

**Energy Commission Staff's Proposed Construction Schedule Restriction for the Victorville 2 Hybrid Power Project (07-AFC-1)**

Tuan Ngo, P.E.

Staff provides the following response to the Applicant's March 28, 2008 Prehearing Conference statement and issues raised at the April 3, 2008 Evidentiary Hearing regarding restrictions on the construction start and stop time for the Victorville 2 Hybrid Power Project (Victorville 2). The applicant proposed to start construction activities one hour after sunrise and to stop them thirty (30) minutes before sunset. Staff, relying on the applicant-provided modeling results (submitted in the July 23, 2007, Data Response Set 1), conservatively recommended that the construction stop time should be one hour before sunset, and placed such a restriction in its proposed Condition of Certification **AQ-SC6**. The objective was to prevent the project's construction emissions from creating a new violation of the area ambient 1-hour NO<sub>2</sub> standard. The applicant objected to this restriction.

Staff reassessed the modeling and found that the original concern – the potential for creating a new violation of the ambient NO<sub>2</sub> standard - could occur during the period of July 15 to August 30 unless restrictions were placed on the construction stop time. Staff notes that the minimum resolution of the air dispersion model is one hour, not 30 minutes. Staff believes it is inappropriate to assert resolution in the modeling results that do not exist in the model, even more so when attempting to model an activity as complicated and variable as a construction site. Under the applicant's proposal, for almost the entire period from July 15 to August 30, potential construction activities could occur up to 30 minutes or less before sunset. At other times of the year, sunset and construction activities are within 30 minutes of each other for only a day or two. Therefore, staff continues to recommend that construction stop one (1) hour before sunset between July 15 and August 30. However, allowing a construction stop time of thirty minutes before sunset for days outside of the period from July 15 to August 30 would not likely cause an adverse air quality impact to the area ambient NO<sub>2</sub>. Thus, staff proposes to revise (in the underline/strike out format) Condition of Certification **AQ-SC6** to read:

**AQ-SC6** Construction activities shall be limited to the hours between one hour after sunrise and one hour before sunset during July 15 and August 30. At other times, construction activities shall be limited to the hours between one hour after sunrise and thirty (30) minutes before sunset.

<b>DOCKET</b>	
<b>07-AFC-1</b>	
DATE	_____
RECD.	<u>APR 15 2008</u>

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

APPLICATION FOR CERTIFICATION  
FOR THE VICTORVILLE 2  
HYBRID POWER PROJECT

Docket No. 07-AFC-1  
PROOF OF SERVICE  
(Revised 9/6/07)

**INSTRUCTIONS:** All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

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**DECLARATION OF SERVICE**

I, Christina Flores, declare that on April 15, 2008, I deposited copies of the attached Energy Commission Staff's Proposed Construction Schedule Restriction for the Victorville 2 Hybrid Power Project in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

**OR**

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

Original Signature in Dockets  
Christina Flores