



June 16, 2005

Donna Stone
Compliance Project Manager
California Energy Commission
1415 Ninth Street, MS 2000
Sacramento, CA 95814

**Subject: Mountainview Power Project – Proposed VIS-1 Amendment
(AFC-00-02)**

Dear Ms. Stone:

On behalf of the Mountainview Power Project (MVPP) and Mountainview Power Company, LLC. (MVL), URS Corporation (URS) submits the attached amendment addressing Condition of Certification (COC) VIS-1. The proposed amendment addresses the specific requirement of VIS-1 that refers to notifying the California Energy Commission (CEC) when all treated structures are ready for visual inspection. This amendment proposes the following modifications:

- Deleting the reference to “prior to first turbine roll” in the first sentence of the COC
- Modifying the inspection requirement to take place within 90 days after commercial operation

MVL believes this modification is beneficial to the project, due to the fact it will avoid unnecessary delays in commissioning and in the start of operation. Given MVL’s schedule to begin commissioning of Unit 3 in July 2005, we would greatly appreciate the CECs quick response to this petition.

Please do not hesitate contacting me if you have any questions.

Sincerely,

URS Corporation

James Diven
URS Project Manager

Attachments

cc: Russell Koelsch, MVL
Victor Yamada, SCE

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Santa Barbara, CA 93117
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**AMENDMENT
TO CEC LICENSE
FOR THE
MOUNTAINVIEW POWER PROJECT
00-AFC-2**

Submitted by

MOUNTAINVIEW POWER COMPANY, LLC

2492 West San Bernardino Avenue

Redlands, California 92374

For Submittal to

CALIFORNIA ENERGY COMMISSION

Energy Facilities Siting and Environmental Protection Division

1516 Ninth Street

Sacramento, California 95814

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INTRODUCTION

1.1 OVERVIEW OF AMENDMENT

On March 21, 2001, the California Energy Commission (CEC) approved the Mountainview Power Project (MVPP) (00-AFC-2). The owner of the MVPP is Mountainview Power Company, LLC (MVL), a wholly owned subsidiary of Southern California Edison (SCE). The permitted project, as approved in the March 21, 2001 Commission Decision, includes several Conditions of Certification (COC) addressing the visual impacts of the project.

The Commission Decision calls for treating the project structures, buildings, and tanks in appropriate colors or hues that minimize visual intrusion and contrast by blending with the surrounding landscape, and treating these items in a non-reflective finish (Condition VIS-1). A treatment plan is also required for CEC approval to ensure that the proposed colors do not unduly contrast with the surrounding landscape colors. This treatment plan has already been submitted to CEC and approved.

This proposed amendment addresses the specific requirement of VIS-1 that refers to notifying the CEC Compliance Project Manager (CPM) when all treated structures are ready for visual inspection within prior to first turbine roll and thirty (30) days prior to the start of commercial operation. This amendment proposes to modify the notification requirements within the condition text to be consistent with what is in the verification portion of the condition. In addition, MVL is proposing to have the inspection requirement to take place within ninety (90) days after commercial operation begins. MVL believes this modification is beneficial to the project, due to the fact it will avoid any unnecessary delays in commissioning and in starting operation.

This petition to amend the project contains all of the information required pursuant to Section 1769 (Post Certification Amendments and Changes) of the CEC's Siting Regulations. The specific project changes and information needed to fulfill the requirements of Section 1769 are contained in Sections 1.0 through 7.0 of this Amendment.

1.2 OVERVIEW OF PROJECT CHANGES

The proposed changes to the MVPP Commission Decision are requested by MVL in order to avoid delaying the scheduled start of commissioning in July 2005 and the commercial operation start date of the power plant. This proposed change is to notify the CPM no later

than three months (90 days) after operations begin to visually inspect the project structures, rather than one month (30 days) before operations begin. In addition, this modification will remove the inconsistent timing requirement in the first sentence of the condition, which is not consistent with the language in the verification portion of the condition.

1.3 NECESSITY OF PROPOSED CHANGES

Section 1769 (a)(B) and (C) of the CEC Siting Regulations requires a discussion of the necessity for the proposed modifications to the MVPP and asks whether the modifications are based on information known to the petitioner during the certification proceeding.

The proposed project changes are needed to meet the commissioning/operations schedule for the project and were not known during the certification proceeding, but were a result of post-certification engineering and availability of more recent data on construction needs. The majority of the project structures are already treated with the appropriate color and/or finish approved by the CEC pursuant to VIS-1. However, if MVL is required to have structures painted and/or refinished before operation begins, the start date for operations would be significantly delayed due to the conflicts that painting structures introduces to the current construction and planned operation schedule.

1.4 SUMMARY OF ENVIRONMENTAL IMPACTS

Section 1769 (a)(E) of the CEC Siting Regulations requires an analysis to address the impacts of proposed modifications on the environment and the proposed measures to mitigate any significant adverse impacts. In addition, Section 1769 (a)(F) of the Siting Regulations requires a discussion of the impact of proposed modifications on the facility's ability to comply with applicable laws, ordinances, regulations, and standards (LORS). Section 3.0 of this Amendment includes a discussion of the potential impacts of the proposed changes on the environment. It also includes a discussion of the applicability of existing and proposed mitigation measures, as well as a discussion of the consistency of the proposed modification with LORS.

1.5 CONSISTENCY OF CHANGES WITH LICENSE

Section 1769 (a)(D) of the CEC Siting Regulations requires a discussion of each proposed project modification and asks whether the modification is based on new information that would change or undermine the assumptions, rationale, findings, or other bases of the CEC's final decision on the original Application for Certification (AFC). An explanation of why the proposed changes should be permitted is also required.

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This proposed modification does not undermine the assumptions, rationale, findings, or other bases of the CEC's final decision in the original AFC. The requirement to visually inspect the painted/treated structures with the CEC (VIS-1) will not change as a result of the proposed modification; only the timing of the inspection will change.

DESCRIPTION OF PROJECT CHANGES

2.1 INTRODUCTION

In compliance with CEC Siting Regulations Section 1769(a)(A), this section of the Amendment includes a description of the proposed project modification, as well as a discussion regarding the necessity for the change.

2.2 PROPOSED PROJECT CHANGES

As briefly described in Section 1.0, the proposed change to CEC Condition VIS-1 is as follows:

Delete the reference to “prior to first turbine roll” in the first line of the condition.

This proposed change would remove the inconsistent timing reference in the VIS-1 condition. By removing this reference the condition will still have the timing requirements in the verification portion of the condition. As the condition currently reads, it is not possible for MVL to begin commissioning of Unit 3 until Unit 4 is complete and the painting has been inspected by the CEC. Unit 3 is scheduled to begin commissioning in July 2005, whereas Unit 4 is not scheduled for commissioning until the September/October timeframe. By delaying the commissioning of Unit 3, commercial operation will be delayed by as much as four months.

Notify the CPM and inspect the project structures (to ensure they are the appropriate natural color, they blend into the landscape, and they do not reflect light from visual observation points), within ninety (90) days after commercial operation begins.

This proposed change differs from the existing Condition VIS-1 by inspecting the project structures to ensure there are no significant visual impacts and to remedy any problems with color or reflection shortly after operation begins rather than before. The project structures that may still need treatment after operation begins are few in number and may not be visible from the four key observation points identified in the Commission Decision, 2001.

Furthermore, this proposed project change is beneficial to the project owner (MVL), the CEC, and the public. It is significantly more efficient for MVL to paint any structures that need treatment after the construction phase of the project is demobilized. The CEC would

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determine the overall visual impressions (color, blending, and reflectiveness) with clearer views from observation points once the construction crew and equipment is removed from the project site and the plant is operating. Lastly, the general public would benefit from commercial operations beginning on time.

ENVIRONMENTAL ANALYSIS OF PROJECT CHANGES

Sections 1769(a)(E) and (F) of the CEC Siting Regulations require that the following environmental information regarding proposed changes be addressed as part of any post-certification amendment:

- An analysis of the impacts the modifications may have on the environment and proposed measures to mitigate any significant adverse impacts (Section 1769(a)(E))
- A discussion of the impacts of the modifications on the facility's ability to comply with applicable LORS (Section 1769(a)(F))

The analysis is organized by environmental discipline in Sections 3.1 through 3.17. These disciplines are the same as the disciplines analyzed in the original AFC. Each section contains a discussion of the potential change to impacts due to the proposed project COC changes.

In summary, this proposed modification to the approved MVPP is needed to avoid delaying the scheduled commissioning and start up date for commercial operation, which is not expected to result in any significant impacts to the environment, the public, and/or the adjacent property owners.

3.1 AIR QUALITY

Inspecting the project structures for appropriate color and reflective treatment shortly after commercial operations begin will not result in any new impacts to air quality as identified in the final Commission Decision. This project modification will not change the assumptions used in analyzing the impacts of the project nor the COCs for the approved project license.

3.2 GEOLOGIC HAZARDS AND RESOURCES

Inspecting the project structures for appropriate color and reflective treatment shortly after commercial operations begin will not result in any new impacts to geologic resources or hazards as identified in the final Commission Decision. This project modification will not change the assumptions used in analyzing the impacts of the project nor the COCs for the approved project license.

3.3 AGRICULTURE AND SOILS

Inspecting the project structures for appropriate color and reflective treatment shortly after commercial operations begin will not result in any new impacts to agricultural resources or soils as identified in the final Commission Decision. This project modification will not change the assumptions used in analyzing the impacts of the project nor the COCs for the approved project license.

3.4 WATER RESOURCES

Inspecting the project structures for appropriate color and reflective treatment shortly after commercial operations begin will not result in any new impacts to water resources as identified in the final Commission Decision. This project modification will not change the assumptions used in analyzing the impacts of the project nor the COCs for the approved project license.

3.5 BIOLOGICAL RESOURCES

Inspecting the project structures for appropriate color and reflective treatment shortly after commercial operations begin will not result in any new impacts to biological resources as identified in the final Commission Decision. This project modification will not change the assumptions used in analyzing the impacts of the project nor the COCs for the approved project license.

3.6 CULTURAL RESOURCES

Inspecting the project structures for appropriate color and reflective treatment shortly after commercial operations begin will not result in any new impacts to cultural resources as identified in the final Commission Decision. This project modification will not change the assumptions used in analyzing the impacts of the project nor the COCs for the approved project license.

3.7 PALEONTOLOGICAL RESOURCES

Inspecting the project structures for appropriate color and reflective treatment shortly after commercial operations begin will not result in any new impacts to paleontological resources as identified in the final Commission Decision. This project modification will not change the assumptions used in analyzing the impacts of the project nor the COCs for the approved project license.

3.8 LAND USE

Inspecting the project structures for appropriate color and reflective treatment shortly after commercial operations begin will not result in any new impacts to land use as identified in the final Commission Decision. This project modification will not change the assumptions used in analyzing the impacts of the project nor the COCs for the approved project license.

3.9 SOCIOECONOMICS

Inspecting the project structures for appropriate color and reflective treatment shortly after commercial operations begin will not result in any new impacts to socioeconomics as identified in the final Commission Decision. This project modification will not change the assumptions used in analyzing the impacts of the project nor the COCs for the approved project license.

3.10 TRAFFIC AND TRANSPORTATION

Inspecting the project structures for appropriate color and reflective treatment shortly after commercial operations begin will not result in any new impacts to traffic and/or transportation as identified in the final Commission Decision. This project modification will not change the assumptions used in analyzing the impacts of the project nor the COCs for the approved project license.

3.11 NOISE

Inspecting the project structures for appropriate color and reflective treatment shortly after commercial operations begin will not result in any new impacts to noise as identified in the final Commission Decision. This project modification will not change the assumptions used in analyzing the impacts of the project nor the COCs for the approved project license.

3.12 VISUAL RESOURCES

Inspecting the project structures for appropriate color and reflective treatment prior to “first turbine roll” or shortly after commercial operations begin will not result in any new impacts to visual resources as identified in the final Commission Decision. Appropriate colors, blending and non-reflective surfaces will still be ultimately obtained. The proposed modification merely changes the inspection date, but not the required mitigation implementation. This project modification will not change the assumptions used in analyzing the impacts of the project. However, as previously discussed in Section 2.2 of this document, VIS-1 would be modified to reflect CEC inspection within ninety days after commercial operation begins.

3.13 WASTE MANAGEMENT

Inspecting the project structures for appropriate color and reflective treatment shortly after commercial operations begin will not result in any new impacts to waste management as identified in the final Commission Decision. This project modification will not change the assumptions used in analyzing the impacts of the project nor the COCs for the approved project license.

3.14 HAZARDOUS MATERIALS HANDLING

Inspecting the project structures for appropriate color and reflective treatment shortly after commercial operations begin will not result in any new impacts to hazardous material handling as identified in the final Commission Decision. This project modification will not change the assumptions used in analyzing the impacts of the project nor the COCs for the approved project license.

3.15 PUBLIC HEALTH

Inspecting the project structures for appropriate color and reflective treatment shortly after commercial operations begin will not result in any new impacts to public health as identified in the final Commission Decision. This project modification will not change the assumptions used in analyzing the impacts of the project nor the COCs for the approved project license.

3.16 WORKER SAFETY

Inspecting the project structures for appropriate color and reflective treatment shortly after commercial operations begin will not result in any new impacts to worker safety as identified in the final Commission Decision. This project modification will not change the assumptions used in analyzing the impacts of the project nor the COCs for the approved project license.

3.17 LAWS, ORDINANCES, REGULATIONS, AND STANDARDS

Compliance with the applicable LORS for the proposed project modifications can be accomplished through the LORS identified as part of 00-AFC-2 and the Final Decision for 00-AFC-2.

PROPOSED MODIFICATIONS TO CONDITIONS OF CERTIFICATION

In compliance with the requirements of CEC Siting Regulations Section 1769 (a)(1)(A), the present section includes those proposed modifications to COCs that would need to be reviewed and approved by the CEC concurrent with the CEC review of this Amendment. As part of this amendment, the MVPC is requesting the following changes in CEC COCs.

Proposed deletions are shown in ~~strikeout~~-type; modifications are shown in *italics*:

VIS-1: ~~Prior to first turbine roll,~~ The project owner shall treat the project structures, buildings, and tanks in appropriate colors or hues that minimize visual intrusion and contrast by blending with the surrounding landscape, and shall treat those items in a non-reflective finish. A specific treatment plan will be developed for CEC approval to ensure that the proposed colors do not unduly contrast with the surrounding landscape colors. The plan will be submitted sufficiently early to ensure that any precolored buildings, structures, and linear facilities will have colors approved and included in bid specifications for such buildings or structures.

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

- Specification, and 11" x 17" color simulations, of the treatment proposed for use on project structures, including structures treated during manufacture;
- A list of each major project structure, building, and tank, specifying the color(s) proposed for each item;
- Documentation that a non-reflective finish will be used on all project elements visible to the public;
- A detailed schedule for completion of the treatment; and,
- A procedure to ensure proper treatment maintenance for the life of the project.

If the CPM notifies the project owner that revisions of the plan are needed before the CPM will approve the plan, the project owner shall submit a revised plan to the CPM. After approval of the plan by the CPM, the project owner shall implement the plan according to the schedule and shall ensure that the treatment is properly maintained for the life of the project. For any structures that are treated during manufacture, the project owner shall not specify the treatment of such structures to the vendors until the project owner receives notification of approval of the treatment plan by the CPM. The project owner shall not perform the final treatment on any structures until the project owner receives notification of approval of the treatment plan from the CPM. The project owner shall notify the CPM within one week after

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all pre-colored structures have been erected and all structures to be treated in the field have been treated and the structures are ready for inspection.

Verification: At least 60 (sixty) days prior to ordering the first structures that are color treated during manufacture, the project owner shall submit its proposed plan to the CPM for review and approval.

If the CPM notifies the project owner that any revisions of the plan are needed before the CPM will approve the plan, within 30 days of receiving that notification, the project owner shall submit to the CPM a revised plan.

Not less than *ninety (90)* ~~thirty (30)~~ days *after* ~~prior~~ to the start of commercial operation, the project owner shall notify the CPM that all structures treated during manufacture and all structures treated in the field are ready for inspection.

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

POTENTIAL EFFECTS ON THE PUBLIC

Consistent with the CEC Siting Regulations Section 1769(a)(1)(G), this section includes a discussion of how the proposed project modifications affect the public. The proposed modifications will not add any new impacts to the public, as any project structures that need to be treated to avoid any public visual impacts will be promptly treated after commercial operations begin. The overall visual impact mitigation measures will not change.

LIST OF PROPERTY OWNERS

Consistent with the CEC Siting Regulations Section 1769 (a)(1)(H), this section lists the property owners potentially affected by the proposed modifications. MVPP has provided the names of all property owners who are adjacent to the proposed changes.

POTENTIAL EFFECTS ON PROPERTY OWNERS

Consistent with the CEC Siting Regulations Section 1769(a)(1)(I), the following section addressed potential effects on nearby property owners, the public, and the parties in the application proceedings. The proposed changes will not effect any final conclusions associated with the environmental impacts from the MVPP and rationale for granting the facility license, and consequently, there will be no long-term effects on nearby property owners.

APPENDIX A
List of Property Owners

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
BRIAN T LAFFRANCHINI	805 NOTTINGHAM	SAN BERNARDINO	CA	92408
INLAND FINANCIAL INC	1994 SAN BERNARDINO AVE	LOMA LINDA	CA	92354
JAMES S & PATTI L IRVINE	12525 VENICE BLVD	NORCO	CA	92860
JOE F & DORA VASQUEZ	1914 E SAN BERNARDINO AVE	SAN BERNARDINO	CA	92408-3013
MARK R & DICK R SZYMANSKI	26925 LADERA ST	REDLANDS	CA	92373-4373