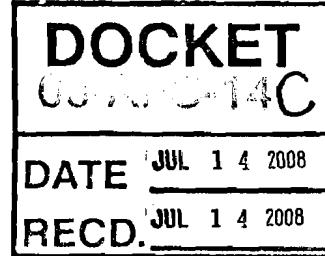


July 14, 2008

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VIA E-MAIL AND HAND DELIVERY

Mr. Steve Munro
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California Energy Commission
1516 Ninth Street, MS#2000
Sacramento, CA 95814-5512



**Re: El Segundo Power Redevelopment Project (00-AFC-14C)
Comments on CEC Staff Analysis of Project's Petition to Amend**

Dear Mr. Munro,

El Segundo Power II LLC (“ESP II”) provides the following comments to proposed modifications to Conditions of Certification (“COC”) contained in the California Energy Commission’s (“CEC”) Staff Analysis Report (“SAR”) on ESP II’s Petition to Amend the Final Decision on El Segundo Power Redevelopment Project (“ESPR”), dated June 15, 2007. Where necessary, ESP II has included a “basis of change” to describe the rationale for a requested modification of a specific COC. In addition, comments to specific Staff analysis or summaries have been included where ESP II believes clarifications are necessary. These comments are submitted pursuant to Mr. O’Brien’s directive in the June 12, 2008 Notice of Staff Workshop. ESP II believes that these changes and comments can be addressed through the planned Addendum to the SAR.

ESP II’s comments and proposed modifications to COCs are set forth below by issue area. Proposed deleted text is identified in ~~strikeout~~ format, while changes or edits to COC language are shown in **bold, underlined** text. In some cases (e.g., in Air Quality), the entire COC from the SAR is provided for reader ease when considering proposed modifications.

AIR QUALITY:

ESP II requests Staff to consider the following comments to Staff’s Air Quality analysis within the Laws, Ordinances, Regulations, and Standards (“LORS”) Compliance section and the Operation section, and proposed modifications to Air Quality COCs in the SAR.



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 2

Staff Analysis - LORS

ESP II requests Staff to clarify, in its analysis, the point at which the South Coast Air Quality Management District's ("SCAQMD") air permitting process for the El Segundo Power Redevelopment project has reached. The SCAQMD issued a Notice of Intent to Issue a Title V Facility Permit and attached the Draft Facility Permit to Operate, both of which were distributed on March 19, 2008. These documents serve as the equivalent of a Preliminary Determination of Compliance ("PDOC"). The SCAQMD does not intend to issue a Final Determination of Compliance ("FDOC"); rather, the SCAQMD will issue a revised Facility Permit following the CEC's Decision on the Petition to Amend. This revised Facility Permit will include a section authorizing construction of the Project. For clarification, please replace references to "PDOC" with Draft Revised Facility Permit when referring to the SCAQMD's analysis and permit.

Staff Analysis - Operation

ESP II wishes to clarify Staff's comments regarding reported increases in volatile organic compound ("VOC") start up (17.30 lbs/hr) and shutdown (9.74 lbs/hr) emission estimates for the Siemens turbine and the claim that these emissions are significantly greater than the turbine start up and shutdown VOC emission estimate of 2.56 lbs/hr represented in the analysis of the prior project configuration. Startup emission estimates are just that – engineering estimates – and not guaranteed by equipment vendors. The previous estimate was derived from an estimated 7.68 lbs/start for a 3-hour startup. (See, e.g., SCAQMD PDOC dated May 25, 2001, page 15.) For calculation convenience, this estimate was represented as 2.56 lbs/hr even though the bulk of these emissions would have occurred during the initial 30-60 minutes of the startup. The current startup emissions estimate for VOC is 13.0 lbs/start for a 12-minute start up. (See, e.g., ESP II Application to the SCAQMD, dated June 21, 2007, Appendix H.) The difference between these two estimates reflects increased experience by the turbine vendors in estimating VOC emissions during startups since, at the time the prior estimates were made in 2000, there was no source test data available for VOC emissions during turbine startups. More current estimates, such as those for the Blythe II project, are in the range of 9-20 lbs per start. (See, e.g., the Final Staff Assessment for the Blythe II project, dated April 29, 2005, page. 4.1-17.) The estimated emissions for the project are consistent with current estimates for other, similar projects, when it is recognized that most of the VOC emissions associated with a turbine startup occur during the early part of the start.



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 3

It is also not clear in the SAR that the startup emission rates are just that, rates. The new design and equipment, however, will have a significantly faster startup than the old units and thus this project will actually probably improve total emissions during startups. Thus, the perspective that the new design will result in significantly greater total emissions during startups and shutdowns than compared to the originally permitted project is not accurate. Instead, this project change application simply includes better rate estimates regarding emission rates for this class of turbines and an actual decrease in startup time.

Condition AQ-C6

Basis for Requested Change: To minimize NOx emissions, this COC requires the tugboats and self-propelled motorized transporters (SPMT) for all barge delivery operations to be equipped with EPA Tier II Diesel engines or better. While Tier II Diesel engines for the engine size needed for the SPMTs (300 hp - 600 hp) have been available since 2001, Tier II Diesel engines for tugboats (greater than 750 hp) have only been available since 2006. To determine the availability of tugboats equipped with Tier II Diesel engines, Sierra Research recently contacted the following firms that operate tugboats out of the Ports of Los Angeles/Long Beach:

- Crowley Marine Services
- Pacific Tugboat Service
- Foss Maritime Company
- American Marine Corporation
- Sause Brothers Ocean Towing

According to these discussions, the above companies operate a total of twenty-one tugboats out of the Ports of Los Angeles/Long Beach. Of these tugboats, a total of seven are equipped with Tier II Diesel engines. The rating of these seven tugboats ranges from 1,700 to 4,800 horsepower. Because the proposed barge delivery option for the ESPR project is expected to use larger size tugboats (over 7,000 hp each), there is some question as to the availability of the proper size tugboats equipped with Tier II Diesel engines. Therefore, we request the following change to this Condition.



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 4

Requested Change: We request the following change to this Condition:

The owner/operator shall employ tugboats and self-propelled motorized transporters (SPMT) for all barge delivery operations that are equipped with EPA Tier II diesel engines or better, unless certified by the onsite environmental compliance manager that tugboats equipped with Tier II diesel engines are not available. For purposes of this condition, “not available” means that proper size tugboats equipped with Tier II diesel engines are not in existence at the Ports of Los Angeles/Long Beach for use by the project owner at or near the time of the barge deliveries to the project site.

Condition AQ-C7

Basis for Requested Change: To minimize VOC emissions, this COC requires the oxidation catalyst to be installed/operated at the earliest point practical during the initial commissioning phase of each gas turbine. If the oxidation catalyst is installed too early in the commissioning period when the exhaust system has not yet been completely cleaned, it is possible that the oxidation catalyst could be contaminated and/or plugged. If this occurs, the vendor warranty could be voided, the oxidation catalyst could be damaged, and/or the operational life of the catalyst could be shortened. Consequently, to avoid this from occurring we request the following change to this COC.

Requested Change: We request the following change to this Condition:

...The installation must seek to maximize the reduction of VOC emissions and must not compromise safety in any way, void the catalyst warranty, damage the oxidation catalyst, or diminish the operational life of the oxidation catalyst.

Condition AQ-SC8

Basis for Requested Change: This COC requires confirmation of various aspects of SCAQMD Rule 1309.1 priority reserve requirements. To demonstrate compliance with Rule 1309.1, Section d(12), the Condition requires either a letter from the SCAQMD executive officer that the project qualifies for priority reserve credits as part of the first 2,700 MW of new generating capacity in the District or a letter from the SCAQMD Governing Board approving the issuance of priority reserve credits if the project does not qualify as part of the first 2,700 MW of new generating capacity. There is a similar



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 5

requirement under the compliance demonstration for Rule 1309.1, Section d(14) with a requirement for a letter from the SCAQMD Governing Board approving a waiver from the Rule 1309.1 requirement for the project to enter into agreements to provide power to Southern California. Because it is very difficult to obtain such letters from the SCAQMD Executive Office and/or Governing Board, we request two changes to these requirements.

First, Change — ~~W~~ith regards to demonstrating that the project qualifies for Rule 1309.1 priority reserve credits as part of the first 2,700 MW of generating capacity, we request that this be done by simply providing the CPM with a copy of the final SCAQMD permit to construct for the project. Since the SCAQMD will not issue the final SCAQMD permit to construct until all emission offsets are provided for the project (including priority reserve credits), a copy of the final permit to construct will demonstrate compliance with applicable Rule 1309.1 requirements.

Second, Change — ~~W~~ith regards to Rule 1309.1 SCAQMD Governing Board actions specific to this project, we request that the compliance demonstration be done by providing the CPM with a copy of the minutes from the SCAQMD Governing Board meeting(s) that deal with the Rule 1309.1 approvals or waivers specific to the project.

Requested Change: We request the following change to this condition:

Demonstrate Compliance with Rule 1309.1 Section d(12) by either:

1. Providing a copy of the final SCAQMD permit to construct for the project.
Or
2. Providing minutes from the SCAQMD Governing Board meeting approving priority reserve credits for the project in excess of the credits allocated for the first 2,700 MW of generating capacity.

Demonstrate Compliance with Rule 1309.1 Section d(14) by either:

1.{no change proposed}
Or
2. Providing minutes from the SCAQMD Governing Board meeting waiving the project from the Rule 1309.1 requirement to enter into a contract to provide power to Southern California.



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 6

Conditions AQ-3 and AQ-4

Basis for Requested Change: For consistency purposes, we request that the two new units be referred to as Units 5 and 7. These are the units numbers agreed to by the SCAQMD in its May 16, 2008 letter (see Attachment 1).

Requested Change: We request that these two COCs refer to Units 5 and 7 rather than Units 8 and 9.

Condition AQ-6

Basis for Requested Change: This COC is based on the SCAQMD Draft Revised Facility Permit initial compliance test requirement (SCAQMD Condition D29-7). For consistency purposes between the CEC Condition of Certification and the SCAQMD permit condition, we request a few changes to this Condition.

Requested Change: We request the following changes to this Condition:

- Refer to the units as Units 5 and 7 rather than Units 8 and 9.
- The SOx test method should be Method 307-91 rather than Method 301-91.
- Change ROG to VOC for consistency purposes (this was agreed by the SCAQMD in its May 16, 2008 letter – see Attachment 1).
- Add the following Condition that is in the SCAQMD Draft Revised Facility Permit (Permit Condition D29-7):

For natural gas fired turbines only, VOC compliance shall be demonstrated as follows: a) Stack gas samples are extracted into Summa canisters maintaining a final canister pressure between 400-500 mm Hg absolute; b) Pressurization of canisters is done with zero gas analyzed/certified to contain less than 0.5 ppmv total hydrocarbon as carbon; and c) Analysis of canisters are per EPA method TO-12 (with pre-concentration) and temperature of canisters when extracting samples for analysis is not below 70 deg. F. The use of this alternative method for VOC compliance determination does not mean that it is more accurate than AQMD Method 25.3, nor does it mean that it may be used in lieu of AQMD



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 7

Method 25.3 without prior approval except for the determination of compliance with the VOC BACT level of 2.0 ppmv calculated as carbon for natural gas fired turbines.

- Add the following Condition that is in the SCAQMD Draft Revised Facility Permit (Permit Condition D29-7):

For the purpose of this Condition, alternative test methods may be allowed for each of the above pollutants upon concurrence of AQMD and EPA.

Condition AQ-7

Basis for Requested Change: This COC is based on the SCAQMD Draft Revised Facility Permit on-going compliance test requirement (SCAQMD Permit Condition D29.9). For consistency purposes between the CEC Condition of Certification and the SCAQMD permit condition, we request a few changes to this Condition.

Requested Change: We request the following changes to this condition:

- Refer to the units as Units 5 and 7 rather than Units 8 and 9.
- The SOx test method should be Method 307-91 rather than Method 301-91.
- Add the following condition that is in the SCAQMD Draft Revised Facility Permit (Condition D29-9):

For natural gas fired turbines only, VOC compliance shall be demonstrated as follows: a) Stack gas samples are extracted into Summa canisters maintaining a final canister pressure between 400-500 mm Hg absolute; b) Pressurization of canisters is done with zero gas analyzed/certified to contain less than 0.5 ppmv total hydrocarbon as carbon, and c) Analysis of canisters are per EPA method TO-12 (with pre-concentration) and temperature of canisters when extracting samples for analysis is not below 70 deg. F. The use of this alternative method for VOC compliance determination does not mean that it is more accurate than AQMD Method 25.3, nor does it mean that it may be used in lieu of AQMD Method 25.3 without prior approval except for the determination of compliance with the VOC BACT level of 2.0 ppmv calculated as carbon for natural gas fired turbines.



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 8

Since the SCAQMD Permit Condition D29.9 does not specify a deadline for submitting the final test report, we request that the deadline be changed from 45 to 60 days following the compliance test date to be consistent with the general compliance test reporting requirements under SCAQMD Permit Condition K40.4.

Condition AQ-9

Basis for Requested Change: This COC is based on the emission limits in the SCAQMD Draft Revised Facility Permit (see SCAQMD Permit Conditions A99.7, A99.8, and A99.9). The requested changes are to make the CEC Condition of Certification consistent with the SCAQMD permit.

Requested Change: We request the following changes to this Condition:

- Remove the reference to a duct burner.
- Include an exemption from the NOx, CO, and VOC hourly emission limits during combustor tuning activities. Combustor tuning is required periodically and includes all testing, adjusting, tuning, and calibration activities recommended by the turbine manufacturer to ensure safe, reliable, and in-specification operation of the gas turbine. In the SCAQMD's May 16, 2008 letter (see Attachment 1), the SCAQMD agreed to consider including an exemption from the NOx, CO, and VOC limits during combustor tuning activities based on a definition of these activities from the gas turbine vendor. This supporting information from the gas turbine vendor is included in the form of an email from Siemens (see Attachment 2). As discussed in this email, combustor tuning is expected to occur every 12,500 equivalent baseload operating hours. The tuning is expected to take from 12 to 24 hours per event. Since the SCR and oxidation catalyst will be operational during these combustor tuning events, the NOx, CO, and VOC emissions are expected to be below routine gas turbine startup/shutdown emission levels.
- Change the PM₁₀ emission rate from 9.49 lbs/hr to 9.50 lbs/hr to match the hourly PM₁₀ emission rate shown in the engineering evaluation that accompanied the SCAQMD Draft Revised Facility Permit (see Table 8 of the SCAQMD engineering evaluation) and to match the Siemens emission summary letter for the



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 9

project (see June 21, 2007 permit application package submitted to the SCAQMD and CEC, Appendix C).

Condition AQ-11

Basis for Requested Change: This COC is based on the monthly emission limits in the SCAQMD Draft Revised Facility Permit (see SCAQMD Permit Condition A63.2). The requested changes are to make the CEC Condition of Certification consistent with the SCAQMD permit.

Requested Change: We request the following changes to this Condition:

- Refer to the units as Units 5 and 7 rather than Units 8 and 9.
- The monthly emission limits shown are for an individual gas turbine rather than the combined emissions for both gas turbines. This is shown in Table 17 of the SCAQMD's engineering evaluation for the Draft Revised Facility Permit. As shown in this table of the SCAQMD engineering evaluation, the combined monthly mass emission rates for the two gas turbines are twice the levels shown in the monthly emission limits included in SCAQMD Permit Condition A63.2. Consequently, we request the following change to this Condition:

For the purposes of this Condition, the limit(s) shall be based on the ~~total combined~~ emissions from each individual combined cycle gas turbine No. ~~8 5~~ and ~~9-7~~.

Conditions AQ-16, AQ-17, and AQ-30

Basis for Requested Change: These COCs include emission limit exemptions during the gas turbine commissioning phase and during routine gas turbine startups/shutdowns. With regards to the commissioning phase, for clarification purposes the commissioning period should be limited to 415 operating hours rather than simply 415 hours. This change to clarify the meaning of the commissioning period was included in the SCAQMD's May 16, 2008 letter (see Attachment 1), the SCAQMD agreed to include the above change to the SCAQMD Draft Revised Facility Permit provided that a definition



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 10

for operating hour was submitted to the SCAQMD. Included as Attachment 3 is a copy of the memorandum sent to the SCAQMD with the definition of this term.

As discussed in the comment on Condition AQ-9, we request that combustor tuning be included with the activities exempt from the NOx, CO, and VOC hourly average emission limits.

Requested Change: We request the following changes to these Conditions:

- For the commissioning period, we request the following change regarding operating hours:

... The commissioning period shall not exceed 415 **operating** hours.

- For activities exempt from the NOx, CO, and VOC hourly emission limits, we request the following change:

... emission limit(s) shall not apply during turbine commissioning, **combustor tuning**, shutdown, and startup periods.

- For record keeping requirements, we request the following change:

... Written records of commissioning, **combustor tuning**, shutdowns, and startups shall be maintained and made available upon request from AQMD.

Condition AQ-26

Basis for Requested Change: This COC includes the ammonia slip calculation procedure required under the SCAQMD Draft Revised Facility Permit (SCAQMD Permit Condition A195.11). The requested change was made to make this COC consistent with the SCAQMD permit condition. In addition, there is a requested change to correct an apparent typographical error in this COC.



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 11

Requested Change: We request the following changes:

- The ammonia slip limit should be referenced to 15% O₂ rather than 3% O₂.
- For the District ammonia slip calculation, we request the following change:

District Requirement

$$\text{NH}_3 \text{ (ppmv)} = [a - b * (c * 1.2) / 1E6] * 1E6 / b$$

Where:

a = NH₃ injection rate (lb/hr)/17 (lb/lbmol)

b = dry exhaust flow rate (scf/hr)/385.5 (scf/lbmol)

c = change in measured NOx across the SCR (ppmvd at 15% O₂)

The operator shall use the above described method or another alternative method approved by the Executive Officer. The above described ammonia slip calculation procedure shall not be used for compliance determination or emission information determination without...

Condition AQ-36

Basis for Requested Change: This COC permit reflects SCAQMD Draft Revised Facility Permit Condition E179.6. Since this SCAQMD condition refers to a requirement to monitor pressure drop across the SCR (see SCAQMD Permit Condition D12-13), the requested change includes the proper cross reference in the CEC COCs.

Requested Change: We request the following change:

For the purpose of the following eCondition of Certification AQ-4, continuous record shall be defined...

Condition AQ-37

Basis for Requested Change: This COC reflects SCAQMD Draft Revised Facility Permit Condition E193.3. In the SCAQMD's May 16, 2008 letter (see Attachment 1), the



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 12

SCAQMD agreed to add **provisions for an extension to** the three-year **extension limit** allowed under SCAQMD Rule 1309.1. Consequently, the requested change is to make the CEC Condition of Certification consistent with the SCAQMD Draft Revised Facility Permit.

Requested Change: We request the following change:

Each turbine shall be fully and legally operational within three (3) years of the issuance of the Permit to Construct. **The Governing Board may grant additional time extensions based upon a demonstration by the applicant that the extension is necessary due to circumstances beyond the reasonable control of the applicant.**

BIOLOGICAL RESOURCES:

ESP II requests the following change to COC BIO-9. ESP II's proposed change to BIO-9, formatted in **bold, underlined** text, affects only the first paragraph of the Condition. Thus, for brevity, ESP II has not provided the entire Condition below.

Condition BIO-9 (first paragraph only):

The project owner shall submit to the CPM for review and approval a copy of the final Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) and, once approved, shall implement the measures identified in the plan. **The BRMIMP shall be applicable to beach delivery activities only. The project owner will prepare and submit a BRMIMP if the project owner chooses to undertake beach delivery of equipment.**

HAZARDOUS MATERIALS MANAGEMENT:

ESP II requested in the Petition to Amend the deletion of HAZ-4 from the Hazardous Material Management COCs, because the R2C2 technology eliminates the use of hydrazine as an oxygen scavenger. ESP II requests Staff to consider the following proposed modification to the Hazardous Materials Management section of the SAR.



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 13

Condition HAZ-4

~~HAZ-4 The project owner shall undertake a feasibility study for the substitution of the 35% hydrazine with a less hazardous chemical. Should the study conclude that substitution is infeasible or the project owner elects to continue the use of the 35% hydrazine, then the project owner shall develop and prepare a safety management plan focusing on the storage and handling of the hydrazine and the associated protective equipment requirements, handling techniques, personnel training, spill response procedures, detectors and alarms, as a minimum.~~

~~**Verification:** At least 45 days prior to start up of Units 5, 6, and 7, the project owner shall furnish a final copy of either the feasibility study or the hydrazine storage and handling management plan, as appropriate, to the CPM, CESFD and CMBFD. All initial drafts shall be reviewed and commented upon by the CPM and CESFD. All final copies shall be approved by the CPM.~~

LAND USE:

ESP II requests edits to Land Use COCs, LAND-10 and LAND-13 as set forth below. Please note, ESP II proposes a minor change to the first paragraph of LAND-10. Thus, for conciseness, we have not included the entire COC; rather, we provide only the first paragraph.

Condition LAND-10 (first paragraph only):

Bikeway Closure or Width Reduction

The project owner shall not prohibit public access and use of the Los Angeles County maintained Class 1 bicycle trail known as the "Marvin Braude Bikeway" (bikeway) during beach delivery activities except as stipulated below.



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 14

Condition LAND-13

California State Lands Commission Lease

Prior to the start of the project's pre-construction activity on the beach, the project owner shall provide the CPM a copy of their executed lease **or equivalent land use document** with the California State Lands Commission permitting barge anchorage, and the storage and transfer of oversized power plant equipment (e.g., steam turbine generators, heat recovery steam generators, air-cooled condensers) to the project site.

Verification: At least 15 days prior to the start of pre-construction activity on the beach, the project owner is to provide the CPM a copy of their executed lease **or equivalent land use document** with the California State Lands Commission.

VISUAL RESOURCES:

At the June 25, 2008 CEC Staff Workshop, ESP II and Staff agreed the entirety of the first paragraph of COC LAND-1 had been inadvertently deleted. To that end, ESP II provides below only the first paragraph of the condition as agreed upon at the Staff Workshop. ESP II has no comments to the remainder of the Condition as set forth in the Staff Report.

Condition VIS-1 (first paragraph only):

Facility Visual Enhancement Plan. Before starting construction, the project owner shall complete a comprehensive visual enhancement plan that includes ~~architectural screening~~, landscaping, painting, lighting, and other measures that result in an overall enhancement of views of the facility from areas accessible to the public. The plan shall be made available for review and comment by the Executive Director of the Coastal Commission and for review and approval by the Energy Commission. The plan shall include:...

SOIL & WATER RESOURCES:

The following modifications to Staff's proposed COCs related to Water Quality are offered in an effort to provide clarifications associated with the El Segundo Standard Urban Stormwater



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 15

Mitigation Plan ("SUSMP"). ESP II's proposed revisions mainly consist of clarifications of existing requirements. As with other sections, this section is formatted with strikethrough of deleted text and **bold, underline** for suggested new text.

Condition WATER QUALITY-7:

The project owner shall develop and submit to the City of El Segundo for comment and to the CPM for review and approval a project-specific post-construction SUSMP in accordance with the Los Angeles Regional Water Quality Control Board (LARWQCB) National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0004001, and the City of El Segundo Ordinance No. 1348 and Chapter 7 of Title 5 of the El Segundo Municipal Code: Standard Urban Stormwater Mitigation Plan (SUSMP) Implementation.

The project owner shall comply with the requirements of the **State Water Resources Control Board's** NPDES Permit for Discharges of Storm Water Associated with Construction Activity (**General Construction Permit**) **Water Quality Order 99-08-WDQ**. The project owner shall **revise** develop and implement a Storm Water Pollution Prevention Plan (Construction SWPPP) for the construction of the ESPR site, laydown areas, including El Segundo Beach, and all linear facilities **in a phased approach**.

The **revised** Construction SWPPP shall be **provided to the** **reviewed and approved by the City of El Segundo for review for and be in and comment** and shall **compliance incorporate and be consistent with the project's** SUSMP **developed in accordance with the LARWQCB NPDES Permit No. CAS0004001, and the City of El Segundo Ordinance No. 1348 and Chapter 7 Of Title 5 of the El Segundo Municipal Code: Standard Urban Stormwater Mitigation Plan (SUSMP) Implementation.**

Verification: 30 days prior to site mobilization, demolition, and/or construction related ground disturbing activities associated with the underground utilities, tank farm, berm, entrance road, beach delivery, and linear facilities, below grade demolition, or construction of new units, The project owner shall submit to the CPM a copy of the revised Construction SWPPP that includes the requirements of the City's SUSMP prior to tank farm and entrance road site mobilization, demolition, and/or construction of the State of California General Permit for Stormwater Discharges Associated with Construction Activity (General Construction Permit) related to the above-



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 16

referenced ground disturbing activity, and retain a copy on-site. The project owner shall submit copies to the CPM of all correspondence between the project owner and the City of El Segundo, the LARWQCB, or the State Water Resources Control Board about the City's SUSMP and regarding the Construction SWPPP within 10 days of its receipt or submittal. This information shall include copies of the Notice of Intent and Notice of Termination for the project.

The project owner shall submit to the City of El Segundo for comments and to the CPM for review and approval a project-specific operations SUSMP developed in accordance with the LARWQCB NPDES Permit No. CAS0004001, and the City of El Segundo Ordinance No. 1348 and Chapter 7 of Title 5 of the El Segundo Municipal Code: Standard Urban Stormwater Mitigation Plan (SUSMP) Implementation.

Condition WATER QUALITY-8

The project owner shall develop and maintain a Drainage, Erosion, and Sediment Control Plan (DESCP) for soil-disturbing activities, mobilization or demolition activities; t The DESC will be submitted in phases to address various phases of pre-construction and construction ground disturbance. The project owner shall obtain CPM approval of the for a site-specific DESC that addresses each of the following activities:

- Grading or excavation activities associated with underground utilities;
- 45th Street berm and tank access road construction;
- Use and/or demolition of the tank farm;
- Plant entrance road modifications
- Beach delivery related activities; or
- Construction of the new units

The DESC shall be consistent with the grading and drainage plan as required by condition of certification CIVIL-1 and may incorporate by reference any ~~Storm Water Pollution Prevention Plan (SWPPP)~~ developed in conjunction with state or municipal NPDES permits. The DESC shall contain elements A through I below:



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 17

- A. Vicinity Map – A map(s) at a minimum scale 1”=100’ shall be provided indicating the location of all project elements with depictions of all significant geographic features including swales, storm drains, and sensitive areas.
- B. Site Delineation – All areas Areas subject to soil disturbance for the ~~ESPRP project (project site, lay down area, all linear facilities, landscaping areas, and any other project elements)~~ shall be delineated showing boundary lines of all construction areas and the location of all existing and proposed structures, pipelines, roads, and drainage facilities.
- C. Watercourses and Critical Areas – The DESCP shall show the location of all nearby watercourses including swales, storm drains, and drainage ditches. ~~Indicate the proximity of those features to the ESPRP project construction, lay down, and landscape areas and all transmission and pipeline construction corridors.~~
- D. Drainage Map – The DESCP shall provide a topographic site map(s) at a minimum scale 1”=100’ showing all existing, interim and proposed drainage systems and drainage area boundaries. On the map, spot elevations and contours shall be extended off-site for a minimum distance of 100 feet.
- E. Drainage Narrative – The DESCP shall include a narrative of the drainage measures to be taken to protect the site and downstream facilities. The narrative should include the summary pages from the hydrologic analysis prepared by a professional engineer/erosion control specialist. The narrative shall state the watershed size(s) in acres used in the calculation of drainage control measures and text included that justifies their selection. The hydrologic analysis should be used to support the selection of BMPs and structural controls to divert off-site and on-site drainage around or through the ESPRP project construction and laydown areas.
- F. Clearing and Grading Plans – The DESCP shall provide a delineation of all areas to be cleared of vegetation and areas to be preserved. The plan shall provide elevations, slopes, locations, and extent of all proposed grading as shown by contours, cross sections or other means. The locations of any disposal areas, fills, or other special features will also be shown. Illustrate existing and proposed topography tying in proposed contours with existing topography.



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 18

G. Clearing and Grading Narrative – The DESCP shall include a table with the quantities of material excavated or filled for the site and all project elements. ~~the ESPRP project (project site, lay down areas, transmission corridors, and pipeline corridors) to. The Narrative shall~~ include those materials removed from the site due to grading, excavation, below grade demolition, and construction, whether such excavations or fill is temporary or permanent, and the amount of such material to be imported or exported. ~~The table shall distinguish whether such excavations or fill is temporary or permanent and the amount of material to be imported or exported.~~

H. Best Management Practices – The DESCP shall identify on a Water Pollution Control Drawing(s) (WPCD) the location of the site specific BMPs to be employed during each phase of construction (initial grading/demolition, excavation and construction, and final grading/stabilization) and may incorporate by reference any SWPPP developed in conjunction with state or municipal NPDES permits. Treatment control BMPs used during construction should enable testing of stormwater runoff prior to discharge to the stormwater system. BMPs shall include measures designed to prevent wind and water erosion in areas with existing soil contamination.

I. Best Management Practices Narrative – The DESCP shall show the location (as identified on the WPCD), timing, and maintenance schedule of all erosion and sediment control BMPs to be used prior to initial grading/demolition, during project excavation and construction, and final grading/stabilization (accomplished by the submittal of DESCP revisions). Text with supporting calculation shall be included for each project specific BMP. Separate BMP implementation schedules shall be provided for each project element. Incorporation by reference any SWPPP developed in conjunction with state or municipal NPDES permits is allowed.

Verification: No later than 90 30 days prior to site mobilization or demolition start of grading or excavation activities for underground utilities, beach delivery, use of the tank farm, plant entrance road modifications, 45th Street berm, or tank access road construction and no later than 60 days prior to start of grading or excavation activities for construction of the new units, the project owner shall submit a copy of the DESCP for the initial grading/demolition phase of construction to the City of El Segundo (City) for review and comment and to the CPM for review and approval.



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 19

The project owner shall submit copies to the CPM of all correspondence between the project owner and the City regarding the DESCp within 10 days of its receipt or submittal. The CPM shall consider any comments received from the City on the DESCp before issuing approval.

The DESCp shall be revised and a revision submitted to the CPM for project excavation/construction and final grading/stabilization prior to the soil disturbing activities associated with these stages of construction. The DESCp shall be consistent with the grading and drainage plan as required by condition of certification CIVIL-1 and relevant portions of the DESCp shall clearly show approval by the Chief Building Official. The DESCp shall be consistent with the Stormwater Pollution Prevention Plan (SWPPP) developed **in accordance with the General Construction Permit (Water Quality Order 99-08-DWQ)** in conjunction with the City's municipal NPDES Permit No. CAS0004001 and **the project's Standard Urban Stormwater Mitigation Plan developed in accordance with the LARWQCB NPDES Permit No. CAS0004001, and the City of El Segundo Ordinance No. 1348 and Chapter 7 of Title 5 of the El Segundo Municipal Code: Standard Urban Stormwater Mitigation Plan (SUSMP) Implementation.**

- In the monthly compliance report, the project owner shall provide a narrative describing the effectiveness of the drainage, erosion and sediment control measures; the results of monitoring and maintenance activities, including any BMP inspection reports; and the dates of any dewatering activities.

Condition WATER QUALITY-9

The project owner shall comply with the requirements of the Individual and/or General NPDES Permit for Discharges of Storm Water Associated with Industrial Activity. The project owner shall develop and implement a Storm Water Pollution Prevention Plan (Industrial SWPPP) for the operation of the ESPRP. The Industrial SWPPP shall be **provided to reviewed and approved by the City of El Segundo (City) for review and comment, and comment on and be in for compliance with the City of El Segundo's (City) Standard Urban Stormwater Mitigation Plan (SUSMP) per the requirements of the Los Angeles Regional Water Quality Control Board (LARWQCB) NPDES Permit No. CAS0004001. The Industrial SWPPP shall incorporate, and be consistent with, the**



Mr. Steve Munro
Compliance Project Manager
California Energy Commission
July 14, 2008
Page 20

project's SUSMP developed in accordance with the LARWQCB NPDES Permit No. CAS0004001, and the City of El Segundo Ordinance No. 1348 and Chapter 7 of Title 5 of the El Segundo Municipal Code: Standard Urban Stormwater Mitigation Plan (SUSMP) Implementation.

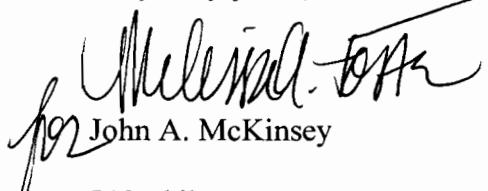
Verification: The project owner shall submit to the CPM a copy of the Industrial SWPPP that includes the requirements of the City's SUSMP prior to commercial operation and retain a copy on-site. The project owner shall submit to the CPM copies of all correspondence between the project owner and the City about the City's SUSMP and the Individual and/or General NPDES Permit for the Discharge of Storm Water Associated with Industrial Activity within 10 days of its receipt or submittal. The Industrial SWPPP shall include a copy of the Notice of Intent for the project.

CONCLUSION

ESP II appreciates the opportunity to comment on Staff's Analysis Report on the Petition to Amend ESPR. ESP II believes that the incorporation of the changes to Conditions of Certification as noted herein will further enhance ESPR and provide greater clarity in specific issue areas when moving into the construction and operation phases of the project.

If you have any questions or further comments, please contact George Piantka at (760) 710-2156 or John McKinsey at (916) 447-0700.

Very truly yours,



John A. McKinsey

JAM:kjh

cc: George Piantka, El Segundo Power II