

PASTORIA ENERGY FACILITY 160 MW EXPANSION PROJECT
SUPPLEMENT TO APPLICATION FOR CERTIFICATION
Responses to CEC Staff Data Requests
Dated June 9, 2005
05-AFC-1

EXHIBIT 6
REVISED LORS INFORMATION

- Revised LORS for Soils
- Revised LORS for Transmission
- Revised LORS for Water Resources
- Revised LORS Table for Soils, Transmission and Water Resources

This Exhibit includes a narrative discussion of the LORS applicable to the PEF Expansion in the areas of Electrical Transmission, Soils, and Water Resources that amends these sections in Section 7.0 of 05-AFC-1.

7.3.4 Electrical Transmission

The power plant switchyard and outlet line electrical transmission line shall meet or exceed the electrical, mechanical, civil and structural requirements of state and federal agencies and industry standards as described in the following sections.

7.3.4.1 Federal Authorities and Administering Agencies

Applicable Federal LORS pertaining to electrical transmission line address aviation safety and communications interferences as they relate to the transmission line routes for the PEF. However, no new transmission lines are included as part of the PEF Expansion. The administering authorities for these LORS are listed in Section 7.3.4 of the AFC. LORS addressing hazard prevention (i.e., fire hazard, hazardous shock, nuisance shock, and noise) are covered under in the AFC in Section 7.3 Project Siting, Design, and Construction; Section 7.4.2, Public/Worker Safety and Health Protection; and Section 7.5.12, Noise.

7.3.4.2 State Authority and Administering Agency

Several state regulations applied to the construction of the existing transmission line connection to the Pastoria substation including: CEC requirements for power plant licensing, CPUC General Order 95 “Rules for Overhead Electric Line Construction”, Title 8 of the California Code and Regulations (Title 8) and Articles 35, 36 and 37 of the “High Voltage Electric Safety Orders” related to compliance with the Division of Occupation Safety and Health worker safety requirements, and Cal-ISO standards.

7.3.4.3 Local Authorities and Administering Agencies

The Kern County General Plan, Energy Element includes polices related to energy development in Kern County and are not applicable to the PEF Expansion project.

7.3.4.4 Industry Codes and Standards

Unless specifically stated otherwise, the design of all structures and facilities will be based on the codes, specifications, industry standards and regulations, and other reference documents in effect at the time of design. Applicable codes and industry standards with respect to the project’s electrical engineering design criteria, construction and operation are summarized in Appendix F, Electrical Engineering Design Criteria. Applicable sections of systems control design criteria, as summarized in Appendix G, Control Systems Engineering Design Criteria, will also be considered. These Appendices, from 99-AFC-7, are included in Volume II of the AFC in Attachment A Project Description

Materials from 99-AFC-7. The following industry standards will apply to the construction of the PEF transmission facilities: Cal-ISO standards, National Electric Code (NEC), National Electric Safety Code (NESC), Southern California Edison Interconnection Standards, and IEEE Grounding Standards.

7.5.4 Agriculture and Soils

The following discussion only includes identifies those LORS that are applicable to the construction and operation of the PEF Expansion as they relate to the protection of soils resource and protection of surface water quality from project induced erosion impacts.

7.5.4.1 Federal Authorities and Administering Agencies

The Federal Water Pollution Control Act of 1972; Clean Water Act of 1977 (including its 1987 amendments). These authorities establish requirements for any facility or activity which has or which will discharge wastes (including sediment due to accelerated erosion) that may interfere with the beneficial uses of receiving waters.

The administering agency for the above authority is the California Regional Water Quality Control Board, Central Valley Region 5 (RWQCB), Central Valley Region under the direction of the State Water Resources Control Board (SWRCB).

Applicability. A new or amended Construction Storm Water Pollution Prevention Plan (SWPPP) will be prepared prior to the start of construction to address the construction of the PEF Expansion. The existing PEF Operational SWPPP will be amended to address the PEF Expansion facilities prior to the commencement of operation of the PEF Expansion unit.

Soil Conservation Service (SCS), National Engineering Handbook (1983), Sections 2 and 3. The US Department of Agriculture prescribes standards of technical excellence for the SCS, now renamed the Natural Resources Conservation Service (NRCS) for the planning, design, and construction of soil conservation practices.

The administering agency for the above authority is the NRCS.

Applicability. This requirement was addressed as part of the licensing of the existing PEF and is not applicable to the PEF Expansion.

7.5.4.2 State Authorities and Administering Agencies

California Public Resources Code § 25523(a); CCR §§ 1752, 1752.5, 2300-2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i). The Act provides for protection of environmental quality. With respect to the PEF Expansion, the Act requires

submission of information to the CEC concerning potential environmental impacts, and the CEC's decision on the AFC must include consideration of environmental protection.

The administering agency for the above authority is the CEC.

Applicability. Submittal of the PEF Expansion AFC (05-AFC-1) and AFC processing constitutes compliance with this requirement.

Guidelines for Implementation of the California Environmental Quality Act of 1970, Appendix G, 14 CCR § 15000 – 15387; California Environmental Quality Act (CEQA), California Public Resources Code § 21000 et. seq. The CEQA guidelines specify that: “A project will normally have a significant effect on the environment if it will ...[(q)] (q) Cause substantial flooding, erosion or siltation; ...[(y)](y) Convert prime agricultural land to non-agricultural use or impair the agricultural productivity of prime agricultural lands”.

The administering agency for the above authority is the CEC.

Applicability. Submittal of the PEF Expansion AFC (05-AFC-1) and AFC processing constitutes compliance with this requirement.

California Porter-Cologne Water Quality Control Act of 1969, as amended; California Water Code, § 13260 - 13269; 23 CCR Chapter 9. The code requires adequate protection of water quality by appropriate design, sizing and construction of erosion and sediment controls. Discharge of waste earthen material into surface waters resulting from land disturbance may require the filing of a report of waste discharge (Water Code § 13260(a)), and provides for the issuance of waste discharge requirements with respect to the discharge of any waste that can affect the quality of the waters of the state. Concerning potential surface water pollution from project area runoff, the waste discharge requirements may incorporate requirements based on the following sources of recommended methods and procedures:

- State Water Resources Control Board. 1996. *Erosion and Sediment Control Field Manual*.
- US EPA. 1973. *Processes, Procedures and Methods to Control Pollution Resulting From All Construction Activity*. Presents information on processes, procedures, and methods for controlling sediment, storm water, and pollutants from construction activities.
- California Department of Resources Conservation. 1978. *Erosion and Sediment Control Handbook*. Provides procedures by which physical and climatic data and erosion control practices can be considered in making an assessment of a site for

determining the need for an erosion control plan and for preparing an erosion control plan.

The administering agencies for the above authority are the CEC, the RWQCB, and the State Water Resources Control Board.

Applicability. The existing PEF was found in compliance with all of these requirements based upon the approval and implementation of the construction and operations SWPPP programs. A new or amended Construction Storm Water Pollution Prevention Plan (SWPPP) will be prepared prior to the start of construction to address the construction of the PEF Expansion. The existing PEF Operational SWPPP will be amended to address the PEF Expansion facilities prior to the commencement of operation of the PEF Expansion unit.

7.5.4.3 Local Authorities and Administering Agencies

California Land Conservation Act (Williamson Act), Cal. Government Code Title 5, Part 1, Chapter 7 Section §§ 51200-51295. The Williamson Act provides for lowered property taxes for lands maintained in agricultural and certain open space uses. The landowner enters into a contract with the county or city to restrict land uses to those compatible with agriculture, wildlife habitat, scenic corridors, recreational use, or open space. In return, the local authorities calculate the property tax assessment based on the actual use of the land instead of its potential value assuming full commercial development. To be eligible, the land must be designated by a city or county as agricultural preserve, scenic highway corridor, or wildlife habitat area; or it must be actively used for the three years immediately preceding the beginning of the contract as a salt pond, managed wetland, recreational or open space area.

The administering agency for the above authority is the Kern County Planning Commission and the Kern County Planning Department.

Applicability. Cancellation of the Williamson Act contract occurred as part of the existing PEF. Therefore, no further compliance is required for the PEF Expansion.

Kern County General Plan – Land Use/Conservation/Open Space Element (2004). This element sets forth policies addressing soils, water, mineral resources, and vegetation.

The administering agency for the above authority is Kern County Planning Department.

Applicability. The existing PEF was found to be consistent with the Kern County General Plan. It is expected that since implementation of the PEF Expansion will occur within the

boundaries of the existing PEF plant site, that Kern County will also determine that the PEF Expansion is consistent with the Kern County General Plan.

Hydrology Manual for the County of Kern, California (1992). Any drainage systems design will meet the specified criteria.

The administering agency for the above authority is Kern County Planning Department.

Applicability. The Kern County CBO determined that the existing PEF was designed to meet the criteria of the Kern County Hydrology Manual. The drainage system for the PEF Expansion will also be designed consistent with this criteria and will be subject to review and approval from the Kern County CBO prior to the start of construction.

Kern County Code of Building Regulation Grading Ordinance, Chapter 17.28. This chapter outlines how project construction must comply with grading requirements.

The administering agency for the above authority is the Kern County Engineering & Survey Services Department, Building Inspection Division.

Applicability. The Kern County CBO determined that the existing PEF met the grading requirements of the Kern County Grading Ordinance. The grading for the PEF Expansion will also be designed to meet the Grading Ordinance requirements and will be subject to review and approval from the Kern County CBO prior to the start of construction.

7.5.4.4 Industry Codes and Standards

No laws, ordinances, regulations, standards, or codes are applicable.

Appendix B (h) (4): A schedule indicating when permits outside the authority of the commission will be obtained and the steps the applicant has taken or plans to take to obtain such permits.

Response: There are no permits required for Agriculture and Soils for the PEF Expansion project. NPDES permitting requirements are covered under the Water Resources Data Requests below.

7.5.5 Water Resources

The following LORS are applicable or potentially applicable to the proposed project in the context of water resources.

7.5.5.1 Federal Authorities and Administering Agencies

Clean Water Act of 1977 (including 1987 amendments) § 402, 33 USC § 1342; 40 CFR Parts 122 - 136. The Clean Water Act requires a National Pollution Discharge Elimination System (NPDES) permit for any discharge of pollutants from a point source to waters of the United States. This law and its regulations apply to storm water and other discharges into waters of the United States. The Clean Water Act requires a general construction activities permit for discharge of storm water from construction sites disturbing 1 acres or more. This federal permit requirement is administered by the State of California Water Resources Control Board according to the Construction Storm Water Program.

Dischargers whose projects disturb 1 or more acres of soil or whose projects disturb less than 1 acre but are part of a larger common plan of development that in total disturbs 1 or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

The administering agencies for the above authority are the RWQCB, and the EPA, Region 9.

Applicability. Construction activities at the PEF Expansion site will be performed in accordance with a new or amended Construction SWPPP. The Monitoring Plan developed for the existing PEF, was prepared in accordance with the State of California's NPDES General Permit for Storm Water Discharges Associated with Construction Activity. The Construction SWPPP for the PEF Expansion will include control measures including Best Management Practices to reduce erosion and sedimentation as well as other pollutants associated with vehicle maintenance, material storage and handling, and other activities occurring at the project site.

Clean Water Act § 311; 33 USC § 1321; 40 CFR Parts 110, 112, 116, and 117. The Act requires the reporting of any prohibited discharge of oil or hazardous substance.

The administering agencies for the above authority are EPA, Region 9; RWQCB; and the California Office of Emergency Services (OES).

Applicability. The existing PEF was found in compliance with all of these requirements based upon the approval and implementation of the construction and operations SWPPP programs. A new or amended Construction SWPPP will be prepared prior to the start of construction to address the construction of the PEF Expansion. The existing PEF

Operational SWPPP will be amended to address the PEF Expansion facilities prior to the commencement of operation of the PEF Expansion unit.

7.5.5.2 State Authorities and Administering Agencies

California Porter-Cologne Water Quality Control Act; California Water Code § 13000 - 14957; Division 7, Water Quality. The Porter-Cologne Water Quality Control Act authorizes the state to develop and implement a statewide program for the control of the quality of all waters of the state. The Act establishes the state board and each of the regional boards as the principal state agencies with primary responsibility for the coordination and control of water quality. Under § 13172, siting, operation, and closure of waste disposal sites are regulated. The Act requires classification of the waste and the disposal site. Discharges of waste must comply with the groundwater protection and monitoring requirements of the Resource Conservation and Recovery Act of 1976, as amended (42 USC Sec. 6901 *et seq.*), and any federal acts which amend or supplement the Resource Conservation and Recovery Act of 1976, together with any more stringent requirements necessary to implement this revision or Article 9.5 (commencing with Section 25208) of Chapter 6.5 of Division 20 of the Health and Safety Code. The discussion above in Section 7.5.4.2 is also applicable. The project will comply with the regulations set forth in this act.

The administering agency for the above authority is the CEC, State Water Resources Control Board, and the Regional Water Quality Control Board, Central Valley Region 5 (RWQCB).

Applicability. The existing PEF was found in compliance with all of these requirements based upon the approval and implementation of the construction and operations SWPPP programs. A new or amended Construction SWPPP will be prepared prior to the start of construction to address the construction of the PEF Expansion. The existing PEF Operational SWPPP will be amended to address the PEF Expansion facilities prior to the commencement of operation of the PEF Expansion unit.

California Constitution, Article 10 § 2. This article prohibits the waste or unreasonable use of water, and regulates the method of use and method of diversion of water. The project will comply with the State constitution.

The administering agency for the above authority is the RWQCB.

Applicability. The existing PEF was found in compliance with all of these requirements based upon the approval and implementation of the construction and operations SWPPP programs. A new or amended Construction SWPPP will be prepared prior to the start of construction to address the construction of the PEF Expansion. The existing PEF

Operational SWPPP will be amended to address the PEF Expansion facilities prior to the commencement of operation of the PEF Expansion unit.

State Water Resources Control Board, Resolution 75-58 (June 18, 1975). The Board prescribes state water quality control policy on the use and disposal of inland water used for power plant cooling.

The administering agencies for the above authority are the RWQCB and the CEC.

Applicability. The existing PEF was found in compliance with this requirement based upon the implementation of the zero liquid discharge system and the determination by that CEC staff that the water entitlements were adequate to meet more than the needs of the project. The water use associated with the PEF Expansion project will be minimal and can be accommodated within the water entitlements secured for the existing PEF. Therefore, the PEF Expansion will be consistent with this policy.

California Water Code § 13260 - 13269; 23 CCR Chapter 9. The code requires the filing of a report of waste discharge and provides for the issuance of waste discharge requirements with respect to the discharge of any waste that can affect the quality of the waters of the state. The waste discharge requirements will serve to enforce the relevant water quality protection objectives of the Water Quality Control Plan and federal, technology-based effluent standards applicable to the PEF Expansion. With respect to potential water pollution from construction activities, the waste discharge requirements may incorporate requirements based on the Clean Water Act § 402(p) and implementing regulations at 40 CFR Parts 122 seq., as administered by the RWQCB.

The administering agency for the above authority is the RWQCB.

Applicability. The existing PEF was found in compliance with all of these requirements based upon the approval and implementation of the construction and operations SWPPP programs. A new or amended Construction SWPPP will be prepared prior to the start of construction to address the construction of the PEF Expansion. The existing PEF Operational SWPPP will be amended to address the PEF Expansion facilities prior to the commencement of operation of the PEF Expansion unit.

California Water Code §§ 13271 - 13272; 23 CCR §§ 2250 - 2260. These code sections require reporting of releases of specified reportable quantities of hazardous substances or sewage (§ 13271) and releases of specified quantities of oil or petroleum products (§ 13272), when the release is into, or where it will likely discharge into, waters of the state. For releases into or threatening surface waters, a “hazardous substance” and its reportable quantities are those specified at 40 CFR § 116.5, pursuant to § 311(b)(2) of the Federal Clean Water Act, 33 USC § 1321(b)(2). For releases into or threatening ground water, a

“hazardous substance” is any material listed as hazardous pursuant to the California Hazardous Waste Control Act, Health & Safety Code §§ 25100 - 2520.24, and the reportable quantities are those specified at 40 CFR Part 302.

The administering agencies for the above authority are the RWQCB and the Governor’s Office of Emergency Services.

Applicability. Although such releases are not anticipated, the project would comply with the reporting requirements. Further, the existing PEF was found in compliance with all of these requirements based upon the approval and implementation of the construction and operations SWPPP programs. A new or amended Construction SWPPP will be prepared prior to the start of construction to address the construction of the PEF Expansion. The existing PEF Operational SWPPP will be amended to address the PEF Expansion facilities prior to the commencement of operation of the PEF Expansion unit.

California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2 Subchapter 5, Article 1, Appendix B, Part (1). The code provides for the inclusion of requirements in the CEC’s decision on an AFC to assure protection of environmental quality and requires submission of information to the CEC concerning proposed water resources and water quality protection.

The administering agency for the above authority is the CEC.

Applicability. Submittal of the PEF Expansion AFC (05-AFC-1) and AFC processing constitutes compliance with this requirement.

California Environmental Quality Act, Public Resources Code § 21000 et seq.; CEQA Guidelines, 14 CCR § 15000 et seq.; Appendix G. The CEQA Guidelines (Appendix G) contain definitions of projects which can be considered to cause significant impacts to water resources. The project is not expected to cause significant impacts to water resources, as described in Section 5.5.2.

The administering agency for the above authority is the CEC.

Applicability. Submittal of the PEF Expansion AFC (05-AFC-1) and AFC processing constitutes compliance with this requirement.

The Monterey Agreement. The principles outlined in the Monterey Agreement provide for increased agricultural water supply reliability, lower costs, water transfers, and more flexibility in operating the State Department of Water Resources and State Water Project. The Agreement between the State Department of Water Resources and State Water Project contractors was signed in December 1994. The Kern County Water Agency

(KCWA) is a State Water Project contractor, and the Wheeler Ridge-Maricopa Water Storage District is a member KCWA agency.

The administering agencies for the above agreement are the State Department of Water Resources and the Kern County Water Agency.

Applicability. The project will not affect the policies of this agreement. Further, the existing PEF was found in compliance with this requirement based upon the implementation of the zero liquid discharge system and the determination by that CEC staff that the water entitlements were adequate to meet more than the needs of the project. The water use associated with the PEF Expansion project will be minimal and can be accommodated within the water entitlements secured for the existing PEF. Therefore, the PEF Expansion will be consistent with this policy.

Clean Water Act § 401, Waiver of Discharge Requirements. Obtain certification that discharges will comply with Clean Water Act.

The administering agency for the above authority is the RWQCB.

Applicability. The existing PEF was issues a 401 Certification from the RWCQB as a result of the implementation of the construction and operations SWPPP programs. A new or amended Construction SWPPP will be prepared prior to the start of construction to address the construction of the PEF Expansion. The existing PEF Operational SWPPP will be amended to address the PEF Expansion facilities prior to the commencement of operation of the PEF Expansion unit.

7.5.5.3 Local Authorities and Administering Agencies

Kern County Water Agency. The Kern County Water Agency (KCWA), created by the California Legislature in 1961, has primary authority to acquire and contract for water supplies for Kern County, with additional authority to control flood and storm waters, protect the quality of underground waters, and conduct investigations relative to water resources. The KCWA coordinates management of the water supplies of Kern County, with particular emphasis on State Water Project supplies. The Pastoria Energy Facility which includes the PEF Expansion will receive water from the Wheeler Ridge-Maricopa Water Storage District, which in turn contracts for State Water Project supplies from the KCWA.

The administering agencies are the Kern County Water Agency and the Wheeler Ridge-Maricopa Water Storage District.

Applicability. The project will not affect the policies of this agency. Further, the existing PEF was found in compliance with this requirement based upon the implementation of the zero liquid discharge system and the determination by that CEC staff that the water entitlements were adequate to meet more than the needs of the project. The water use associated with the PEF Expansion project will be minimal and can be accommodated within the water entitlements secured for the existing PEF. Therefore, the PEF Expansion will be consistent with this policy.

Kern County General Plan; Section 1.3 Physical and Environmental Constraints.

Kern County will not permit new development on lands that are environmentally unsound and unable to support such development. This includes regulations regarding areas of shallow groundwater, construction of sewage disposal facilities, and construction within flood hazard or flood channel areas.

The administering agencies for the above authority are the Kern County Planning Department and the Kern County Engineering & Survey Services Department, as applicable.

Applicability. The Kern County CBO determined that the existing PEF was designed to meet the requirements of the regulations of the Kern County General Plan related to Physical and Environmental Constraints. The PEF Expansion will also be designed consistent with these regulations and will be subject to review and approval from the Kern County CBO prior to the start of construction.

District Standard Specifications for Water Distribution Facilities. Project installation should be in compliance with District requirements.

The administering agency is the Wheeler Ridge-Maricopa Water Storage District.

Applicability. The PEF Expansion will use the existing PEF water line. Therefore the PEF Expansion will not subject to compliance with these specifications.

Kern County Floodplain Management Plan, Chapter 17.48, Kern County Code of Building Regulations. Requirements should be met in regards to building in the floodplain.

The administering agency is the Kern County Engineering & Survey Services Department.

Applicability. The Kern County CBO determined that the existing PEF was designed to meet the requirements of the criteria of the Kern County Floodplain Management Plan.

The PEF Expansion will also be designed consistent with this criteria and will be subject to review and approval from the Kern County CBO prior to the start of construction.

7.5.5.4 Industry Codes and Standards

No laws, ordinances, regulations, standards, or codes are applicable beyond those discussed in Section 7.4.

UPDATED TABLE 7-1
PASTORIA ENERGY FACILITY 160 MW EXPANSION (05-AFC-1)
SUMMARY OF APPLICABLE LORS AND COMPLIANCE FOR THE AREAS OF
ELECTRIC TRANSMISSION, WATER RESOURCES AND SOILS

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|-----------------------------|-------------|--------------|---|---|---|
| 7.4.3 Electric Transmission | | Federal | 47 CFR § 15.25, "Operating Requirements, Incidental Radiation." | FAA | Mitigation for any device that causes communications interference. |
| | | State | 20 CCR, Appendix B, Subdiv. (a), (d) (g) and Subdiv. (a), (h), §§ 1741 through 1744 and § 1752 "Information Requirements for a Non-geothermal Application." | CEC | Compliance with applicable laws for safety and reliability. |
| | | | Cal. Pub. Res. Code, § 25000 et seq., Warren-Alquist Act, § 25520 Subdivision (g). | CEC | Provide description of transmission line including the right of way. No additional action expected. |
| | | | Title 8 of the California Code and Regulations (Title 8) | Division of Occupational Safety and Health (DOSH) | Occupational health and safety |
| | | | General Order 95 (GO-95) CPUC, "Rules for Overhead Electric Line Construction". | CPUC | Not applicable to the PEF Expansion. |
| | | | Articles 35, 36, 37 of the "High Voltage Electric Safety Orders) | DOSH | Occupational health and safety |
| | | | Cal-ISO Standards | Cal-ISO | |
| | | | Radio & Television Interference (RI/TVI) Criteria. | CEC or CPUC | Not applicable to the PEF Expansion. |
| | | Local | Kern County General Plan, Energy Element (2004). | Kern County Planning Department | Not applicable to the PEF Expansion. |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|-----------------------------|------------------------------------|--------------|---|--|---|
| | | Industry | National Electric Code | | |
| | | | Southern California Edison Interconnection Standards | | |
| | | | IEEE Grounding Standards | | |
| 7.5.4 Agriculture and Soils | Section 5.4, Agriculture and Soils | Federal | Federal Water Pollution Control Act of 1972; Clean Water Act of 1977 (including 1987 amendments). | California Regional Water Quality Control Board, Central Valley Region 5 (RWQCB) | Meet discharge requirements relative to sediment due to accelerated erosion through the implementation of Construction and Operational Storm Water Pollution Prevention Plans (SWPPPs). |
| | | | Soil Conservation Service (SCS), National Engineering Handbook (1983), Sections 2 and 3. | USDA Natural Resources Conservation Service (NRCS). | Implement standards for the planning, design, and conservation of soil conservation practices. This requirement was addressed as part of licensing of the existing PEF. |
| | | State | Cal. Pub. Res. Code § 25523(a); CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i). | CEC | Submission of information to the CEC concerning potential environmental impacts. Submittal of the PEF Expansion AFC and AFC processing constitutes compliance with this requirement. |
| | | | Guidelines for Implementation of CEQA, Appendix G; 14 CCR § 15000 – 15387. | CEC | Evaluate erosion or siltation and conversion of agricultural lands. |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|--------------|-------------|--------------|--|---|--|
| | | | California Porter-Cologne Water Quality Control Act of 1969, as amended; Cal. Water Code, § 13260 - 13269; 23 CCR Chapter 9. | CEC, the RWQCB and the State Water Resources Control Board | Adequate protection of water quality by appropriate design, sizing and construction of erosion and sediment controls; obtain waste discharge requirements concerning potential surface water pollution from project area runoff. This requirement will be addressed through the preparation of new or amended Construction and Operational SWPPPs. |
| | | State/Local | California Land Conservation Act (Williamson Act). Cal. Government Code Title 5, Part 1, Chapter 7 Section §§ 51200-51295. | Department of Conservation, Division of Land Resources Protection; administered by the Kern County Planning Department. | Cancellation of the Williamson Act contract occurred as part of the existing PEF. No additional action expected. |
| | | Local | Kern County General Plan – Land Use/Conservation/Open Space Element, 2004. | Kern County Planning Department and Kern County Planning Commission | Existing PEF was found to be consistent with the Kern County General Plan. It is expected that the PEF Expansion will also be found to be consistent. |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|--------------|-------------|--------------|---|---|--|
| | | | Hydrology Manual For the County of Kern (1992) | Kern County Planning Department | Design drainage system to meet criteria. The Kern County CBO determined that the existing PEF was designed to meet the criteria of the Kern County Hydrology Manual. The drainage system for the PEF Expansion will also be designed consistent with this criteria and will be subject to review and approval from the Kern County CBO prior to the start of construction. |
| | | | Kern County Code of Building Regulation Grading Code. | Kern County Engineering & Survey Services Department, Building Inspection Division. | Comply with grading code chapter 17.28. The Kern County CBO determined that the existing PEF met the grading requirements of the Kern County Grading Ordinance. The grading for the PEF Expansion will also be designed to meet the Grading Ordinance requirements and will be subject to review and approval from the Kern County CBO prior to the start of construction. |
| | | Industry | None applicable. | -- | -- |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|-----------------------|------------------------------|---------------|---|------------------------------|--|
| 7.5.5 Water Resources | Section 5.5, Water Resources | Federal/State | Clean Water Act § 402, 33 USC § 1342; 40 CFR Parts 122 – 136; State Construction Storm Water Program. | RWQCB, and the EPA, Region 9 | <p>National Pollution Discharge Elimination System (NPDES) permit for construction activities. General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Preparation of a SWPPP and Monitoring Program.</p> <p>PEF Expansion will conform to the Construction Activity Stormwater Permit and Industrial Activity Stormwater permits obtained for the existing PEF.</p> <p>Construction activities at the PEF Expansion site will be performed in accordance with a new or amended Construction SWPPP. The Monitoring Plan developed for the existing PEF, was prepared in accordance with the State of California's NPDES General Permit for Storm Water Discharges Associated with Construction Activity. The Construction SWPPP for the PEF Expansion will include control measures including Best Management Practices to reduce erosion and sedimentation as well as other pollutants associated with vehicle maintenance, material storage and handling, and other activities occurring at the project site.</p> |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|--------------|-------------|--------------|--|--|---|
| | | | Clean Water Act § 311; 33 USC § 1321; 40 CFR Parts 110, 112, 116, and 117. | EPA, Region 9; RWQCB, and the California Office of Emergency Services (OES). | Reporting of any prohibited discharge of oil or hazardous substance. The existing PEF was found in compliance with all of these requirements based upon the approval and implementation of the construction and operations SWPPP programs. A new or amended Construction SWPPP will be prepared prior to the start of construction to address the construction of the PEF Expansion. The existing PEF Operational SWPPP will be amended to address the PEF Expansion facilities prior to the commencement of operation of the PEF Expansion unit. |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|--------------|-------------|--------------|---|--|---|
| | | State | California Porter-Cologne Water Quality Control Act of 1969, as amended; Cal. Water Code, § 13000-14957; Division 7, Water Quality. | CEC, the RWQCB and the State Water Resources Control Board | Siting, operation and closure of waste disposal requires submission of waste and site classification for waste discharge permit. The existing PEF was found in compliance with all of these requirements based upon the approval and implementation of the construction and operations SWPPP programs. A new or amended Construction SWPPP will be prepared prior to the start of construction to address the construction of the PEF Expansion. The existing PEF Operational SWPPP will be amended to address the PEF Expansion facilities prior to the commencement of operation of the PEF Expansion unit. |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|--------------|-------------|--------------|---|--|---|
| | | | California Constitution, Article 10 § 2. | State Water Resources Control Board | Avoid the waste or unreasonable uses of water. Regulates methods of use and methods of diversion of water. The existing PEF was found in compliance with all of these requirements based upon the approval and implementation of the construction and operations SWPPP programs. A new or amended Construction SWPPP will be prepared prior to the start of construction to address the construction of the PEF Expansion. The existing PEF Operational SWPPP will be amended to address the PEF Expansion facilities prior to the commencement of operation of the PEF Expansion unit. |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|--------------|-------------|--------------|--|---|---|
| | | | State Water Resources Control Board, Resolution 75 - 58 (June 18, 1975). | State Water Resources Control Board and the CEC | Comply with policy on the use and disposal of inland water used for power plant cooling. The existing PEF was found in compliance with this requirement based upon the implementation of the zero liquid discharge system and the determination by that CEC staff that the water entitlements were adequate to meet more than the needs of the project. The water use associated with the PEF Expansion project will be minimal and can be accommodated within the water entitlements secured for the existing PEF. Therefore, the PEF Expansion will be consistent with this policy. |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|--------------|-------------|--------------|--|----------------------|--|
| | | | California Water Code § 13260 - 13269; 23 CCR Chapter 9. | RWQCB | <p>The code requires the filing of a report of waste discharge and provides for the issuance of waste discharge requirements with respect to the discharge of any waste that can affect the quality of the waters of the state. The waste discharge requirements will serve to enforce the relevant water quality protection objectives of the Water Quality Control Plan and federal, technology-based effluent standards applicable to the PEF Expansion. With respect to potential water pollution from construction activities, the waste discharge requirements may incorporate requirements based on the Clean Water Act § 402(p) and implementing regulations at 40 CFR Parts 122 seq. The existing PEF was found in compliance with all of these requirements based upon the approval and implementation of the construction and operations SWPPP programs. A new or amended Construction SWPPP will be prepared prior to the start of construction to address the construction of the PEF Expansion. The existing PEF Operational SWPPP will be amended to address the PEF Expansion facilities prior to the commencement of operation of the PEF Expansion unit.</p> |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|--------------|-------------|--------------|--|--|---|
| | | | California Water Code §§ 13271 – 13272; 23 CCR §§ 2250 - 2260. | RWQCB, and the Governor's Office of Emergency Services | Reporting of releases of reportable quantities of hazardous substances or sewage and releases of specified quantities of oil or petroleum products. Although such releases are not anticipated, the project would comply with the reporting requirements. Further, the existing PEF was found in compliance with all of these requirements based upon the approval and implementation of the construction and operations SWPPP programs. A new or amended Construction SWPPP will be prepared prior to the start of construction to address the construction of the PEF Expansion. The existing PEF Operational SWPPP will be amended to address the PEF Expansion facilities prior to the commencement of operation of the PEF Expansion unit. |
| | | | California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2 Subchapter 5, Article 1, Appendix B, Part (1). | CEC | Requires information concerning proposed water resources and water quality protection. Submittal of the PEF Expansion AFC (05-AFC-1) and AFC processing constitutes compliance with this requirement. |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|--------------|-------------|--------------|---|----------------------|--|
| | | | California Environmental Quality Act, Public Resources Code § 21000 <i>et seq.</i> ; CEQA Guidelines, 14 CCR § 15000 <i>et seq.</i> ; Appendix G. | CEC | Definitions of projects that can be considered to cause significant impacts to water resources. The project is not expected to cause significant impacts to water resources, as described in Section 5.5.2. Submittal of the PEF Expansion AFC (05-AFC-1) and AFC processing constitutes compliance with this requirement. |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|--------------|-------------|--------------|-------------------------|--|--|
| | | | The Monterey Agreement. | State Department of Water Resources and the Kern County Water Agency | The principles outlined in the Monterey Agreement provide for increased agricultural water supply reliability, lower costs, water transfers, and more flexibility in operating the State Department of Water Resources and State Water Project. The Agreement between the State Department of Water Resources and State Water Project contractors was signed in December 1994. The Kern County Water Agency (KCWA) is a State Water Project contractor, and the Wheeler Ridge-Maricopa Water Storage District is a member KCWA agency. The project will not affect the policies of this agreement. Further, the existing PEF was found in compliance with this requirement based upon the implementation of the zero liquid discharge system and the determination by that CEC staff that the water entitlements were adequate to meet more than the needs of the project. The water use associated with the PEF Expansion project will be minimal and can be accommodated within the water entitlements secured for the existing PEF. Therefore, the PEF Expansion will be consistent with this policy. |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|--------------|-------------|--------------|--|----------------------|---|
| | | | Clean Water Act § 401, Waiver of Discharge Requirements. | RWQCB | Obtain certification that discharges will comply with Clean Water Act. The existing PEF was issued a 401 Certification from the RWQCB as a result of the implementation of the construction and operations SWPPP programs. A new or amended Construction SWPPP will be prepared prior to the start of construction to address the construction of the PEF Expansion. The existing PEF Operational SWPPP will be amended to address the PEF Expansion facilities prior to the commencement of operation of the PEF Expansion unit. |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|--------------|-------------|--------------|---------------------------|---|---|
| | | Local | Kern County Water Agency. | The Kern County Water Agency (KCWA) and Wheeler Ridge-Maricopa Water Storage District | <p>KCWA has primary authority to acquire and contract for water supplies for Kern County, with additional authority to control flood and storm waters, protect the quality of underground waters, and conduct investigations relative to water resources. The PEF that includes the PEF Expansion will receive water from the Wheeler Ridge-Maricopa Water Storage District, which in turn contracts for State Water Project supplies from the KCWA. The project will not affect the policies of this agency. Further, the existing PEF was found in compliance with this requirement based upon the implementation of the zero liquid discharge system and the determination by that CEC staff that the water entitlements were adequate to meet more than the needs of the project. The water use associated with the PEF Expansion project will be minimal and can be accommodated within the water entitlements secured for the existing PEF. Therefore, the PEF Expansion will be consistent with this policy.</p> |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|--------------|-------------|--------------|--|--|---|
| | | | Kern County General Plan, Section 1.3 – Physical and Environmental Constraints (2004). | The administering agencies are the Kern County Planning Department and the Kern County Engineering & Survey Services Department, as applicable | Kern County will not permit new development on lands that are environmentally unsound and unable to support such development. This includes regulations regarding areas of shallow groundwater, construction of sewage disposal facilities, and construction within flood hazard or flood channel areas. The Kern County CBO determined that the existing PEF was designed to meet the requirements of the regulations of the Kern County General Plan related to Physical and Environmental Constraints. The PEF Expansion will also be designed consistent with these regulations and will be subject to review and approval from the Kern County CBO prior to the start of construction. |
| | | | Kern County Code of Building Regulations, Chapter 17.20. | Kern County Engineering & Survey Services Department Kern County Building Inspection Division | Proposed development (i.e., leach field disposal system) must be in accordance with specific standards. |

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

| LORS Section | AFC Section | Jurisdiction | Authority | Administering Agency | Requirements/Compliance |
|--------------|-------------|--------------|--|---|--|
| | | | Wheeler Ridge-Maricopa Water Storage District Standard Specifications for Water Distribution Facilities. | Wheeler Ridge-Maricopa Water Storage District | Project installations should be constructed in compliance with District requirements. The PEF Expansion will use the existing PEF water line. Therefore the PEF Expansion will not be subject to compliance with these specifications. |
| | | | Kern County Floodplain Management Plan, Chapter 17.48, Kern County Code of Building Regulations. | Kern County Engineering & Survey Services Department. | Requirements should be met in regards to building in the floodplain. The Kern County CBO determined that the existing PEF was designed to meet the requirements of the criteria of the Kern County Floodplain Management Plan. The PEF Expansion will also be designed consistent with this criteria and will be subject to review and approval from the Kern County CBO prior to the start of construction. |
| | | Industry | None applicable. | -- | -- |

**PASTORIA ENERGY FACILITY 160 MW EXPANSION PROJECT
SUPPLEMENT TO APPLICATION FOR CERTIFICATION
Responses to CEC Staff Data Adequacy Requests
Dated June 9, 2005
05-AFC-1**

TRANSMISSION SYSTEM ENGINEERING

Appendix B (i) (2) (A) A discussion of the need for the additional electric transmission lines, substations, or other equipment, the basis for selecting principal points of junction with the existing electric transmission system, and the capacity and voltage levels of the proposed lines, along with the basis for selection of the capacity and voltage levels.

Response: Please refer to Exhibit 7 Transmission System Materials for a copy of the System Impact Study prepared for this facility by Southern California Edison Company dated May 13, 2005. This study was prepared at the instruction of the California Independent System Operator (CAISO). A complete copy of the Study including the appendices has been submitted to the CEC under separate cover.

Appendix B (i) (2) (B) A discussion of the extent to which the proposed electric transmission facilities have been designed, planned, and routed to meet the transmission requirements created by additional generating facilities planned by the applicant or any other entity.

Response: Applicant is not aware of any additional generating facilities planned by the Applicant or any other entity.

Appendix B (b) (2) (C) A detailed description of the design, construction, and operation of any electric transmission facilities, such as power lines, substations, switchyards, or other transmission equipment, which will be constructed or modified to transmit electrical power from the proposed power plant to the load centers to be served by the facility. Such description shall include the width of rights of way and the physical and electrical characteristics of electrical transmission facilities such as towers, conductors, and insulators. This description shall include power load flow diagrams which demonstrate conformance or nonconformance with utility reliability and planning criteria at the time the facility is expected to be placed in operation and five years thereafter;

Response: Please refer to Exhibit 7 Transmission System Materials for a copy of the System Impact Study dated May 13, 2005. The load flow diagrams, included as Appendices to the Study have been submitted to the CEC under separate cover. The mitigation required for overloads will be fully addressed in the Facilities Study. Southern California Edison (SCE) will provide the Applicant with a Facilities Study Agreement by June 22. The Applicant then has 10 business days to authorize and fund the study agreement. The tariff required SCE to complete the Facility Study within 90 days of receiving the signed Facility Study Agreement and the associated funds.

Appendix B (h) (1) (A) Tables which identify laws, regulations, ordinances, standards, adopted local, regional, state, and federal land use plans, and permits applicable to the proposed project, and a discussion of the applicability of each. The table or matrix shall explicitly reference pages in the

**PASTORIA ENERGY FACILITY 160 MW EXPANSION PROJECT
SUPPLEMENT TO APPLICATION FOR CERTIFICATION
Responses to CEC Staff Data Adequacy Requests
Dated June 9, 2005
05-AFC-1**

application wherein conformance, with each law or standard during both construction and operation of the facility is discussed;

Response: The PEF Expansion project will comply with all applicable laws, ordinances, regulations and standards as described in Exhibit 6 LORS Materials that include both a discussion of the applicability of the Transmission System-related LORS to the PEF Expansion project as well as a table that also lists the LORS applicable to construction and operation of the transmission system.

Appendix B (h) (1) (B) Tables which identify each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards, and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the commission to certify sites and related facilities.

Response: The PEF Expansion project will comply with all applicable laws, ordinances, regulations and standards. Refer to Exhibit 6 LORS Materials for a discussion of the applicability of the Transmission System-related LORS to the PEF Expansion project.

Appendix B (h) (2) A discussion of the conformity of the project with the requirements listed in subsection (h)(1)(A).

Response: The PEF Expansion project will comply with all applicable laws, ordinances, regulations and standards. Refer to Exhibit 6 LORS Materials for a discussion of the applicability of the Transmission System-related LORS to the PEF Expansion project.

Appendix B (h) (4) A schedule indicating when permits outside the authority of the commission will be obtained and the steps the applicant has taken or plans to take to obtain such permits.

Response: The proposed PEF Expansion uses the existing linear components of the existing PEF and therefore no new construction outside of the existing PEF plant site boundaries is anticipated. Confirmation on the preliminary and final interconnection approvals are expected from CA-ISO within the next 30 days.