

State of California

Energy Resources Conservation and Development Commission

<b>DOCKET</b>	
08-AFC-4	
DATE	JAN 30 2009
RECD.	JAN 30 2009

In the Matter of: ) Docket No. 08-AFC-4  
 )  
 Application for Certification ) AMENDED CONDITION OF  
 for the Orange Grove Energy Project ) CERTIFICATION

Staff recommends that Soil & Water 4, as drafted and entered into the record on December 19, 2008, be revised to be consistent with the Commission's exclusive permitting authority for power plants. As the Warren-Alquist Act states, "The issuance of a certificate by the commission shall be in lieu of any permit ... required by any state, local or regional agency ...." (Pub. Resources Code § 25500.) Staff suggests the following changes to Soil & Water 4. Staff has contacted the applicant about the proposed revisions and understands the applicant concurs with them.

**SOIL & WATER -4 - Prior to site mobilization and construction, the project owner shall submit grading plans containing all documentation and plans as normally required for the county's grading permit to the CBO for approval and to San Diego County for review and comment. The CBO shall consider County input, if provided, before deciding whether to approve the grading plans. All grading plans and documentation shall be consistent with the project DESC and the SWPPPS developed in compliance with the project conditions of certification and the NPDES permit for construction and industrial activities.**

**Verification - At least 90 days prior to the start of site mobilization, the project owner shall submit grading plans containing all documentation and plans as normally required for the county's grading permit to the CBO and to San Diego County. Project mobilization and construction shall not proceed until the CBO has reviewed and approved the grading plans.**

**ORIGINAL**

**SOIL & WATER-4:** Prior to site mobilization and construction, the project owner shall submit a grading packet to the county of San Diego containing all documentation, plans, and fees normally required for the county's grading permit, with copies to the CPM. Project mobilization and construction shall not proceed until the county of San Diego issues an approval document, equivalent to the county's grading permit, and the CPM provides written concurrence.

Proof of Service (Revised 10/23/08) filed with original.  
 Mailed from Sacramento on 1-30-09.

**Verification:** At least 90 days prior to the start of site mobilization, the project owner shall submit a grading packet to the San Diego County Department of Public Works containing all documentation, plans, and fees normally required for the county's grading permit. Copies of all documents and information submitted by the project owner to the city, and any correspondence and permitting document(s) or approvals received by the project owner, shall be provided to the CPM within 10 days of submittal or receipt by the project owner. All grading plan and permit equivalent requirements or recommendations shall be consistent with the project DESC and the SWPPPs developed in compliance with the project conditions of certification and NPDES permits for construction and industrial activities. Project mobilization and construction shall not proceed until the required San Diego County grading permit equivalent document is issued by the county and the CPM provides written concurrence.

Date: January 30, 2009

Respectfully submitted,

/s/ \_\_\_\_\_

JARED BABULA  
Senior Staff Counsel  
California Energy Commission  
1516 9<sup>th</sup> Street, MS-14  
Sacramento, CA 95814  
Ph: (916) 654-3959  
E-mail: [jbabula@energy.state.ca.us](mailto:jbabula@energy.state.ca.us)



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION  
ORANGE GROVE POWER  
PLANT PROJECT**

**DOCKET No. 08-AFC -4  
PROOF OF SERVICE  
Revised 10/23/08**

**INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:**

CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. 08-AFC-4  
1516 Ninth Street, MS-15  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**APPLICANT**

Stephen Thome  
J-Power USA Development  
1900 East Golf Road, Suite 1030  
Schaumburg, IL 60173  
[sthome@jpowerusa.com](mailto:sthome@jpowerusa.com)

Mike Dubois  
J-Power USA Development  
1900 East Golf Road, Suite 1030  
Schaumburg, IL 60173  
[mdubois@jpowerusa.com](mailto:mdubois@jpowerusa.com)

**APPLICANT CONSULTANT**

Joe Stenger, PG. REA  
TRC  
2666 Rodman Drive  
Los Osos CA 93402  
[jstenger@trcsolutions.com](mailto:jstenger@trcsolutions.com)

**COUNSEL FOR APPLICANT**

Jane Luckhardt  
Downey Brand, LLP  
555 Capitol Mall, 10<sup>th</sup> Floor  
Sacramento, CA 95814  
[jluckhardt@downeybrand.com](mailto:jluckhardt@downeybrand.com)

Wayne Song  
Morgan, Lewis & Bockius LLP  
300 S Grand Avenue, 22<sup>nd</sup> Floor  
Los Angeles, CA 90071  
[wsong@morganlewis.com](mailto:wsong@morganlewis.com)

**INTERESTED AGENCIES**

California ISO  
P.O. Box 639014  
Folsom, CA 95763-9014  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

Steve Taylor  
San Diego Gas & Electric  
8306 Century Park Court  
San Diego, CA 92123  
[srtaylor@semprautilities.com](mailto:srtaylor@semprautilities.com)

**ENERGY COMMISSION**

JAMES D. BOYD  
Commissioner and Presiding Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

**INTERVENORS**

Anthony J. Arand  
219 Rancho Bonito  
Fallbrook, CA 92028  
[tony@envirepel.com](mailto:tony@envirepel.com)

ARTHUR ROSENFELD  
Commissioner and Associate Member  
[pflint@energy.state.ca.us](mailto:pflint@energy.state.ca.us)

Kenneth Celli  
Hearing Officer  
[kcelli@energy.state.ca.us](mailto:kcelli@energy.state.ca.us)

**\*Alliance for a Cleaner Tomorrow  
(ACT)  
c/o Arthur S. Moreau, Klinedinst, PC  
501 West Broadway, Suite 600  
San Diego, CA 92101  
[amoreau@klinedinstlaw.com](mailto:amoreau@klinedinstlaw.com)**

Felicia Miller  
Project Manager  
[fmiller@energy.state.ca.us](mailto:fmiller@energy.state.ca.us)

**\*Archie D. McPhee  
40482 Gavilan Mountain Road  
Fallbrook, CA 92028  
[archied1@earthlink.net](mailto:archied1@earthlink.net)**

Jared Babula  
Staff Counsel  
[jbabula@energy.state.ca.us](mailto:jbabula@energy.state.ca.us)

Public Adviser's Office  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

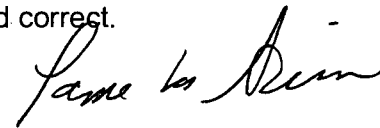
**DECLARATION OF SERVICE**

I, Pamela Guinn, declare that on 1/29/08, I deposited copies of the attached Amended Condition of Certification 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.



\_\_\_\_\_

Attachments