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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application For Certification
**STANTON ENERGY RELIABILITY
CENTER**

DOCKET NO. 16-AFC-01

**STANTON ENERGY RELIABILITY
CENTER, LLC's FINAL COMMENTS ON
THE PRELIMINARY STAFF
ASSESSMENT**

Stanton Energy Reliability Center, LLC (SERC, LLC), LLC hereby submits these final comments on the Preliminary Staff Assessment (PSA) for the Stanton Energy Reliability Center (SERC) published on March 29, 2018. SERC, LLC filed initial comments on the PSA on April 11, 2018 so that the parties could discuss them at the April 18, 2018 PSA Workshop (PSA Workshop). These final comments incorporate the initial comments and therefore supersede the initial comments. The parties made progress towards resolution of issues and these final comments incorporate agreements reached at the PSA Workshop, propose modifications to the Conditions of Certification based on discussions at the PSA Workshop, and reiterate initial comments where resolution was not achieved.

For proposed changes to the text and conditions of the PSA, we are using the convention of ***bold italic*** for proposed insertions and ~~strike through~~ for proposed deletions. Based on our final review of the PSA, all proposed Conditions of Certification not addressed in these Final Comments are acceptable to SERC, LLC.

PROJECT DESCRIPTION

Since the filing of the AFC, SERC, LLC has been further refining the design of the SERC. Specifically, the following modifications to the project have been made.

- The southern natural gas pipeline route has been eliminated from the project.

- SERC, LLC will over-excavate unconsolidated soils and transport them and the demolition spoils from removing existing asphalt concrete to the Olinda Alpha Landfill in Brea, California.
- The storm water drainage system has been redesigned to accommodate that SERC, LLC will not be able to construct the infiltration basin on SERC Parcel 2 due to easement rights owned by Southern California Edison (SCE) in the area previously identified for location of the infiltration basin.
- SERC, LLC has eliminated the storm water holding tank as it is no longer needed to satisfy detention or retention requirements now satisfied by the new design.
- The warehouse located in the western portion of the project site has been resized and moved westerly and now includes a restroom.

A complete description of each of these changes is described below and SERC, LLC requests that they be included in the Final Staff Assessment.

Southern Gas Route

The southern natural gas pipeline route (following Dale Avenue 1.78 miles south to SoCal Gas's Transmission Line 1019 in Lampson Avenue) was included in the AFC as Southern California Gas Company (SoCal Gas) had not completed its study to determine which route would better meet its needs. SoCal Gas has eliminated this southern route and it is no longer proposed as part of the SERC.

Soil Disposal Activities

As identified in the AFC, the site has near-surface unconsolidated soils. Further geotechnical investigation and foundation design optimization has determined that the soils should be over-excavated. The over-excavation results in a fill imbalance necessitating the need for off-site fill disposal. In addition to the export of excess soils, the project will also export the asphalt concrete waste from the demolition of hardscape on the westernmost parcel.

The excess soils and asphalt concrete waste will be exported to the Olinda Alpha Landfill located at 1942 North Valencia Avenue in Brea. The soil exporting activities will require a maximum of 36 truckloads per day (or six truckloads per hour) for approximately five weeks. The asphalt concrete removal will require an average of four truckloads per day for approximately seven days. The truck trips would occur between 9:30 a.m. and 3:30 p.m. These export activities will likely occur in several phases, but will not overlap with each other or with the peak construction activities that were evaluated in the AFC. A large

portion of the excess soils will be exported before starting the other main construction activities. Therefore, during the peak export activities, there would be a maximum of 36 truckloads per day, associated with the dirt fill removal. Trucks leaving the site will be limited to no more than 6 per hour.

Orange County Waste and Recycling manages the Olinda Alpha Landfill and has a soils disposal program. SERC, LLC has contacted Ms. Connie Lizarraga and is in the process of filing the appropriate application to allow the disposal of the soils and asphalt.

A traffic analysis of the potential effects of the fill and asphalt disposal activities was performed by Jacobs CH2M and is included in Attachment A of the Initial Comments. Additionally, Attachment A of the Initial Comments contains a Revised Appendix 5.1E with revised construction emissions that now include the excavation and soil disposal activities. SERC, LLC proposes a new Condition of Certification **WASTE-10** to ensure the disposal activities will comply with the Orange County Waste and Recycling requirements.

Storm Water Drainage System

Details for SERC's storm water drainage system design were provided in SERC's Responses to Staff's Data Requests A38 through A41. Due to a land use restriction on Parcel 2 of the project site related to a pre-existing easement agreement with SCE, the storm water drainage system had to be re-designed to use other areas of the Project site. In general, the primary difference between the former and current designs is that SERC's Parcel 1 previously pumped storm waters to an infiltration basin on Parcel 2, whereas the current design uses an in-road buried infiltration system and an existing outfall to the Stanton Storm Channel for capture, control and allowable discharge of all Parcel 1 storm water. Except for some minor relocation of features for Parcel 2, the system for Parcel 2 remains nearly the same as before.

Attachment B of the Initial Comments contains a revised drawing showing the storm water drainage design, a technical memorandum from WSP, and revised hydrologic and hydraulic calculations demonstrating that the post-construction storm water flows will comply with the requirements of the Orange County Flood Control Agency.

During the PSA Workshop Staff and SERC, LLC representatives discussed the new storm water design. Staff requested additional information which SERC, LLC docketed on April 26, 2018.

Storm Water Holding Tank and Relocated Demineralized Water Tank

The original project general arrangement submitted with the AFC included a design for the possible use of a storm water detention tank (Item 36 on Parcel 2) to detain storm water and control flows to the Stanton Storm Channel. During the next design iteration it was determined that there is no need for the detention tank and it has been eliminated from the general arrangement. As indicated above in the Storm Water Drainage System discussion, the current design will allow the Project to comply with the requirements of the Orange County Flood Control Agency.

In addition, the demineralized water tank (Item 34 on Parcel 2) was enlarged and relocated slightly as part of the design optimization and is now located where the storm water detention tank had been planned.

Revised Warehouse Building

During the progression of the SERC design, the need for additional warehouse space has required a revision to the original warehouse proposed in the AFC. The revised warehouse building footprint dimensions have changed from 40 by 40 feet to 30 by 73 feet and in addition, the footprint is now oriented lengthwise along the north-south axis although generally in the same location on Parcel 2. The building height of 15 feet remains unchanged.

Attachment C of the Initial Comments contains a memorandum expressing the opinion of Environmental Vision, the visual resource consultant that performed the visual assessment in the AFC, that the modification of the warehouse building does not change their conclusion that the SERC will not result in significant visual impacts.

During the PSA Workshop SERC, LLC representatives and Staff discussed that the warehouse would include a restroom facility. Staff requested that SERC, LLC provide confirmation that the City of Stanton could accept the wastewater discharge from the restroom. Following the PSA Workshop, a representative of SERC, LLC confirmed with Mr. Allan Rigg, the City of Stanton's Public Works Director, that the addition of restroom facilities to the warehouse building would not change the City's ability to accept the project's wastewater. The project's sewer connection to the City's sanitary system is planned for interconnection located at the northwestern corner of SERC's Parcel 2 at a manhole in Pacific Street.

PSA Project Description

Attachment D of the Initial Comments contains proposed revisions and corrections to the PSA Project Description section in redline/strikethrough format.

In addition, Atmospheric Dynamics, Inc. conducted a review of the elimination of the storm water detention tank and resized demineralized water tank as well as the reconfiguration of the warehouse building and determined that these changes do not affect the previous air quality modeling. Air Quality modeling files were provided to the Staff separately as they are specialized modeling files that could not be docketed using the Commission docketing system.

AIR QUALITY

Page 4.1-65, Condition of Certification **AQ-SC3**

Staff has proposed Condition of Certification **AQ-SC3**, which establishes specific requirements to reduce fugitive dust emissions during construction. SERC, LLC requests that due to the small size of the site, the requirement to conduct onsite and offsite street sweeping twice daily regardless of actual conditions is unnecessary. SERC, LLC requests the frequency of street sweeping be determined by the onsite Air Quality Construction Mitigation Manager (AQCMM) and has proposed modifying the language accordingly.

At the PSA Workshop, Staff counsel expressed the concern the condition must include a clear performance standard. SERC, LLC has modified the condition to clarify the performance standard while still allowing the frequency to be determined by the AQCMM. In addition, Staff requested the condition require a log of the sweeping activities be included in the monthly compliance report. SERC, LLC has modified the verification to the condition accordingly.

- I. All paved roads within the construction site shall be swept at **a frequency determined by the AQCMM** ~~least twice daily (or less during periods of precipitation)~~ on days when construction activity **results in tracking** to prevent the accumulation of dirt and debris **to minimize dust plumes**.

- J. At least the first 500 feet of any paved public roadway exiting the construction site, laydown areas, or construction staging areas, shall be swept at **a frequency determined by the AQCMM**, ~~least twice daily (or less during periods of precipitation)~~, on days when construction activity **results in tracking to prevent the**

accumulation of dirt and debris to minimize dust plumes or on any other day when dirt or runoff resulting from the construction site activities is visible on the public roadways.

Verification: The AQCMM shall provide the CPM a Monthly Compliance Report (MCR) that includes:

1. A summary of all actions taken to maintain compliance with this condition (***including sweeping log entries***);
2. Copies of any complaints filed with the District in relation to project construction; and
3. Any other documentation deemed necessary by the CPM, District, or AQCMM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.

Page 4.1-69, Condition of Certification **AQ-SC8**

On past projects, Staff has proposed a standard condition of certification (usually **AQ-SC8**) that allows Staff to approve certain modifications to conditions of certification made as a result of modifications to a facility air permit as a Staff-approved amendment. We understand that the Commission is currently proposing to modify its Siting Regulations to authorize Staff to approve such an amendment without the need for Condition of Certification **AQ-SC8**. However, the timing and ultimate approval of those regulations is uncertain and therefore SERC, LLC requests Condition of Certification **AQ-SC8** be added to the Final Staff Assessment (FSA).

AQ-SC8 *The project owner shall comply with all staff (AQ-SC) and district (AQ) conditions of certification. The CPM, in consultation with the District, may approve any change to a condition of certification regarding air quality, as a staff-approved modification, provided that: (1) the project remains in compliance with all applicable laws, ordinances, regulations, and standards, (2) the requested change clearly will not cause the project to result in a significant environmental impact, (3) no additional mitigation or offsets will be required as a result of the change, (4) no existing daily, quarterly, or annual permit limit will be exceeded as a result of the change, and (5) no increase in any daily, quarterly, or annual permit limit will be necessary as a result of the change.*

Verification: The project owner shall submit a petition to amend for any proposed change to a condition of certification pursuant to this condition and shall provide the CPM with any additional information the CPM requests to substantiate the basis for approval.

Pages 4.1-70 through 4.1-89

SERC, LLC has not proposed modifications to the proposed conditions of certification that were incorporated into the PSA from the South Coast Air Quality Management District (SCAQMD) Preliminary Determination of Compliance (PDOC). SERC, LLC has provided comments to the SCAQMD on its PDOC, some of which the SCAQMD is likely to incorporate into the Final Determination of Compliance (FDOC). Therefore, SERC, LLC has not repeated those comments here as we understand the Staff will be incorporating the conditions of the FDOC into the FSA.

BIOLOGY

Page 4.2-46, Condition of Certification **BIO-5**

Staff-proposed Condition of Certification **BIO-5** includes standard provisions that must be incorporated into the Worker Environmental Awareness Program (WEAP) that SERC, LLC believes were developed for sites with more sensitive biological resources potential than exists at the SERC urban site. Specifically, SERC, LLC requests the requirement to train delivery personnel and for employees to carry wallet cards be deleted as unnecessary. SERC, LLC requests the following modifications.

BIO-5 The project owner shall develop and implement a project-specific Worker Environmental Awareness Program (WEAP) and shall secure approval for the WEAP from the CPM in consultation with USFWS and CDFW. The WEAP shall be administered to all onsite personnel including surveyors, construction engineers, employees, contractors, contractor's employees, supervisors, inspectors, **and** subcontractors, ~~and delivery personnel~~. The WEAP shall be implemented during site mobilization, ground disturbance, grading, construction, operation, and closure. The WEAP shall:

1. Be developed by or in consultation with the Designated Biologist and consist of an on-site or training center presentation in which supporting electronic media and written material, ~~including wallet-sized cards with summary information on special status~~

~~species and sensitive biological resources,~~ is made available to all participants;

Staff agreed to this modification at the PSA Workshop.

CULTURAL RESOURCES

Pages 4.3-33 and 34, Condition of Certification CUL-1

The numbering of the items included in the Verification is incorrect.

Pages 4.3-39 and 40, Condition of Certification CUL-5, Verification

SERC, LLC provides the following language modification to the Verification to Condition of Certification **CUL-5**, to conform the language of the Verification to the language of the Condition. The Condition encourages, but does not require, inclusion of Native American presenter in the WEAP materials. Therefore, the Verification should similarly not require it.

Verification:

1. At least 30 days prior to the beginning of ground disturbance, the CRS shall provide the cultural resources WEAP training program draft text and/or training video, ~~including Native American participation,~~ graphics, and the informational brochure, to the CPM for review and approval.

Staff agreed to this modification at the PSA Workshop.

Pages 4.3-40 through 4.3-45, Condition of Certification CUL-6

Condition of Certification **CUL-6** requires the use of two cultural resource monitors for certain excavation activities. This condition has evolved over time and is applicable to larger sites. Staff and SERC, LLC representatives discussed this requirement at the PSA Workshop and, as a result, SERC, LLC proposes the following compromise modifications to clarify the specific activities requiring cultural resource monitoring. .

CUL-6 CULTURAL RESOURCES MONITORING

The project owner shall ensure that a CRS, alternate CRS, or CRMs shall be on site for all ground disturbance in areas slated for excavation into non-fill (native) sediments. Prior to the start of ground disturbance, the project owner shall notify the CPM and all interested Native Americans of the date on which ground disturbance will ensue. Where excavation equipment is actively removing dirt ***concurrently at more than one***

~~*location at a time*, and hauling the excavated material farther than 50 feet from the location of active excavation, full-time archaeological monitoring shall require at least ~~two~~ **one** monitors per excavation area. **Where excavated material is stockpiled on-site, one monitor shall be present during loading activities of the stockpiled material into a truck for disposal.** In this circumstance, ~~one monitor shall observe the location of active excavation and a second monitor shall inspect the dumped material. For excavation areas where the excavated material is dumped no farther than 50 feet from the location of active excavation, one monitor shall observe both the location of active excavation and inspect the dumped material.~~~~

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

HAZARDOUS MATERIALS

Page 4.5-21, Condition of Certification HAZ-4

In the Hazardous Materials Management section of the PSA, the Hazardous Materials Management Table 1, Laws, Ordinances, Regulations, and Standards, beginning on Page 4.5-2 provides the citation for the regulation pursuant to storage of aqueous ammonia as Title 22, California Code of Regulations, Chapter 14, Article 10. SERC, LLC believes the full citation should be "Title 22, California Code of Regulations, **Division 4.5**, Chapter 14, Article 10."

This regulation, also referenced as "§ 66264.192. Design and Installation of New Tank Systems or Components" provides section (a) as follows (emphasis added):

- (a) **Tanks shall have sufficient shell strength and, for closed tanks, pressure controls (e.g., vents) to assure that they do not collapse or rupture.** The Department will review the design of the tanks, including the foundation, structural support, seams and pressure controls and seismic considerations. The Department shall require that a minimum shell thickness be maintained at all times to ensure sufficient shell strength. Factors to be considered in establishing minimum thickness include the width, height and materials of

construction of the tank, and the specific gravity of the waste which will be placed in the tank. **In reviewing the design of the tank and approving a minimum thickness, the Department shall rely upon appropriate industrial design standards and other available information.**

However, nowhere in § 66264.192 is there a prescribed requirement for tanks to be designed according to a particular code, such as **HAZ-4's** requirement of "The aqueous ammonia storage facility shall be designed to the **ASME Code for Unfired Pressure Vessels, Section VIII, Division 1.**"

Code references and related tank rating pressures pertinent to this discussion are:

- ASME Code for Unfired Pressure Vessels, Section VIII, Division 1 - for design of pressure vessels with pressures in excess of 15 psig
- API 620 - for design of tanks with pressures ranging from 2.5 psig up to 15 psig, and
- API 650 - for design of tanks with pressures ranging from atmospheric pressure up to 2.5 psig

Since SERC will use 19% aqueous ammonia with an approximate vapor pressure of 190 millimeters of mercury (mmHg) (or 3.67 psia) at 77 degrees Fahrenheit, use of API 650 (atmospheric to 2.5 psig) would be an entirely appropriate code. However, SERC proposes the use of API 620 (2.5 psig to 15 psig) to provide an added degree of safety and to maintain consistency with requirements found in numerous other prior CEC decisions. API 620 more than satisfies the requirement of CCR § 66264.192 for "sufficient shell strength".

In addition, to satisfy that portion of section (a) of CCR § 66264.192 related to pressure controls for prevention of collapse or rupture of the tank, SERC's design will rely on a pressure relief and vacuum control system designed to maintain the storage system at less than 2.5 psig.

Use of this API 620 compliant tank design with pressure/vacuum relief components and secondary containment, has been found acceptable by the Orange County Fire Authority with multiple systems of similar design and features in its territory. As well, storage of aqueous ammonia using API 620 designed tanks has been approved by the California Energy Commission for numerous other projects, some of which include:

07-AFC-9	Canyon Power Plant
07-AFC-06C	Carlsbad Energy Center Project
09-AFC-1	Watson Cogeneration Steam and Electric Reliability Project
09-AFC-4	Oakley Generating Station

Given these facts, SERC, LLC requests that HAZ-4 be revised to read:

HAZ-4 The aqueous ammonia storage facility shall be designed to the ASME Code for Unfired Pressure Vessels, Section VIII, Division 1 *if the ammonia storage facility is a pressure vessel, or API 620 if the ammonia storage facility is not a pressure vessel. In the latter case, the storage facility shall include pressure/vacuum relief devices to ensure the storage tank does not collapse or rupture.* The storage tank shall be protected by a secondary containment that drains to an underground vault via (3) ~~4.25~~ 1 square foot openings capable of holding precipitation from a 24-hour, 25-year storm event plus 100 percent of the capacity of the largest tank within its boundary. The storage tank shall have ammonia detectors positioned to detect an ammonia leak or loss of containment. The final design drawings and specifications for the ammonia storage tank, secondary containment basin, and underground vault shall be submitted to the CPM.

At the PSA Workshop Staff agreed to consider the modifications.

Page 4.5-21, Condition of Certification **HAZ-6**

SERC, LLC proposed modifications of Condition of Certification **HAZ-6** in its initial comments on the PSA. After discussion at the PSA Workshop on April 18, 2018, SERC, LLC proposes the following modification to capture the agreement with Staff because SERC, LLC's initial concerns are addressed by Condition of Certification **TRANS-2**.

HAZ-6 Prior to initial delivery, the project owner shall direct vendors delivering bulk quantities (>800 gallons per delivery) of hazardous material (e.g., aqueous ammonia, lubricating and insulating oils) to the site to use only the route approved by the CPM (from *Interstate 5 or* State Route 91, exiting on Beach Boulevard and traveling south to Katella Avenue, then east on Katella Avenue and turn left and head north on Dale Avenue to the Stanton entrance). The project owner shall obtain approval of the CPM if an alternate route is desired.

Page 4.5-22, Condition of Certification **HAZ-7**

SERC, LLC proposes the following clarifying language to ensure that the Construction Security Plan need only provide security personnel during hours where no construction workers are present.

2. security guards **during hours when construction personnel are not present at the site;**

Staff agreed to this modification at the PSA Workshop.

NOISE

Page 4.7-18, Condition of Certification **NOISE-4**

SERC, LLC proposes two modifications to Condition of Certification **NOISE-4**. The first is to clarify that the timing of the monitoring to demonstrate compliance is intended to take place after commissioning when the facility has completed installation of its noise attenuation measures. The second proposed modification requests that the Commission insert the flexibility language provided for other projects (Mission Rock, Oakley Generating Station, etc.) that would allow the monitoring to be performed at a location other than the sensitive receptor with the CPM's approval. The specific sections of Condition of Certification **NOISE-4** that SERC, LLC requests be modified are presented below.

After commissioning and installation of the noise attention measures and ~~W~~when the project first achieves a sustained output of 85 percent or greater of its rated capacity, the project owner shall conduct a 25-hour community noise survey at monitoring locations LT1 and LT2 **or at a closer location acceptable to the CPM** and include Leq and L90 readings. This survey shall also include measurement of one-third octave band sound pressure levels to ensure that no new pure-tone noise components have been caused by the project.

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

determine the presence of pure tones or other dominant sources of plant noise.

Verification: The above noise survey shall take place within 30 days of the project first achieving a sustained output of 85 percent or greater of its rated capacity ***and after commissioning and installation of the noise attenuation measures.***

Staff agreed to this modification at the PSA Workshop.

Page 4.7-19, Condition of Certification **NOISE-5**

Similar to the modification proposed to Condition of Certification **NOISE-4**, above, SERC, LLC requests the modification to the following sections of Condition of Certification **NOISE-5** to clarify the timing of the testing required to demonstrate compliance.

NOISE-5 Following ***commissioning and installation of the noise attention measures and*** the project's attainment of a sustained output of 85 percent or greater of its rated capacity, the project owner shall conduct an occupational noise survey to identify any noise hazardous areas within the power plant.

Staff agreed to this modification at the PSA Workshop.

Page 4.7-20, Condition of Certification **NOISE-7**

SERC, LLC requests Condition of Certification **NOISE-7** be deleted as SERC, LLC is no longer proposing any impact pile driving. SERC, LLC and Staff discussed the potential use of torque or screw-driven piles. SERC, LLC includes information about the noise associated with installation of torque or screw-driven piles in Attachment F.

SOIL AND WATER RESOURCES

Page 4.10-29, Verification to Condition of Certification **SOIL&WATER-2**

Condition of Certification **SOIL&WATER-2** requires SERC, LLC to prepare and submit a Water Quality Management Plan (WQMP) to the Orange County Public Works Department (OCPW) for review at least 180 days prior to site mobilization. SERC, LLC requests the verification timeline be reduced to 120 days before site grading. Therefore, SERC, LLC

request the FSA include the following modifications to the Verification to Condition of Certification **SOIL&WATER-2**.

Verification: At least ~~18~~²⁰ days prior to site ~~mobilization~~ **grading**, the project owner shall provide a WQMP for post-construction storm water BMPs to the CPM and to the Orange County Public Works Department. Thirty days prior to Stanton ~~construction~~ **grading** activities, the project owner shall submit to the CPM verification of the county's completed review of the WQMP. Within ten (10) days of its mailing or receipt, the project owner shall submit to the CPM all copies of any relevant correspondence between the project owner and the county regarding storm water management.

At the PSA Workshop Staff agreed to consider this modification.

Pages 4.10-30 and 31, Condition of Certification **SOIL&WATER-8**

SERC, LLC requests that the timeline for obtaining an encroachment permit for the construction of the vehicle and utility bridges be tied to the construction of those bridges and not site mobilization. This would allow the project to engage in activities that do not require the bridge encroachment permits but would ensure construction of the bridges could not be undertaken without the issuance of the encroachment permit by Orange County Public Works Department. SERC, LLC requests the following modifications.

SOIL&WATER-8 The project owner shall obtain an encroachment permit for the construction of the vehicle and utility bridges from the Orange County Public Works Department in accordance with Orange County Code – Title 9, Division 2, Article 2, Sections 9-2-40 and 9-2-50. The project owner shall pay all necessary fees to Orange County Public Works Department for compliance with the permit review and approval process. The project owner shall submit the encroachment permit application package to Orange County Public Works Department and the CPM for review and approval prior to **bridge** construction. The project owner shall also provide a copy of the approved permit to the CPM.

Verification: At least ninety (90) days prior to ~~site mobilization~~ **bridge construction**, the project owner shall provide a copy of the application

package for the encroachment permit and any comments from Orange County Public Works Department to the CPM for review and approval. At least 30 days prior to ~~site mobilization~~ **bridge construction**, the project owner shall submit a copy of the final approved permit from Orange County Public Works Department to the CPM for review and approval.

Staff agreed to this modification at the PSA Workshop.

TRAFFIC AND TRANSPORTATION

Pages 4.11-27 and 28, Condition of Certification TRANS-2

Condition of Certification **TRANS-2** requires the Traffic Control Plan to include flaggers to assist construction workers to cross the railroad. SERC, LLC requests this requirement be deleted because it is not required by an applicable law, ordinance, regulation or standard (LORS) nor is necessary to mitigate any significant impact. First, the train is very infrequent with approximately four train-trips per week on UPRR's Stanton Industrial Lead, with trains limited to 10 miles per hour with observed arrival and departure times during the day not coinciding with construction arrival and departure times. Second, the crossing is equipped with automated crossing signals. Given these circumstances, adult construction workers do not need a flagger to ensure they cross the railroad safely. Therefore, SERC, LLC requests the last bullet in Condition of Certification **TRANS-2** be deleted.

Staff agreed to this modification at the PSA Workshop.

Page 4.11-29, Condition of Certification TRANS-6

For the reasons discussed above relating Condition of Certification **TRANS-2**, SERC, LLC requests that the requirement for a flagger contained in Condition of Certification **TRANS-6** be deleted as follows.

TRANS-6 RAIL CROSSING SAFETY PLAN

Prior to any construction-related ground disturbance, the project owner shall develop and implement a rail crossing safety plan for construction that addresses construction-related pedestrian activity (including workers walking between the parking area and the site or working at the site), construction vehicles, and heavy/oversize loads. ~~The rail crossing safety plan must include plans for a flagger at the railroad tracks during worker arrival and departure times to ensure safe worker crossing.~~

Staff agreed to this modification at the PSA Workshop.

WASTE MANAGEMENT

Page 4.14-22, New Proposed Condition of Certification WASTE-10

As described in the discussion of soil export and disposal in the Project Description section of these comments, SERC, LLC has proposed new Condition of Certification **WASTE-10** to ensure that the SERC, LLC has the appropriate approval from the Orange County Waste and Recycling to dispose of the excess soils at the Olinda Alpha Landfill.

WASTE-10 Prior to transportation of soils for disposal to the Olinda Alpha Landfill, the project owner shall obtain the approval to dispose soils at the Olinda Alpha Landfill from Orange County Waste and Recycling.

Verification: At least 30 days prior to transportation of soils for disposal to the Olinda Alpha Landfill, the project owner shall submit a Soils Information Form to Orange County Waste and Recycling and the CPM.

At least 5 days prior to transportation of soils for disposal to the Olinda Alpha Landfill, the project owner shall submit to the CPM Orange County Waste and Recycling's correspondence documenting its ability to accept the soils for disposal.

Staff agreed to this modification at the PSA Workshop.

WORKER SAFETY AND FIRE PROTECTION

Page 4.15-19, Condition of Certification WORKER SAFETY-8

Condition of Certification **WORKER SAFETY-8** includes the requirement that the battery energy storage system obtain UL 9540 Certification. SERC, LLC requests that the language be modified to accept an alternative means of certification other than only certification from UL Corporation (UL). The reason SERC, LLC requests the modification is that, as the battery energy storage systems are evolving rapidly, the time it takes to obtain Certification from UL may depend on the system vendor's and/or UL's ability to issue a certification and not the system's ability to meet 9540 requirements. Staff and SERC, LLC representatives discussed this issue at the PSA Workshop and Staff agreed to re-write the condition to allow field certification of the battery energy storage system as long as the entity providing the field certification was engaged by SERC, LLC at an early

enough time during the design process to allow field certification to occur without the need for redesign. SERC, LLC requests that Staff consider coordinating the timing with the submittals to the Chief Building Official required by the standard Facility Design and Engineering conditions of certification.

TRANSMISSION SYSTEM ENGINEERING

Pages 5.5-10 through 5.5-12, Condition of Certification TSE-3

Condition of Certification **TSE-3** is a standard condition of certification and includes requirements that are not applicable to the SERC. For example, the SERC facility will not have a reliability criteria violation and does not trigger any network upgrades. Therefore, the condition should simply require compliance with the requirements of the Generator Interconnection Agreement (GIA). SERC, LLC and Staff discussed this condition at the PSA Workshop and Staff requested that SERC, LLC docket the GIA. After reviewing the GIA, Staff agreed to modify the condition accordingly. The GIA will be docketed under separate cover.

Dated: April 30, 2018

Respectfully Submitted,



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Counsel to SERC, LLC