GAS EMISSIONS

13. On page 6.1-2, revise the second full paragraph as follows:

The proposed amendments to the CECP present new information and changed circumstances requiring us to determine whether we must supplement or modify our previous GHG analysis. The ACECP would change technologies from combined-cycle to simple-cycle turbine generators; those faster starting machines are better suited to support the integration of renewables into the system, because they are designed to start and ramp up quickly to meet peak demand for relatively short periods of time, when renewable energy resources are providing less generation. The change in turbines brings with it different efficiencies and operating profiles, as well as revised construction and operation GHG emissions. Additionally, the ACECP proposes the decommissioning and demolition of the less efficient, higher-GHG emitting EPS units 4 and 5, **and the**

[9] "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. CEQA Guidelines, Cal. Code Regs., tit. 14, § 15364.

demolition of the entire EPS, (such demolition resulting in a new **one-time** source of GHG emissions).[retain footnote 4]

14. On page 6.1-8, revise the first partial paragraph as follows:

. . . compare like to like, i.e., combined-cycle to combined cycle; simple-cycle to simple-cycle. The CECP is a fast-start combined cycle that ~~would~~ **could** function as both a baseload and peaker plant **and would have been called upon to operate more frequently than ACECP due to a higher position in the dispatch queue**; the ACECP is a peaker only**, albeit one that is more efficient and flexible than older simple-cycle technologies**. [retain footnote 24]

15. On page 6.1-8, revise the last partial paragraph as follows:

The evidence shows that the GHG emission increases from construction activities would not be significant for several reasons. First, we have imposed Condition of Certification **WASTE-5**, which requires construction/demolition wastes be recycled during the ACECP construction and during the EPS demolition. Second, the ~~intermittent~~ **temporary construction** emissions ~~during the construction emissions~~ occur only for a limited period of the **construction** phase**,** not during the entire life of the project. Additionally, control measures, such as limiting idling times and requiring, as appropriate, equipment that meets the latest criteria pollutant emissions standards, would further minimize GHG emissions to the extent feasible. The use of newer equipment will increase efficiency and reduce GHG emissions and be compatible with low-carbon fuel (e.g., bio-diesel and ethanol) . . .

16. On page 6.1-10, revise the first and second paragraphs as follows:

The GHG emissions totals noted above in **Greenhouse Gas Table 2** are maximum permitted values, assuming a capacity factor of 30.8 percent. However, the Staff's testimony indicates that the ACECP is**, based on the historical capacity factors for San Diego area simple-cycle power plants, more likely to** ~~projected to~~ operate at a **much lower capacity factor, perhaps at a** 6 percent capacity factor, or approximately 500 hours per year.[10] Consequently, it is not foreseeable that the ACECP will actually emit more GHGs than the CECP.

Even if the ACECP were to operate at its maximum permitted capacity of 30.8 percent, it would have the potential to emit a negligible increase in GHG emissions as opposed to the CECP (846,896 v. 846,076 $MTCO_2E$, a 0.1 percent increase). This is a very small increase compared with the permitted facility, and is not significant. **Moreover, staff's testimony on the comparison between the**

[10] Ex. 2000, p. AQ1-28.

licensed CECP and ACECP is that even if the ACECP were to operate at its maximum permitted levels and emit very slightly higher emissions than CECP, ACECP would

- **Displace generation and thus GHG emissions from far higher-emitting peaking resources than the combined-cycle facilities that would frequently be displaced by the CECP.[11]**
- **Due to its greater flexibility allow for the integration of more energy-compared to CECP-from intermittent renewable resources (e.g.,t solar and wind energy), energy that would in turn displace energy currently provided by gas-fired generation.[12]**

Thus. the relative efficiency of the ACECP compared to existing peaking generation in the San Diego region and its greater flexibility compared to a combined-cycle more than compensates for its lower generating efficiency. resulting in lower overall GHG emissions from the grid.

17. On page 6.1-11, revise Footnote 30 as follows:

Over time, the development of demand-side and storage technologies that can cost-effectively substitute for dispatchable generation as providers of regulation, load-following, and multi-hour ramping services may obviate the need for gas-fired generation, but this is not expected to occur soon enough to eliminate the need for gas-fired generation to replace a share of the capacity retired at SONGS**, and by the retirement of aging OTC facilities such as EPS**. (Ex. 2000, p. AQ1-12.)

18. On page 6.1-13, remove the note references (“a” and “b”) in the fourth and sixth column headers in **Greenhouse Gas Table 3**.

19. On page 6.1-11, revise Footnote 44 as follows:

TN 204355. **The Sierra Club repeated its arguments in its comments on the PMPD (TN 205312), attaching a copy of its brief to those comments. As we responded to its arguments in the PMPD, we find no further response is required.**

20. On page 6.1-17, revise and add to the third paragraph as follows:

Section 15125 of the CEQA Guidelines generally instructs agencies to take the environmental setting at the time analysis is commenced as their baseline for analysis. The Sierra Club did not introduce any evidence **for a baseline that assumes that** ~~in support of its contention that for the purpose of our GHG~~

[11] 0**4/02/2015 RT 74:13-74:14, 110:7-112:5.**
[12] **Ex. 2000 pp. AQ 1-22 to 24.**

~~assessment, we should utilize a GHG "baseline" that assumes~~ SONGS is fully operational, when **that facility has not operated for nearly four years,** ~~the reality is that SONGS ceased operation in January 2012~~ and was formally retired in 2013. ~~It is true that the carbon intensity of California's electricity grid increased when SONGS ceased operations in 2012.[13] However, this increase is in no way attributable to the ACECP.~~

Sierra Club is correct that the "carbon intensity" of the electricity grid increased when SONGS ceased generation years ago. That is because its lost generation was replaced by, among other things, other generation sources, much of which is gas-fired, including the obsolete EPS facility in Carlsbad and other regional peaking plants depicted in Greenhouse Gas Table 3. As discussed above, these gas-fired facilities that help compensate for the SONGS retirement are less efficient than the ACECP. If ACECP goes on-line in 2018 (six years after SONGS ceased to operate), those less efficient facilities will operate less (or in the case of EPS, be retired entirely), reducing GHG emissions from the electric generation system.

Sierra Club is thus mistaken when it asserts that ACECP will displace or replace the zero-carbon emissions from the retired SONGS facility. Rather, its singular effect is to displace the gas-fired generation that already serves to compensate for the SONGS closure, and replace the aging gas-fired generation at EPS. Thus the analysis of GHG emission effects from ACECP correctly uses a baseline of existing conditions.

21. On page 6.1-22, add a new Finding 16 as follows:

16. SONGS ceased operation in January 2012, and was formally retired in 2013.

22. On page 6.1-22, modify Conclusion 10 as follows:

10. Even if considered in isolation, the GHG impacts from operation of the ACECP will not ~~be not~~ **cause a** significant environmental impact, because the ACECP will comply with cap and trade, a statewide program for management **and reduction** of **the cumulative** GHG impacts of the electric and industrial sectors.

[13] We note that the CPUC's LTPP proceedings include additional zero-carbon emitting resources, including both renewables and storage, to supplant portions of SONGS energy replacement requirements.

AIR QUALITY

23. On page 6.2-1, revise the second paragraph as follows:

When analyzing the potential impacts to air quality, and creating measures to ensure compliance with LORS, and to mitigating environmental impacts, the Energy Commission staff worked with the San Diego Air Pollution Control District (SDAPCD), which has jurisdiction over air quality standards in the project area.[14] SDAPCD released its Final Determination of Compliance (FDOC) on March 19, 2015**—this was later amended to address administrative corrections in a final document released on April 17, 2015[15]—**stating that ACECP is expected to comply with applicable SDAPCD rules, which incorporate state and federal requirements.[16]

24. On page 6.2-4, revise the last partial paragraph as follows:

The ACECP facility would be capable of operating seven days a week, 24 hours per day, but is subject to permit conditions that limit **daily operation to 18 hours per day from 6:00 a.m. to midnight except in the case of a CAISO declared emergency, and limit annual** emissions to the amount resulting from 2,700 hours of full load operation per year per gas turbine. This is equivalent to an annual facility-wide capacity factor of approximately 31 percent. The CECP is permitted to an annual facility-wide capacity factor of 47 percent.[17] The maximum short-term pollutant emission rates for NOx, CO, and VOC are higher for the CECP than the . . .

25. On page 6.2-5, remove the first full paragraph:

~~Construction emissions are modeled to increase PM10~~

26. On page 6.2-6, remove the note references ("a" and "b") in the fourth column header and second row in **Air Quality Table 2**.

27. On page 6.2-8, revise the first partial paragraph as follows:

. . . from various on-site emissions sources within the EPS property during ACECP's commissioning, when EPS may continue to operate, and after ACECP begins commercial operation when EPS is being demolished. **Staff's analysis of both**~~Both~~ found **no new exceedances of state or federal air quality standards**

[14] Cal. Code Regs., tit. 20, §§ 1744.5, 1752.3.; Ex. 2000, p. 4.1-7.

[15] TN 204243.

[16] Exs. 2002, 2010.

[17] Ex. 2000, p. 4.1-28.

and a "negligible" **and temporary increase** ~~increases~~ in annual PM10 ~~emissions~~**concentrations, which already exceed state standards**.[18]

28. On page 6.2-9, revise the first partial paragraph as follows:

. . . that using 2012 and 2013 would be anomalous. Where a representative two-year period within a five-year baseline period cannot be established, District rules require use of a five-year average.[19] With this revised baseline, the ACECP would be subject to ~~regional~~**air district** off-set**s** ~~requirements and the requirements of~~**as provided in** Condition of Certification **AQ-4**, requiring the use of ERCs to mitigate NOX emissions.[20]

BIOLOGICAL RESOURCES

29. On page 7.1-2, revise the first paragraph as follows:

Mr. Simpson's comments fail to identify any new significant impacts, new information not available during the preparation of the 2012 Decision or new or newly feasible mitigation measures. We abide by the environmental analysis contained in that document. **Mr. Simpson's comments on the PMPD[21] similarly fail to identify any new information that would require supplementation of the 2012 Decision's analysis on this point.[22]**

30. On page 7.1-3, add a new Finding 6 as follows:

6. The ACECP would result in reduced collision risk for avian species because it lowers the stack height of the project. and because it will remove the much larger and taller EPS power plant and stack.[23]

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[18] Ex. 2000, p. 4.1-50 – 4.1-52.

[19] 04/02/2015 RT 50:6-51:13.

[20] 04/02/2015 RT 49:3-7, 56:1-16.

[21] **TN 205292-1**.

[22] **On page 1 of his PMPD comments, Mr. Simpson writes: "[t]his is also a motion to reopen the evidentiary record and restore my full intervention rights and consider testimony on the subject." TN 205292-1. The General Orders Regarding Electronic Document Formats, Electronic Filing and Service of Documents and Other Matters issued in this proceeding (TN 202478) specify:**

> **Motions made in a written document shall be clearly stated and include a statement of the relief or action requested, the grounds for the requested relief or action and citation to a rule, law or other authority authorizing the Committee or Energy Commission to grant the request. The caption or title of the document containing the motion shall clearly indicate that that document contains a motion. It is not sufficient to simply say "I move/request that " in the body of the document; such a statement may be ignored by the Committee or Energy Commission in its discretion.**

Mr. Simpson's "motion" fails to mention the motion in the document's caption or to describe the legal authority authorizing us to grant the relief he requests. We therefore exercise our discretion to decline to consider it.

[23] **Ex. 3002, pp. 7.1-6 – 7.1-7**

CULTURAL RESOURCES

31. On page 7.3-2, revise the first paragraph as follows:

The amendments to Condition of Certification **CUL-6** are informed by subsurface archaeological investigations.[24] The amended CECP would increase ground-disturbing activities because of the expanded footprint.[25] As such, staff and the applicant conducted various investigations, including subsurface investigations. These subsurface investigations revealed that some archaeological and ethnographic resources may be present, but they have been disturbed or displaced by incremental activity related to the existing EPS.[26] The changes to Condition of Certification **CUL-6** thus ~~involve increased~~**require** monitoring **only for** ~~of~~ the ~~expanded~~ areas **of the site** where cultural material has been identified.[27] In the event of discovery of significant ~~archaeological or ethnographic~~ **cultural** resources, Condition of Certification **CUL-7**~~6~~ sets forth mechanisms to ~~preserve~~ **mitigate impacts to** them.[28] We thus find that potential impacts of undiscovered cultural resources in the expanded areas of the amended CECP to be mitigated to a level of "less than significant".

TRAFFIC AND TRANSPORTATION

32. On page 8.2-1, revise Footnote 1 as follows:

Ex. 2000, pp. 4.11-1, 4.11-13 – 15. **Intervenor Robert Simpson, in his PMPD comments (TN 205292-1) calls our attention to a recent Federal Aviation Administration (FAA) memorandum[29] regarding potential effects of thermal exhaust plumes on aviation. The FAA memo does not specifically address this project or its potential effects. It directs planners to software for analysis of the potential effects of thermal exhaust plumes on airport operations. Nothing in the memo, or in Mr. Simpson's comments identifies any of the grounds for supplementation of the 2012 Decision regarding this subtopic.**

33. On page 8.2-2, revise Footnote 3 as follows:

04/01/2015 RT 133:25-145:8, Ex. 3042. In its comments on the PMPD (TNs 205149, 205248), Terramar reported another incident in which a truck was alleged to have waited for the stop light with a portion of its trailer blocking the railroad tracks.

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[24] Ex. 2000, pp. 4.4-1, 4.4-31 – 4.4-32.

[25] Ex. 2000, p. 4.4-1.

[26] Ex. 2000, pp. 4.4-18 - 4.4.19.

[27] Ex. 2000, p. 4.4- 31 - 4.4-32; 7-62; 7-68 – 7-70.

[28] Ex. 2000, p. 4.4-32.

[29] **TN 205292-3**

34. On page 8.2-2, revise the third full paragraph as follows:

Applicant's witness, Mr. Mason, testified sufficient space is available for a truck to stop between the stop line for the intersection and the railroad corridor such that rail traffic is not obstructed.[30] The use of the Cannon Road gate would largely occur during the second stage of construction and demolition.[31] During construction east of the railroad trucks, trucks would use the closer Avenida Encinas gate to avoid the internal rail crossing.[32] The applicant contended that, with modifications to **TRANS-1** requiring input from the City of Carlsbad~~,~~ **and** the Energy Commission's Compliance Project Manager~~, and CalTrans~~, a future traffic control plan could determine whether trucks heading east could safely utilize the Cannon Road gate.[33]

35. On page 8.2-3, revise the third full paragraph as follows:

With the creation of a **TRANS-1** traffic control plan with the review of the City of Carlsbad~~, Caltrans,~~ and the Energy Commission, any potential conflicts between trucks using the Cannon Road gate and nearby railroad tracks would be mitigated. We further find that the grade of the internal railroad crossing presents practical difficulties for large, loaded trucks using it and expect that these difficulties will be addressed through implementation of **TRANS-1**.

CONDITIONS OF CERTIFICATION

36. On Appendix A, page 3, an additional definition is added following definition 8 as follows:

9. CECP and ACECP.

Whenever the terms "CECP" or "ACECP" are used in these conditions, they shall refer to the Amended Carlsbad Energy Center Project unless the context clearly requires otherwise

37. On Appendix A, page 90, revise the first paragraph of Condition SOIL&WATER-6 as follows:

SOIL&WATER-6: During normal operation the project shall use no more than three acre-feet per year (AFY) of potable water for drinking, sanitary, and fire protection testing purposes. The project shall use recycled water for all industrial and landscape irrigation purposes during operation of the CECP, unless potable water is needed for emergency backup use. For the purpose of this condition, the term

[30] 04/01/2015 RT 134:9-135:8.

[31] 04/01/2015 RT 139:16-140:

[32] 04/01/2015 RT 139-24-140:8.

[33] 04/01/2015 RT 133-25-135-21.

emergency shall mean the inability of the CECP to take, or for the city of Carlsbad to deliver, recycled water to the CECP in a quantity sufficient to meet CECP demand due to Acts of God, natural disaster, and other circumstances beyond the control of the project owner, including interruption of recycled water service and it is necessary for the CECP to prepare to or continue to operate to serve a peaking load. If more than 3 AFY of potable water is needed during operation for non-emergency uses, the owner shall be required to file a formal petition to amend the project. If the CECP requires potable water for **EPS demolition and emergencies** that will cumulatively exceed 300 acre-feet during the life of the project, the project owner shall file a petition to amend. All emergency water use shall be reported in annual compliance reports. Reported values shall include monthly use and cumulative lifetimes use, in acre-feet.

Prior to the use of potable or recycled water during the operation of the CECP, the project owner shall install and maintain metering devices as part of the water supply and distribution system to monitor and record in gallons per day the volume of all water sources used by the CECP. The metering devices shall be operational for the life of the project, and an annual summary of daily water use by the CECP, differentiating between potable, emergency backup, and recycled supplies, shall be submitted to the CPM in the annual compliance report.

Verification: At least 60 days prior to use of any water source for CECP operation, the project owner shall submit to the CPM evidence that metering devices have been installed and are operational on all water supply pipelines serving the project. The project owner shall provide a report on the servicing, testing, and calibration of the metering devices in the annual compliance report.

The project owner shall submit a water use summary report to the CPM in the annual compliance report for the life of the project. The annual summary report shall be based on and distinguish recorded daily use and emergency uses of potable and, recycled water. The report shall include calculated monthly range, monthly average, and annual use by the project in both gallons per minute and acre-feet. After the first year and for subsequent years, this information shall also include the yearly range and yearly average potable and recycled water used by the project.

The project owner shall submit a petition to amend within three months of exceeding the maximum allowable 300 acre-feet of potable water for operational uses.

38. On Appendix A, page 94, revise Condition TRANS-1 as follows:

TRANS-1 The project owner shall consult with the city of Carlsbad and prepare and submit to the city of Carlsbad for review and comment and the Compliance Project Manager (CPM) for approval a construction/demolition traffic control plan. The plan shall be implemented during all phases of construction/demolition and shall address the following issues:

- Timing of **truck trips, including** heavy equipment and building materials deliveries**, especially those that would cross the railroad tracks**;
- Redirecting construction **and demolition** traffic with a flag person **at a minimum for trucks traveling eastbound on Cannon Road from the SDG&E Service Gate to cross the railroad tracks**;
- Signing, lighting, and traffic control device placement if required;
- Need for construction work hours and arrival/departure times outside **and during** peak traffic periods;
- Ensure access for emergency vehicles to the project site;
- Temporary closure of travel lanes;
- Access to adjacent residential and commercial property during the construction of all pipelines;
- Specify construction-related haul routes;
- ~~Safety considerations to avoid blockage of the railroad tracks for large vehicles with eight wheels or more, such as semi-trailer trucks exiting via the SDG&E Service Gate to travel east on Cannon Road;~~ and
- Identify safety procedures for exiting and entering the site access gate.

Verification: At least 30 days prior to tank demolition, the project owner shall provide the traffic control plan to the city of Carlsbad for review and comment and to the CPM for review and approval.

39. On Appendix A, page 97, in Condition TLSN-3, delineate the Verification portion of the condition as follows:

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 of each line and provide such summaries in the Annual Compliance Report.

40. On Appendix A, page 145, insert a new Condition WASTE-10 as a placeholder for the Condition that was deleted during the proceeding and renumber Conditions WASTE-10 and WASTE-11 as WASTE-11 and WASTE-12, respectively:

WASTE-10 [Deleted]

41. On Appendix A, page 147, in Condition WASTE-11 (to be renumbered as WASTE-12, see above), delineate the Verification portion of the condition as follows:

Verification: At least 45 days prior to demolition of Tanks 1, 2 or 4 the project owner shall submit the applicable SMP to the CPM for review and approval. All demolition-associated earthworks at the site, approved subsequent to the Final Commission Decision authorizing this condition shall conform to the SMP. A SMP summary shall be submitted to CPM and SDCDEH within 25 days of completion of any demolition-associated earthwork.

Dated: July 15, 2015, at Sacramento, California.

Original signed by

KAREN DOUGLAS
Commissioner and Presiding Member
Carlsbad Energy Center Amendments Committee

Original signed by

ANDREW McALLISTER
Commissioner and Associate Member
Carlsbad Energy Center Amendments Committee