

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

IN THE MATTER OF:

DOCKET No. 99-AFC-5

**APPLICATION FOR CERTIFICATION FOR THE
OTAY MESA GENERATING PROJECT
(PG&E NATIONAL ENERGY GROUP)**

ERRATA TO THE PRESIDING MEMBER S PROPOSED DECISION

The following list of Errata shall be incorporated by reference in the Presiding Member s Proposed Decision (PMPD), which is scheduled for hearing by the full Commission at its April 18, 2001, Business Meeting. The Errata are based on comments filed by the parties during the 30-day comment period. While some of the Errata expand our discussion of the evidentiary record, none of the Errata change the substantive findings and conclusions of the PMPD.

INTRODUCTION

Page 1, second paragraph, first sentence:

The Otay Mesa Generating Company (~~a subsidiary of PG&E Generating an affiliate of PG&E National Energy Group~~) filed ...

Page 2, first paragraph, second sentence:

It includes two power islands, each of which will include a combustion turbine generator, a heat recovery steam generator with ~~duct burners~~ power augmentation, air-cooled...

Page 2, second paragraph, fourth sentence:

Delete: ~~The gas pipelines will connect to SDG&E s Pipeline 2000 at the Harvest Regulator Station and to the SDG&E metering station at the Mexican border, where an extension will be built to interconnect with the prospective North Baja Pipeline.~~

Add: One gas pipeline will connect to SDG&E s Pipeline 2000 at the Harvest Regulator Station. The second can have two connections: the SDG&E metering station at the Mexican border and/or the Sempra Energy Mexico s Transportadora de Gas Natural de Baja California (TGN).

Page 3, last paragraph, sixth sentence:

The project will use best available control technology (BACT), identified as required by SDCAPCD

Page 3, second paragraph, 7th and 8th sentences (over to page 4):

OMGP proposes to install either SCONOX technology or as an alternative to SCR. If SCONOX is ~~successful~~ selected, the project will ~~achieve a~~ have a target NOx emission level of 1.0 ppmvd (at 15% O2) over a 24-hour period. Even though SCONOX is expected to achieve 1 ppm now, SDCAPCD requires that within 20 years the project must achieve 1 ppm NOx whether SCR or SCONOX is installed.

Page 4, first paragraph, first sentence:

Intervenors Cabrillo and DENA (owner of the Encina power plant and operator of the South Bay power plant, respectively) contended

Page 7, fourth paragraph, first sentence

On August 2, 1999, the Otay Mesa Generating Company ~~(a subsidiary of PG&E Generating~~ an affiliate of PG&E National Energy Group) filed...

PROJECT PURPOSE AND DESCRIPTION

Page 11, first paragraph, first sentence:

The Otay Mesa Generating Company, LLC (Applicant), ~~a subsidiary~~ an affiliate of PG&E National Energy Group...

Page 15, carryover paragraph, fourth sentence:

Delete: ~~An extension of about 200 feet would then run south to the border where a new valve/metering station would be built to interconnect with the North Baja Pipeline Project currently proposed by Sempra International and PG&E Gas Transmission Corporation.~~

Add: The approved pipeline can have two connections: One to SDG&E s Otay Metering Station and the other to Sempra Energy Mexico s Transportadora de Gas National de Baja California (TGN). The TGN pipeline provides transportation northward from the proposed North Baja Pipeline.

NEED CONFORMANCE

Page 19, after last paragraph, add new paragraph:

In comments to the Committee, Intervenor Holly Duncan expressed her concern that there are no requirements for any of the power from OMGP to be made available to San Diego or even to California. Ms. Duncan asserted that the San Diego community is getting degraded air quality and a 15-acre new brownfield but no guarantee of power at a fair rate or any power at all. (04/06/01 RT 57: 13-22.) Ms. Duncan s concern that San Diego is carrying the environmental burden of the proposed power plant without the benefit of lower rates or increased electricity supply was reflected by other members of the public, including Ms. Pepper Coffey, and the Environmental Health Coalition. In addition, the San Diego Regional Chamber of Commerce, which supports development of the OMGP, indicated that rolling blackouts in San Diego County have caused member companies in the region to lose millions of dollars. The Chamber of Commerce believes that part of the solution is to increase generation throughout the state. (04/06/01 RT 63-64.)

ALTERNATIVES

Page 24, first paragraph after Technology Alternatives delete the first sentence:

~~Intervenor Save Our Bay argued that conservation measures hould reduce the need for fossil-fuel power plants. (Ex. 71.)~~

Page 25, after first complete paragraph above Site Alternatives add new paragraph:

In comments on the Committee s Proposed Decision, Mr. Claycomb for Save Our Bay challenged the finding that rooftop photovoltaics are not cost-effective. Mr Claycomb filed a motion to reopen the record to submit a study entitled, A study of the manufacture at 500 MW of crystalline silicon photovoltaic modules. (Tim Bruton BP Solar International et al. 14th

European Photovoltaic Conference, Barcelona, July 1997.) According to Mr. Claycomb, this study indicates that photovoltaic panels can be produced for under \$2000 per kW, which could produce electricity for 7.8 cents/kWh. It is not necessary to reopen the record to receive this document since it is a public document available to the Commission's research staff. The motion is therefore denied. Although the information presented by Mr. Claycomb is compelling, the coordination of locations and interconnections for the large number of rooftop facilities that could achieve 500 MW is beyond the scope of this proceeding.

FACILITY DESIGN

Page 51, second paragraph, first sentence:

two heat recovery steam generators (HRSGs), each with ~~400~~131-foot tall exhaust stacks, and either one or two steam turbine generators (STGs).

Page 63, Condition STRUC-1:

Delete the fifth bullet. This paragraph should not be bulleted.

Page 66, Condition MECH-1:

Delete the third bullet. This paragraph should not be bulleted.

POWER PLANT EFFICIENCY

Page 72, first paragraph, 3rd and 4th sentences:

Route 2B is approved to ~~would~~ interconnect ~~at to the~~ SDG&E's existing metering station at the US/Mexico border (Otay Metering Station) and/or the ~~A short extension across the border would then interconnect with~~ Sempra Energy...

Page 72, footnote 16, delete second sentence and replace with the following:

In accordance with the Precedent Agreement between Gasoducto Rosarito and North Baja Pipeline, LLC, the North Baja Pipeline will also serve the Rosarito Power Plant, which is located near Ensenada, Mexico and owned by the Comision Federal de Electricidad (CFE).

Page 76, line 2:

Change ADEA to ASEA

Page 76, line 9:

Add: To condense the steam turbine s exhaust steam, to the beginning of the sentence that now begins Applicant will install

Page 78, Findings and Conclusions, No. 2:

Replace existing No. 2 with the following:

OMGP will construct two gas pipelines to interconnect to SDG&E's Pipeline 2000 at SDG&E's Harvest Regulator Station and to the existing Sempra Energy Mexico's TGN pipeline system and/or the SDG&E Otoy Metering Station at the US/Mexico border. The TGN pipeline will provide a connection to the proposed North Baja Pipeline.

POWER PLANT RELIABILITY

Page 83, last paragraph, first sentence:

Rule 14, which was ~~established~~ approved by the CPUC in the early .

Page 84, middle paragraph, last sentence:

In the short-term, SDG&E requests the CPUC ~~to revise Rule 14 to allow pro rata curtailments and also to approve Line 6900. (Id. at 15-17-31-32.)~~ SDG&E also proposes to meet with its customers to determine if there is any temporary proposal for curtailments under Rule 14 that SDG&E and the generators could all endorse. (Id. at 29-31.)

Page 88, add the following new paragraphs before first complete paragraph:

Both Cabrillo and DENA sought to clarify their roles as economic competitors in this proceeding. The Intervenors do not oppose the addition of OMGP in the San Diego region; rather, they argued, OMGP s impact on the natural gas distribution bottleneck within the San Diego region will force their power plants to choose between clean air or fuel oil burns and between the current stressed levels of local electric system reliability and reduced reliability in 2003. (Cabrillo s comments filed April 12, 2001, at p. 3.)

Competition among the EGs in San Diego for natural gas cannot be disconnected from the economics of the electricity marketplace. DENA asserts this is indeed the key to understanding its position. None of the parties indicated, however, whether San Diego ratepayers would benefit from increased generation in the San Diego region as a result of competition. Cabrillo claimed that gas consumption and electricity production by OMGP would cause the Encina and South Bay plants to operate 10 percent and 100 percent more, respectively, in order to maintain electric system reliability. However, the record does not establish whether the former utility generators or the new OMGP will typically sell their power into San Diego where the gas delivery system is constrained and the electric grid is, according to Cabrillo, already brittle.

In support of its comments on the Proposed Decision, Cabrillo filed a document entitled Analysis of the Operational and Environmental Impacts of the Proposed Otay Mesa Generating Plant, dated March 25, 2001. This document was submitted after the evidentiary record was closed and after Cabrillo's request to reopen the record to receive this document was denied. (Commission Order Denying Interlocutory Appeal, dated January 17, 2001.) We acknowledge receipt of the document but it is not considered part of the evidentiary record upon which we base this Decision. Moreover, even if we received this document into the evidentiary record, the underlying assumptions (reduced imports, hypothetical peak days, predicting fuel oil burns) were already addressed by testimony presented by Applicant, Staff, and SDG&E.

Both Cabrillo and DENA proposed conditions to require OMGP to obtain an independent gas supply outside the SDG&E delivery system and/or to install dual fuel capability. We do not believe these conditions are necessary. The record indicates that OMGP is pursuing alternative gas supply options and Sempra is expected to complete its Line 6900 expansion by summer. We take administrative notice that the CPUC is reviewing funding for Line 6900 in its current OII proceeding on gas curtailments. (CPUC I.00-11-002.) Both Cabrillo and DENA are parties to the CPUC proceeding.

In its comments (Analysis), Cabrillo considered two scenarios under which OMGP would operate with an independent source of natural gas. Cabrillo concluded that operation of OMGP would nonetheless continue to impact the San Diego electric transmission system. Cabrillo insisted that OMGP also be required to implement system upgrades. Otherwise, according to Cabrillo, the Encina and South Bay plants would have to increase their output

requiring additional gas, resulting in curtailments and fuel oil burns. SDG&E disagreed.

Page 88, after last sentence in first complete paragraph, add the following sentence:

Moreover, we find Cabrillo s request to impose conditions on OMGP requiring an independent gas supply to be somewhat misleading in light of its view that even if OMGP had an independent gas supply the electric transmission system would nonetheless be compromised by operation of OMGP. Cabrillo proposed that OMGP be required to implement system upgrades. This proposal was rejected by Cal-ISO and SDG&E as unnecessary. (Ex. 68.)

TRANSMISSION SYSTEM ENGINEERING

Page 95, last paragraph, last sentence:

~~The Commission~~We relies—rely on Cal-ISO s determinations and has—
adopted Cal-ISO s finding .

Thereafter, add the following paragraphs:

During the comment period on the Proposed Decision, Intervenor Cabrillo vigorously challenged the Committee s findings, asserting that the system will meltdown if OMGP is licensed without dual fuel capability and/or without a condition requiring interconnection with North Baja or other independent source of natural gas. According to counsel for Cabrillo, the government is moving to deploy machines that in some cases actually enhance the brittleness of the system and actually expose the public not simply to more pollution, and health effects, but to absolute liability meltdown. And systems crash. (04/06/01 RT 33:11-17.) Cabrillo asked the Commission to acknowledge that the infrastructure in this state is shot. And if we don t get it improved in a coordinated fashion, we ll have four or five years of governance by emergency decree and suspension of statutory processes. (Id. at 34: 15-20.)

Cabrillo relied on SDG&E s Facilities Study Final Report (Ex. 35), which indicates that under some operating scenarios, electricity grid reliability requires Encina, and to a much greater extent, South Bay to operate at very high levels in order to support the generation at OMGP. Cabrillo quoted a portion of the Facilities Study indicating that SDG&E electricity grid reliability

will require, a minimum of 615 MW generation at Southbay when [OMGP] output is at 558 MW. As [OMGP] output is reduced, the minimum required generation at Southbay is also reduced. The minimum required generation is based on mitigating the thermal overload due to double outage of Miguel-Mission and Miguel-Sycamore Canyon 230 kV lines by implementing a RAS to automatically trip the [OMGP] output and open the line from [OMGP] to Tijuana. If the generation from Southbay is less than the required generation, the RAS will not work. (Ex. 35 at p.6)

Cabrillo argued that the method of service selected by OMGP (Option I) would run all SDG&E electric lines near or at maximum capacity, so that if one line is lost, the remaining lines would be subject to voltage overload. To avoid this, Encina, and to a greater extent, South Bay, must operate at very high levels whenever OMGP would operate in order to spread the electricity into lower voltage portions of the SDG&E electric grid (the 138 kV and the 70K). Cabrillo maintained that testimony of its witness, Mr. Weatherwax establishes that OMGP will also displace imports into the SDG&E service area from the east, further increasing the need for Encina and South Bay to operate in tandem with OMGP in order to maintain the load to meet demand within the SDG&E service area.

Page 96, first paragraph:

Before the first sentence add:

Staff disputed Cabrillo's interpretation of the evidence. In its comments to the Committee, Staff reiterated testimony indicating that import reduction would be addressed by reducing generation at OMGP. This approach was accepted by both SDG&E and Cal-ISO. (Ex. 68; 11/14/00 RT 131-132.) While potential cumulative impacts San Diego Region; however, SDG&E's system. Intervenor Cabrillo also challenged SDG&E's assumptions forecasts. (Ex. 72.) We reject the notion that Cabrillo's analysis should trump the utility's forecasts. Cabrillo has will have the opportunity to participate

Page 96, after first paragraph as amended above, add the following:

Condition **TSE-1g** requires the project owner to submit a Detailed Facilities Study and an executed Facility Interconnection Agreement with SDG&E that will include a description of congestion management requirements, RAS sequencing and timing, and an evaluation of the reactive margin for the SDG&E and adjacent service areas. These documents will address impacts

of the project on imported power. The Detailed Facilities Study and the Interconnection Agreement will be coordinated with Cal-ISO.

As Cal-ISO indicated, its proposal for congestion management requiring new generation to shoulder all costs of their potential effects on existing generation was rejected by FERC. Cabrillo proposed that OMGP implement Options A and B as described in SDG&E s Facility Study, which would require OMGP to pay for downstream impacts. Cal-ISO concluded that these options were not necessary to meet its reliability criteria. However, we agree with Cabrillo that long-term grid planning, upgrades, and new facilities are essential to the continued viability of the state s transmission system and we support efforts at the CPUC, Cal-ISO and FERC to achieve the necessary improvements.

AIR QUALITY

Page 111, second paragraph, last sentence:

and particulate matter less than 10 and 2.5 microns in diameter (PM₁₀ and PM_{2.5}) and their precursors: nitrogen oxides (NO_x), volatile organic compounds (VOC), and SO_x. Also included in this review are the precursor pollutants for ozone, which are nitrogen oxides (NO_x) and volatile organic compounds (VOC), and the precursors for PM₁₀, which are NO_x, VOC, and sulfates (SO_x). (citation).

Page 114, Section 3, first sentence:

~~the Air District Staff~~ relied on five air

Page 119, second complete paragraph, sixth line:

limit NO_x emissions from any electric generator (EG) steam boiler to 0.15 pounds .

Page 119, second complete paragraph, ninth line:

The Encina units and South Bay Unit 4 are presently operating under with Rule 69. Until such time, those ~~the~~ units are operating

Page 120, last paragraph, first sentence:

~~Rule 69~~ Because of permit conditions that were the result of the CEQA analysis done for the sale of the SDG&E plants, the Air District's Permits to Operate prohibits economic fuel oil burns .

Page 122, 1st line at top of page:

these limits by installing either the newly developed SCONOX technology or ~~Dry Low NOx and Selective Catalytic Reduction (SCR) with oxidation catalyst~~ and dry low NOx systems.

Page 122, 1st full paragraph, second sentence.

XONON or SCONOX can reduce NO_x, ~~and CO~~, and VOC emissions

Page 122, third paragraph, first sentence

In the event that SCONOX technology is not ~~available~~ selected, Applicant proposes...

Page 123, first paragraph, third sentence

In this case, ERCs are required for NO_x, ~~PM10 and PM10 precursors, NOx, SOx, and VOC~~ to ensure...

Page 126, after second paragraph (CEQA Mitigation Plan), add new paragraph:

Additional mitigation for the project's PM₁₀ emissions liability includes: (1) NO_x and VOC emissions reduction credits required by District rules that were in excess of 100 tons of NO_x or NO_x equivalent per year and (2) the PM₁₀ and VOC emissions reductions realized, but not formally banked, through the MERC program of the clean diesel for diesel marine engine replacements and the natural gas for diesel truck engine replacements.

Page 127, second paragraph, second sentence:

Even if Mr. Rubenstein's worst-case analysis regarding potential air quality impacts of fuel oil proves to be accurate, ~~there is no evidence does not establish that OMGP would cause those fuel oil burns to occur~~ based on the whole record we decline to find that OMGP would be the cause of any such impacts.

Page 127, second paragraph, fourth sentence:

further limited under ~~Rule 69~~ according to permit conditions after the Air District

Page 128, second paragraph, revise first and second sentences:

to provide a PM10 mitigation package to mitigate to the extent feasible contributions to, and violations of the state 24-hour and annual PM10 standards, respectively. Thus, ~~there are no unmitigated~~ significant adverse impacts are mitigated to the extent feasible and there is no evidence of .

Page 129, after second complete paragraph:

The Environmental Health Coalition (EHC) and Ms. Duncan filed comments on the Proposed Decision regarding the potential for cumulative impacts from NOx and PM10 emissions. The EHC requested that the project owner be required to implement SCONOX to the maximum extent feasible to reduce NOx emissions. The Conditions of Certification include this direction and require the project achieve a target NOx emission level of 1.0 ppmvd within 20 years of start-up even if SCR is used. Ms. Duncan is concerned about PM10 impacts and proposed that bag house equipment be installed to reduce emissions. While bag houses are required on coal-burning plants, standard BACT for natural gas-fired plants does not require bag houses. The record as a whole indicates that the project will comply with applicable Air District rules. With respect to additional PM10 mitigation, the Commission is satisfied that Staff has developed a reasonable program that accounts for project impacts to the extent feasible. Community proposals to enhance the program should be coordinated with the Commission's Compliance Project Monitor (CPM), who will continue to work with the Air District and the project owner to address local concerns.

Page 129, Findings and Conclusions No. 1:

particulate matter less than 10 and 2.5-microns in diameter (PM10 and PM2.5) and their precursors: nitrogen oxides (NOx), volatile organic compounds (VOC), and SO_x.

Page 130, Findings and Conclusions No. 12:

To mitigate to the extent feasible the project's violation of the state annual PM10 violation standard and contribution to existing state 24-hour PM₁₀ violations, the project owner will .

Page 130, Findings and Conclusions No. 16, delete and replace as follows:

16. Project emissions from construction and operation will be mitigated to the extent feasible under applicable LORS.

Add new No. 17 as follows:

17. Community proposals to enhance the PM10 mitigation plan shall be coordinated with the Commission's Compliance Project Monitor (CPM), who will continue to work with the Air District and the project owner to address local concerns regarding air quality.

Change existing No. 17 to No. 18

Page 132, Condition AQ-5:

~~At least 90 days prior to on-site delivery of equipment~~ The project owner shall submit to the District the final selection and design details of the gas turbines and associated equipment to be installed, including all proposed post-combustion control systems (SCONOx or SCR). Such information may be submitted to the District under Trade Secret and confidential provisions pursuant to District Rules 175 and 176.

Verification: At least 90 days prior to on-site delivery of equipment, the project owner shall provide copies of design details of the gas turbines and associated equipment to be installed, including all proposed post-combustion control systems (SCONOx or SCR) to the CPM and the District ~~at least 90 days prior to the start of rough grading.~~

PUBLIC HEALTH

Page 166, first paragraph, second sentence:

The nearest residence is ~~0.85 kilometers~~ 1.3 miles to the southwest...

BIOLOGICAL RESOURCES

Page 204, second paragraph, second sentence

Delete: ~~Using the assumptions shown below, Applicant agreed to pay \$320,434 to purchase 35.9 acres of habitat at the O Neal Canyon Land Bank...~~

Add: Using the assumptions shown below, Applicant will pay at least \$320,434 to purchase 35.9 acres of habitat from the O Neal Canyon Land Bank or similar bank acceptable to Energy Commission Staff, USFWS, and CDFG.

Page 208, Findings and Conclusions, No. 7:

Delete existing text of No. 7 and replace with the following:

The project owner will provide habitat compensation funds of at least \$324,434 to The Environmental Trust (TET) or other qualified organization to purchase 35.9 acres of habitat at the O'Neal Canyon Land Bank or other land bank approved by U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), and the Energy Commission.

Page 208, Findings and Conclusions, No. 8:

~~the U.S. Fish and Wildlife Service (USFWS)~~

SOILS AND WATER RESOURCES

Page 224, new No. 5 above Cumulative Impacts , and change existing No. 5 to No. 6:

5. National Pollutant Discharge Elimination System (NPDES) Permit

The USEPA delegates the administration of the NPDES permit program to the state Regional Water Quality Control Boards (RWQCBs). The RWQCBs issue general permits for regulation of storm water discharges under the NPDES program. The City of San Diego Metropolitan Wastewater Department (MWWD) holds an NPDES permit for discharge of its treated wastewater to the ocean. Because construction of the OMGP will result in the disturbance of more than five acres of land, the facility will be required to seek coverage under a general permit for storm water discharges associated with construction activities. To obtain coverage, OMGP will file a Notice of Intent with the RWQCB. Compliance with this permit will require the preparation of a Storm Water Pollution Prevention Plan (SWPPP). Conditions **SOILS&WATER 5 and 6** require the project owner to develop and implement a SWPPP and to obtain an Industrial Users Wastewater Discharge Permit.

Page 226, Findings and Conclusions, No. 3:

Applicant has provided a draft Erosion Control and Stormwater Management Plan that will serve as the basis for the final Stormwater Pollution Prevention Plan as required under the General Construction Stormwater Permit issued by the Regional State-Water Quality Resources-Control Board."

CULTURAL RESOURCES

Page 230, footnote 76, page 230:

Delete existing text and replace with the following:

Potential impacts are considered only for those cultural resources that are deemed significant or important under criteria established by federal and state laws and regulations. If a cultural resource is determined to be eligible for or listed on the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR), then the resource is deemed significant. (National Historic Preservation Act, 16 U.S.C. 470; 36 CFR 800 et seq.; CEQA Guidelines, Title 14, Cal. Code. of Regs., /15064.5 and Title 14, Cal. Code of Regs., /4850 et seq.)

Page 230, under Methodology:

In the first sentence, capitalize area of potential effect as Area of Potential Effect

Page 231, second full paragraph:

First sentence: ... over 40 studies had previously .

Second sentence: Within ~~the one-mile~~ one mile of the APE for the OMGP, there are ~~35~~ 257 recorded prehistoric or historic sites and ~~one recorded~~ 52 isolates. The project APE contains only 35 recorded prehistoric or historic sites and one isolate . (citation)

Page 237, second paragraph, second sentence:

Replace the word "creates" with increases.

Page 240, Condition CUL-1 Verification, third paragraph:

Remove "or field director" and change professionals to professional and individuals to individual.

Page 241, CUL-3, Protocol Item c:

Delete the last sentence

Page 243, CUL-4, Verification

In the last sentence "r sum" should be "resume".

Page 246, CUL-10

The paragraph titled "Protocol" should be titled "Verification".

LAND USE

Page 261, first full paragraph, revise both sentences as follows:

Land use within a 1-mile radius around the plant site and 0.25 mile of the proposed linear facilities include . Land use designations within a 1-mile radius around the plant site and 0.25 mile of the linear facilities include

Page 261, second paragraph:

pipelines (1) or (2) a 1.6-mile pipeline that would run for the most part within the Miguel-Tijuana transmission line right-of-way (Route 2B).

Page 262, first paragraph, first sentence:

Delete existing text and replace as follows:

Access to the site will be made through two roads: (1) a 0.15-mile road (Route 5) connecting the northwest corner of the power plant site with Alta Road and following the route of a planned local road depicted on the East Otay Mesa Specific Plan Circulation Plan; and (2) a 0.2-mile road (Route 5A) connecting the southwest corner of the power plant site to Alta Road and following the same route as the potable water supply line and portions of the natural gas pipeline (Route 2A).

Page 265, Findings and Conclusions, No. 2:

Delete existing text and replace with the following:

The project will exceed the allowable height limit in the Mixed Industrial Zoning District; however, the County indicated if it were the permitting agency, the County would grant a height exception to the project subject to certain conditions, which have been incorporated in Conditions of Certification **LAND-1** and **LAND-2**.

Page 265, Findings and Conclusions No. 7:

Use of the site to construct and operate the project will not have a significant adversely effect on agricultural production in San Diego County

TRAFFIC AND TRANSPORTATION

Page 274, second paragraph, second sentence:

Replace existing text with the following:

Applicant signed a Memorandum of Understanding (MOU) with San Diego County, the City of San Diego, and Caltrans District 11, to implement the traffic mitigation plan described in the Supplemental Traffic Study with amendments indicated in the MOU.

Page 274, second paragraph, after the last sentence add:

The Supplemental Traffic Study, as amended, commits the project owner to improve four intersections on Otay Mesa Road to mitigate traffic impacts created by construction workers and truck deliveries. With the proposed improvements, the four intersections will operate at acceptable levels during peak hours and, therefore, it will not be necessary to stagger construction hours to prevent overloading these intersections. (Exs. 98 and 108.)

Page 281, ConditionTRANS-4

Delete the existing text of Condition TRANS-4 and replace with the following:

The project owner shall implement a construction traffic control plan as outlined in the East Otay Mesa Specific Plan that will mitigate the project's

traffic impacts. The project owner shall also implement the traffic mitigation plan described in the November 28, 2000, Supplemental Traffic Study (Exhibit 98), as amended.

Protocol: Prior to the start of earth moving activities, the project owner shall consult with San Diego County, and prepare and submit to the Compliance Project Manager (CPM) for review and approval, and to San Diego County for review and comment, a construction traffic control plan and implementation program which addresses the following issues:

- Primary roads to be used during construction
- Timing of heavy equipment and building materials deliveries;
- Required intersection improvements
- Signing, lighting and traffic control device placement;
- Emergency access;
- Temporary travel lane closures
- Maintaining access to adjacent residential and commercial property; and
- Off-street employee parking in construction areas during peak construction.

This plan shall contain the following elements:

- Schedule deliveries, including heavy truck traffic, during non-peak traffic hours before and after shift changes.
- Improvements to intersections required by the Supplemental Traffic Plan, as amended;
- Program to monitor the effectiveness of the construction traffic control plan and implementation program;
- Determination of the fair share funds needed for road improvement to mitigate the impacts from construction of OMGP

VISUAL RESOURCES

Page 286, second paragraph, first sentence under Potential Impacts:

seven KOPs identified.

Page 286, second paragraph, third sentence and citation:

Delete the third sentence and citation beginning with Staff concurred

Page 291, Condition VIS-3:

Delete bullets from the last 2 items so that they are aligned with the VIS-3 Protocol on page 290.

Page 292, Condition VIS-5:

Delete bullet from the last item so that it is aligned with the VIS-5 Protocol on page 292.

NOISE

Page 294, first paragraph, last sentence:

applicable noise control laws and ordinances and will not significantly increase ambient noise levels.

Page 296, last paragraph, second sentence:

Replace the second sentence with the following:

In this case, the most stringent criterion is an increase of five dBA or more above the existing ambient noise level.

Page 298, first complete sentence at top of the page:

Move the sentence beginning with Condition NOISE-7 requires the project owner to the following section (b. Operation) after the first complete paragraph.

Page 298, first complete paragraph (under b. Operation), line 4:

Change 40 dBA to 34 dBA .

Page 299, Findings and Conclusions No. 5:

~~consistent with applicable law~~ avoids significant adverse impacts by limiting

By Order of the Committee.

Dated April 17, 2001, at Sacramento, California

ROBERT A. LAURIE
Commissioner and Presiding Member
Otay Mesa AFC Committee

ROBERT PERNELL
Commissioner and Associate Member
Otay Mesa AFC Committee