

CALIFORNIA ENERGY COMMISSION

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PEGASUS PROJECT (01-EP-9) STAFF ASSESSMENT FOR EMERGENCY PERMIT

EXECUTIVE SUMMARY

The Energy Commission staff has performed a fatal flaw analysis of the Pegasus Project (Pegasus) and recommends that the project be approved by the Energy Commission with the Conditions of Certification proposed by staff. Staff further recommends that the certification be for the life of the project if the project owner completes a power purchase agreement with the California Department of Water Resources prior to the start of operations, and the project owner can verify that the project meets certain continuation criteria. These recommendations are based on the Energy Commission staff's independent assessment of the emergency permit application, independent studies and site evaluation, and consultation with agencies that would normally have permitting authority over the project except for the Energy Commission's emergency permitting authority provided by the Emergency Executive Orders of the Governor.

On April 27, 2001, the Pegasus Power Partners, LLC (Pegasus Power) filed an emergency permitting application for the Pegasus. Pegasus Power filed supplemental information on May 10 and 11, 2001. The Pegasus application was deemed complete on May 11. After hawks and owls nesting on the originally proposed project site were found to pose a potential significant problem for the project, Pegasus Power submitted supplemental application materials on May 29 to move the proposed project site approximately 600 feet northeast of the original proposed location. The application and supplements are available in Adobe PDF format at the documents portion of the project website, at <http://www.energy.ca.gov/sitingcases/peakers/chino>.

The Pegasus project is proposed to be a 180 MW simple-cycle power plant adjacent to the OLS-Energy Chino cogeneration facility on the grounds of the California Institute for Men (CIM) located in the City of Chino, San Bernardino County. The proposed project consists of four LM 6000 natural gas-fired combustion turbines and associated equipment. Pegasus will install Selective Catalytic Reduction (SCR) technology to control NOx emissions to 5 ppm, and an oxidation-reduction catalyst system to reduce carbon monoxide emissions to 6 ppm and volatile organic compound emissions to 2 ppm. These catalyst systems are needed to meet the Best Available Control Technology (BACT) requirements, though Pegasus may be allowed to initially operate without these systems for a period of months to allow the project to be online sooner. During this initial period, Pegasus would control emissions of oxides of nitrogen to 25 ppm using a water injection system. Aqueous ammonia, to be used in the SCR air pollution control equipment, is the only hazardous material that Pegasus plans to use or store on site. The ammonia will be stored in a 15,000 gallon tank with secondary containment.

Pegasus Power plans to construct a new underground transmission line to connect the project to the existing Southern California Edison 230 kV Chino substation located approximately 3,500 feet northeast of the project site. A new natural gas pipeline will be built to connect the project to the Southern California Gas intrastate pipeline 1,000 feet west of the project site. The City of Chino has agreed to supply Pegasus Power with up to 360 gallons per minute of reclaimed water to supply the project's water needs. A new water pipeline will be built to connect to an existing reclaimed water line approximately 1,000 feet west of the project site. Stormwater will be routed to an oil/water separator, with the oil sludge disposed of at an appropriate off-site facility. Any process wastewater will be sent to the cooling towers for the adjacent cogeneration facility or be routed to the Inland Empire Industrial Wastewater System industrial wastewater line that is currently servicing the cogeneration facility.

The overall project construction is expected to take 10 months, with the first three turbines being completed and online by September 30, 2001. The fourth turbine will be online by March 31, 2002. Construction will require an average of 80 to 90 workers, with a peak of 100 to 120 workers.

A PDF file showing the regional location of this facility is included as Figure 1 in the files for this staff assessment. A project vicinity map, Figure 2, as well as a site plan for the proposed facility are also available. These files may be downloaded from the project's web site at: <http://www.energy.ca.gov/sitingcases/peakers/chino/documents>.

EMERGENCY PERMITTING AUTHORITY

This project is being considered outside of the Energy Commission's normal power plant permitting process. Under Public Resources Code Section 25705, if the legislature or the Governor declares a state of energy emergency, the Commission has emergency authority to order the construction and use of generating facilities under terms and conditions it specifies to protect the public interest. This authority can be invoked only if the Legislature or Governor declares a state of emergency and the Commission determines that all reasonable conservation, allocation, and service restriction measures may not alleviate an energy supply emergency.

Governor Gray Davis declared a state of emergency on January 17, 2001. On February 8 and March 7, 2001, the Governor issued several executive orders and declared that all reasonable conservation, allocation, and service restriction measures may not alleviate an energy supply emergency.

In Executive Order D-26-01, and Executive Order D-28-01 the Governor ordered the Energy Commission to expedite the processing of applications for peaking and renewable power plants that can be on line by September 30, 2001. The Governor also declared that these projects are emergency projects under Public Resources Code section 21080(b)(4), and are thereby exempt from the requirements of the California Environmental Quality Act (CEQA). A summary of the emergency permitting process, including the proposed schedule, and a checklist showing the information required in an

application, can be found on the web at:

<http://www.energy.ca.gov/sitingcases/peakers/documents/index.html>.

A notice of objection was filed in this case by Californians for Renewable Energy (CARE). CARE filed the objection due to what it claims to be a “failure to conduct and adequate administrative review that includes a proper CEQA or CEQA-equivalent review... [and] failure to give proper notice and allow adequate public participation to individuals and groups that may be adversely impacted by the project... includ[ing] guards and prisoners at the California Men’s Institute at Chino.” CARE previously filed in this case a demand that the Energy Commission terminate all administrative review activities concerning applications for permitting of natural gas power plants in California currently before the Commission “in any manner requiring CEQA or CEQA-equivalent compliance... pending resolution of ... the ongoing California energy crisis....”

Staff notes that this project is being reviewed under the Energy Commission’s emergency authority and as an emergency project exempt from the California Environmental Quality Act (CEQA), as directed in the Governor’s Executive Orders D-26 and D-28. Under this authority, the Energy Commission is not required to conduct a CEQA or CEQA-equivalent review of this project. The Commission’s emergency permitting process has been developed to provide a thorough review of proposed power plants that can be on-line in time to help alleviate the current emergency.

This authority allows the Energy Commission to approve emergency projects under such terms and conditions as specified by the commission to protect the public interest, and does not require public notice or participation (Pub. Res. Code section 25705). The Energy Commission has included, to the extent practical, public notice and participation. A public hearing was held in the City of Chino on May 16, with notice of the meeting distributed by mail and through local media. Staff has received comments from members of the public (including these filings by CARE) and from other local, state, and federal agencies.

Staff also notes that this project has been proceeding with the cooperation of prison officials. Site control for the project is being established through a lease between the State of California, acting by and through its Director of General Services, with the consent of the Department of Corrections. No major project would be allowed within the prison grounds without the approval of prison officials. Energy Commission staff has coordinated with local prison officials to arrange site visits in late March, when the prison grounds were being evaluated as a potential site for power plants as part of a state-wide review of possible sites, and several times in May after this application was filed. While Energy Commission staff made no explicit effort to notify guards or prisoners of the project or hearings, staff did provide public notice through mailings and the local media.

NEED FOR EMERGENCY PERMITTING

SUPPLY

The electric generation system must have sufficient operating generating capacity to supply the peak demand for electricity by consumers (including the transmission and distribution losses associated with power delivery). Also, an additional amount of reserve power plant capacity must be operational to act as instantaneous back-up supplies should some power plants or transmission lines unexpectedly fail. According to the Western Systems Coordinating Council (WSCC), to reliably deliver power, control area operators should maintain operating reserves of seven percent of their peak demand (including losses). If operating reserves decline below that level, customers that have agreed to be interrupted in exchange for reduced rates may be disconnected. If operating reserves get as low as one and a half percent, firm load will likely be shed locally, resulting in rotating blackouts, to avoid system-wide blackouts.

Current estimates by Energy Commission staff of consumer peak demand for electricity and reserve requirements, and of the expected availability of electricity capacity supplies for the summer of 2001, indicate that existing capacity supplies are not adequate to maintain a seven percent operating reserve margin particularly if summer temperatures rise above levels that have as much as a 10 percent chance of occurring. Therefore, additional capacity resources or demand reductions are needed now and by next summer to maintain a seven percent operating reserve margin under temperature conditions that have about a 10 percent chance of occurring.

Many efforts to reduce peak demand and supply new capacity are currently under way. More than 2,500 MW of new generation may be operational by July 2001. These projects include power plants already certified by the Energy Commission that are currently under construction; various upgrades, rerates and returns-to-service of existing power facilities; and new renewable generation responding to Energy Commission incentive programs. The emergency approval of new simple-cycle power plants at numerous locations throughout the state is also important to respond to peak summer demand and provide local electricity system reliability.

Staff assumes that power plant outages of about 3,000 MW will occur throughout the summer. If power plant outages this summer turn out to be greater than assumed, new capacity resources, such as peaking power plants, can help maintain an adequate reserve margin, and help avoid or shorten the duration of rotating blackouts.

PUBLIC HEALTH AND SAFETY

There is a reliability benefit associated with locating generation resources near the significant load centers. When load and generation are seriously out of balance, as they are in most service areas, the potential for system separation, islanding and cascading outages are significantly increased (U.S. Congress, Office of Technology Assessment, June 1990). If additional simple-cycle projects are not licensed and built,

this reliability benefit will be foregone until additional larger baseload generation is built in such areas. Although it is impossible to accurately calculate the likelihood of system outages, such outages are certainly plausible and are much greater without new generation resources in most California service areas. Power outages frequently occur during, and are often precipitated by, periods of extreme heat. Extreme summer heat creates extreme demand primarily from air conditioning loads. In fact, it has been demonstrated that demand in California is particularly sensitive to small increases in maximum summer temperature (CEC 1999). In the summer of 1998 the system demand in California increased by 4,000 MW as a result of a five-degree increase in temperature as compared to more typical maximums.

When major outages occur, there is an increased risk of significant public health and safety impacts. Fatalities and injuries associated with many types of accidents may result from outages, such as traffic accidents from signal and lighting failures, falls down unlighted stairways, fires caused by use of candles for lighting and unconventional open-flame cooking, loss of life support equipment in medical clinics, and electrical shock from improper use of portable electric generators. However, a much more serious risk is the potential morbidity and mortality associated with summer heat waves. Behind major epidemics, heat waves in California rank among the worst of all other natural disasters in the history of California for excess mortality. Heat waves have caused more fatalities in individual events than the 1906 earthquake (452 deaths), the San Francisquito Dam collapse of 1928 (450 deaths) and the Port Chicago explosion in 1944 (322 deaths) (Oechsli and Buechley 1970). The mortality associated with one California heat wave in 1955 resulted in 946 deaths (before air conditioning was in common use). Fortunately the mortality associated with such events is completely preventable (Semenza 1995). One of the most effective ways of avoiding mortality during heat waves is to spend time in air conditioned environments during the hottest parts of the day (CDC 2000). However, artificial climate control (air conditioning) may be mandatory to avoid fatalities when temperatures change abruptly (Bridger and Helfand 1968).

The availability of air conditioning has significantly reduced the mortality associated with heat waves in California and throughout the nation. It was estimated that increased use of air conditioning during the 1963 Los Angeles heat wave saved over 800 lives (Oechsli and Buechley 1970). Sensitive populations are often dependent on air conditioning to avoid aggravation of chronic health conditions such as chronic obstructive pulmonary disease or acute health effects such as heat stroke. It is widely recognized that hot weather conditions can significantly increase both morbidity and mortality, particularly among sensitive populations such as the very young, the elderly, and those with chronic diseases (Bridger and Helfand 1968) (Schickele 1947) (Oechsli and Buechley 1970) (Kalkstein et al 1989, 1993, 1997, 1998). Thus, shortages of electricity can impose risk of very serious impacts on the public, potentially increasing the risk of deaths due to heat waves. The vast majority of those who die in heat waves are at home without air conditioning and are elderly. Based on evaluation of the public health and safety risks associated with new projects, staff concludes that new generating projects are much more likely to reduce public health and safety risks than increase them.

AIR EMISSIONS OF BACK UP GENERATORS COMPARED WITH EMERGENCY PERMIT POWER PLANTS

California generation is among the cleanest in the country. This is due to negligible coal and oil use as generation fuel, the BARCT and Best Available Control Technology (BACT) rules, and a robust mix of geothermal, renewable, nuclear and hydroelectric generation. With the generation shortfalls California has experienced in recent months due to abnormal forced and unforced outage rates and shortages of in-state and out-of-state generation capacity, several options have been considered to supply additional generation without compromising public health and safety.

One option is to utilize the existing fleet of diesel engines that are used as backup or standby generators for facilities such as hospitals, businesses, and essential services such as telephone, water, sewer, police and fire. Most of these generators are exempt from permitting as they are designed to only run when the grid fails to deliver electricity. That fleet is older and uncontrolled. It could represent 11,500 units, producing as much as 5,000 MW. However, as little as 1,200 MW may be compatible with operating in parallel with the grid. Most units are designed to only operate when isolated from the grid, and only with enough power for essential load at the facility.

Another option is to rely on a small number of diesel or natural gas engines that are permitted with emission control equipment as prime engines. Their emissions are in the range of 10 LB NO_x/MWhr. However, they may not be tied to a generator (e.g., they may operate a pump or compressor) or are already operating at or near baseload, so they may not be able to supply much electricity to the grid. Other California generation options are less than 1.0 LB NO_x/MWhr, but few are cleaner than the system NO_x averages with the exception of demand reduction, solar, wind, and expensive fuel cells. The generation system emission averages will continue to decrease as the BARCT rules are fully implemented and the new generation with BACT installed comes online. The generation system emission average should approach 0.1 LB NO_x/MWhr by 2005.

DIFFERENCES IN AIR EMISSIONS

Emission rates, rather than the sheer number of generators of any one type, are key to comparing emissions from different generation sources. For example, if there is a need for 1000 MW over 10 hours, or 10,000 MWhrs, then the NO_x emissions are simply a product of the emission rate multiplied by 10,000. Diesel standby engine use would result in 150 tons of NO_x over 10 hours, versus 1.5 tons from 1000 MW of natural gas-fired generation over the same period of time. A new simple-cycle power plant, such as equipment proposed for the Pegasus project, would produce 0.9 tons of NO_x while producing 10,000 MWhrs.

The location and configuration of a source are also significant factors in assessing the effect on air quality. If the 1000 MW is concentrated in one location (e.g., a 1000 MW combustion turbine or combined cycle project), and then the emission will be of relatively low concentration, will be buoyant, and will be emitted at a relatively high

elevation from a stack. If the 1000 MW consists of 1,000 one-MW diesel standby generators, the emissions will be emitted near ground level, at relatively high concentrations, and probably over a wide region or even throughout the state. Similarly, a dispersed set of peakers (e.g., twenty 50MW General Electric LM6000s) could be located throughout the state. Without knowing their exact locations, their effects on air quality are not entirely known. A peaking power plant located next to a hill or mountain, because of the terrain or topography, or in an area that is already heavily polluted, could result in violations whereas the other 1000 MW "configuration" might not.

EMISSION REDUCTION CREDIT BANK

The Governor's Executive Order D-24-01, charges the California Air Resources Board with the responsibility of creating a state emission reduction credit bank for the purpose of providing offsets for new or expanded peaking facilities that could add new power by this summer. This bank was initially funded with recent NOx reductions generated through the CARB's Carl Moyer Program, an incentive program. The incentives are grants that cover the incremental cost of cleaner on-road, off-road, marine, locomotive and stationary agricultural pump engines, as well as forklifts and airport ground support equipment. Because the new or expanded peaking facilities will operate under short term entitlements, for the purpose of responding to the energy crisis, the use of these mobile emission reductions are intended to provide NOx and particulate matter offsets for these peaking facilities.

These emission reduction credits (ERCs) are available through the Board to peaking power plants that need emission offsets in order to add new or expanded peaking capacity that will be on-line by September 30, 2001. These credits are intended to fully satisfy offset requirements of these power plants. The ERCs available from this bank are nitrogen oxides (NOx) and particulate matter less than 10 microns (PM10). Where needed, these ERCs will be issued to qualified power plant applicants for a three-year period. These ERCs will expire on November 1, 2003, to ensure that these credits will be available for three full summer peak seasons. The amount of NOx ERCs needed for this project is directly related to the emission control level of 5 parts per million NOx and the number of hours of operation. The CARB bank will make up to 21 tons per year available for purchase for each 50 MW power plant up to 100 MW total. Prior to the expiration of the CARB short term ERCs, applicants who use these credits will be required to secure replacement emission reductions for the remaining life of the power plant peaking units if the applicant desires to continue to operate the unit.

Heavy-duty engines are a significant source of smog-forming pollutants. About 525,000 heavy-duty diesel trucks are driven throughout the state, with another 680,000 diesel-fueled engines used in construction and agriculture. Together, diesel engines contribute about 40 percent of all NOx emissions from mobile sources. NOx is one of the main contributors to ground-level ozone, one of the most health-damaging components of smog. In addition, the fine particulate matter exhaust from heavy-duty diesel engines is a toxic air contaminant. The Carl Moyer incentive program focuses on reducing emissions of smog-forming oxides of nitrogen (NOx), but will also reduce particulate emissions.

Particulate matter includes many carbon particles (also called soot) as well as other gases that become visible as they cool. In 1998, California identified diesel particulate matter (diesel PM) as a toxic air contaminant based on its potential to cause cancer and other adverse health effects. In addition to PM, emissions from diesel-fueled engines include over 40 other cancer causing substances. Overall, emissions from diesel engines are responsible for the majority of the potential airborne cancer risk in California. Several studies have confirmed that the cancer risk from diesel particulate is greater than the risk from all other identified toxic air contaminants combined. Given these findings, using the proposed emission reduction credit strategy will be an effective means to offset peaking power plant emissions as an interim measure.

STAFF ANALYSIS OF THE PEGASUS PROJECT

AIR QUALITY

The analysis of the air quality impacts of this emergency permit application was performed by the South Coast Air Quality Management District (SCAQMD). On May 23, 2001, the SCAQMD issued a notice of intent to issue permits for this facility. This notice initiated a 30-day public comment period. SCAQMD intends to issue the Permit to Construct for this facility after the close of that comment period. A copy of the notice is included in Appendix A of this report. Staff has incorporated the Permit to Construct and Permit to Operate by reference, and has proposed conditions of certification that require the project owner to limit fugitive dust emissions during construction and to comply with the Permit to Construct issued by the SCAQMD. The draft SCAQMD permits are included as Appendices B and C.

The proposed permits from SCAQMD will require these turbines to be equipped with air pollution control equipment that will meet the following emission levels: 5 ppmv NO_x @ 15%O₂, 6 ppmv CO @ 15%O₂, and 2 ppmv ROG @ 15%O₂. The air pollution control equipment will consist of Selective Catalytic Reduction (SCR) with oxidation catalyst. If the SCR is utilized as the air pollution control equipment, ammonia will be used to react with NO_x emissions in the exhaust gases. Therefore, an ammonia storage tank is also being proposed.

The construction schedule may not allow for full installation of air pollution control equipment prior to September 2001. Under the authority of the Governor's Executive Orders and due to the critical need for electricity, the turbines may be operated for the first few months without air pollution control equipment if Pegasus obtains an Order of Abatement from the district hearing board.

BIOLOGICAL RESOURCES

The proposed Pegasus project site is located on an 11-acre tract of land on the grounds of the California Institution for Men (CIM) in the city of Chino. The topography of the area consists of flat, open land, with largely ruderal or fallow agricultural fields. The project site consists of disturbed ruderal land, or land previously used in agriculture by the prison. In addition, it appears that sections of the site have recently been disked. A proposed 230 kV underground transmission line associated with the project will interconnect with Southern California Edison's Chino substation approximately 1,950 feet north-northeast of the project site. Non-native grasses, weedy species and a single row of ornamental trees located adjacent to the route characterize the proposed transmission line route. The new gas pipeline route will be placed on CIM property along the right-of-way used for service and access to the existing cogeneration facility. Conditions along the right of way include severely disturbed land that has been recently cultivated.

No wetlands, vernal pools, marshes or other type of special habitats, aquatic or terrestrial, occur on the proposed project site location, transmission line route, or gas pipeline route. Therefore, no critical habitat associated with the project will be impacted.

The California National Diversity Database (CNDDDB) listed 11 wildlife species and 5 plant species that are considered to be Threatened, Endangered, or Sensitive (TES) in the surrounding foothills or along riparian corridors. To date no information from the CNDDDB was available for the proposed project location. A site visit was conducted by a CEC biologist on May 8, 2001 to confirm the presence or absence of sensitive species at the proposed facility site and associated linear water and transmission lines. During the visit, a single burrowing owl and numerous burrows were observed in the proposed transmission line corridor. Burrowing owls, a California state Species of Special Concern, prefer dry, open, treeless grasslands, often in areas with little or no vegetation. Burrowing owls are only rarely known to construct their own burrows, and typically inhabit abandoned squirrel or rodent dens. A substantial fraction of burrowing owls are found in manmade structures, including flood control and irrigation basins, dikes, and banks, piles of broken concrete, and abandoned structures.

Energy Commission Staff informed the applicant of the burrowing owls and recommended additional surveys be performed. Campbell BioConsulting, Inc. was utilized to do a focused burrowing owl survey, which was conducted from May 17 to May 21, 2001. In addition, Sapphos Environmental Inc. conducted further surveys in accordance with the Burrowing Owl Survey Protocol and Mitigation (California Burrowing Owl Consortium (CBOC) 1997) on May 24 and 25, 2001. Biologists from both survey teams confirmed the presence of burrowing owls within the proposed transmission line corridor.

CEC Staff, in concurrence with the California Department of Fish and Game (CDFG), and United States Fish and Wildlife Service (USFWS) recommend the applicant adhere to the specific recommendations put forth by the CDFG and USFWS to ensure the protection of sensitive species. In addition, a biologist will survey the facility site and proposed linear rights of way prior to site qualified mobilization, and will remain onsite from the start of site mobilization to the completion of construction (**BIO-7**). Prior to trenching the transmission line corridor, the applicant must submit a contingency plan for CPM approval that has been reviewed by USFWS and CDFG to address any burrowing owls discovered during trenching operations (**BIO-8**). Standard Conditions of Certification **BIO-1** through **BIO-6**, together with conditions **BIO-7** and **BIO-8**, will reduce biological impacts from this project to less than significant levels.

SOILS AND WATER

WATER

WATER SUPPLY

The proposed Pegasus project will consume approximately 360 gallons per minute (gpm) of reclaim water, supplied by the City of Chino, during peak operating times. To provide water to the facility a new reclaim water supply line will be installed, running west from the project site to an interconnection point near the intersection of Eucalyptus and Central Avenues. The reclaim water will be stored onsite in an approximately 500,000 gallon above ground service water tank that also serves as an alternate source for fire fighting water. Demineralized water will be provided via a portable ion exchange system used to treat water supplied from the service water tank and will be stored in an aboveground tank. Recharging of ion exchangers used to treat the service water will be done offsite. Alternatively, a combination of reverse osmosis (RO) and ion exchange may be utilized.

The project will obtain and utilize approximately 550 gallons per day of potable water from the City of Chino. The City of Chino currently supplies water to the OLS Energy-Chino cogeneration facility via an existing water line. Information provided by the applicant indicates that the existing OLS Energy-Chino facility may have sufficient water capacity to service its own needs as well as the domestic needs of the project. The applicant has contacted the City of Chino to confirm this fact and is currently in negotiation with OLS Energy to discuss the possibility of tapping into the existing facility water supply line.

WASTEWATER

If the ion exchange system is used to treat the reclaim water for operations, no liquid discharge will occur and the solids will be transported offsite and legally disposed of via trailers. However, if the RO system is selected, approximately 150 gpm of wastewater will be produced from this process. The applicant proposes to route the reject water from this process to the existing OLS facility cooling towers. If the cooling towers cannot accept the reject water, it may be routed to the Inland Empire Industrial Wastewater System industrial wastewater line that is currently servicing the adjacent cogeneration facility. In addition, wastewater will be produced from the oil/water separators and possibly discharged to the wastewater system. In the event that wastewater from oil/water separators or the RO treatment is routed to the Inland Empire Industrial Wastewater System the applicant will provide to the CEC a proof of service letter from the wastewater district as required in the Condition of Certification **Soil&Water-4**.

Household wastes (sewage) will be discharged to the OLS Energy-Chino cogeneration facility.

GENERAL NPDES FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

The total area of the site is approximately 11 acres and will require a National Pollution Discharge Elimination System (NPDES) permit for construction activities (**SOIL&WATER-1**). The NPDES permitting process requires submission of a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (filed by applicant on May 15, 2001) to the Regional Water Quality Control Board (RWQCB) prior to construction. The SWPPP shall include a description of Best Management Practices (BMPs) for storm water pollution prevention to be implemented at the site during the construction phase. These BMPs will include but are not limited to culverts, berms, sandbags, and other acceptable procedures for the prevention of storm water pollution from onsite materials.

GENERAL NPDES FOR DISCHARGE OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES

An NPDES permit for Storm Water Discharges Associated with Industrial Activities will not be needed for this proposed power plant. Information provided by the State Water Resources Board indicates that simple cycle power plants are exempt from a NPDES permit. (Gordon Innes pers. Comm.)

SOILS

As the potential for erosion and sedimentation through ground disturbance and runoff exists, a detailed erosion and sediment control plan will be developed to ensure that the construction and operation of the facility will conform to the regulatory requirements involving erosion and sedimentation control. The plan will include details such as contours and grading, sedimentation controls, area inlet sedimentation barriers and dams, road sections, storm drains and manholes, permanent and temporary roads, surfacing materials, construction and entrances. The detailed plan, which must be approved by the CPM will be contained primarily on civil drawings that will be made available to the applicable state and local agencies (**SOIL&WATER-2**).

SPILL PREVENTION / WATER QUALITY PROTECTION

The total quantity of oil onsite (stored and in process) exceeds the threshold quantity of 1320 gallons. Therefore, in accordance with 40 CFR 112.1 (d) (2), a Spill Prevention Control and Countermeasure Plan for the facility is required (**SOIL&WATER-5**).

Aqueous ammonia will be delivered several times per month to the site via a tanker truck regulated by the California Department of Transportation (Caltrans). The ammonia will be stored onsite in an aboveground tank housed within a secondary concrete containment unit. The containment will be designed to retain a minimum of 100 percent of the storage tank volume. The ammonia storage tank will be designed for a pressure of 50 psig. In addition, polypropylene balls and netting will be used in the

secondary containment area to reduce the exposed surface area in the event of a catastrophic tank failure.

HAZARDOUS MATERIALS MANAGEMENT

The proposed project will use of aqueous ammonia and natural gas. Ammonia will be used for control of NOx emissions in an Selective Catalytic Reduction (SCR) system. The proposed project will utilize ammonia in 19.5 percent concentration. The use of 19.5 percent aqueous ammonia precludes any potential for significant impact at the nearest receptor that is located about 900 feet from the proposed project.

Natural gas will not be stored at the site but will be handled in significant quantities. However, the systems used to handle natural gas at the facility will comply with all applicable engineering design codes and fire protection codes. It is staff's opinion that compliance with such standards will virtually preclude the potential for impact on the public as a result of natural gas handling at the proposed facility.

Southern California Gas will construct a new 1,000 foot gas pipeline from its intrastate pipeline along Central Avenue to the project site. The natural gas pipeline will be designed and operated in compliance with all applicable codes. It is staff's opinion that compliance with applicable codes and standards reduces the risk of public impact resulting from accidental release to insignificant levels. The City of Chino has recommended that a contingency plan be developed to address hazards related to explosion or fire in the event of a rupture of the pipeline. While staff does not consider pipeline rupture to be a significant risk, a contingency plan is a prudent precaution. This requirement has been included in the protocol for Condition of Certification **LAND-1**.

Staff recommends that Conditions of Certification **HAZ-1** and **HAZ-2** be imposed for this project. These conditions will ensure that impacts from the storage and use of hazardous materials on this project will be less than significant.

CULTURAL RESOURCES

The proposed Pegasus project will occupy approximately 11 acres on the north side Eucalyptus Avenue, directly across from an existing cogeneration facility. An additional 5 acres located immediately east of the project site will be used for equipment laydown and construction parking. The proposed project parcel and laydown areas were formerly associated with the prison nursery and appear to have been used recently for agricultural purposes.

Garcia and Associates were retained by the applicant to conduct a cultural resource investigation of the Area of Potential Effects (APE), which includes the project site, equipment laydown area, and associated linear facilities. A records search, which included areas within a $\frac{3}{4}$ -mile radius of the project area, was conducted on April 10, 2001 at the San Bernardino Archaeological Information Center of the California

Historical Resources Information System (CHRIS). The record search did not identify any cultural resources within the APE. The records search identified one potential historic structure/archaeological site within the ¾-mile radius of the project site. The location of the structure is based upon documentation on a 1902 map and is not located within the APE. This site is not subject to any adverse effects as a result of this proposed project. No other cultural resources were identified.

Garcia and Associates conducted a pedestrian survey of the proposed project gas line and water routes along the Eucalyptus Avenue right-of-way on May 9-10, 2001. An additional pedestrian survey of the 11-acre project parcel, equipment laydown area, and transmission route on the north side of Eucalyptus Avenue was conducted on May 25, 2001. No cultural resources were identified during either survey.

A final electrical transmission route was submitted to the Energy Commission on May 24, 2001. This route may be subject to change due to biological concerns along the route. If the electrical transmission route is altered, any changes in the route must be reported to the Energy Commission CPM before any construction along the route may begin. Construction activities related to the electrical transmission route cannot proceed until a qualified cultural resource specialist (CRS) has had the opportunity to survey the new route and report the results of the survey to the CEC Emergency Siting Team staff. Any changes in the proposed gas line and water routes must also be surveyed by a CRS prior to any construction-related activities.

With the implementation of **CUL-1** the impact to cultural resources would be reduced to a level of less than significant provided no unanticipated discoveries are encountered during construction. **CUL-3** must be implemented in the event of a change in the proposed location of the associated linear facilities.

PALEONTOLOGICAL RESOURCES

The proposed Pegasus project will occupy approximately 11 acres on the north side Eucalyptus Avenue, directly across from an existing cogeneration facility. An additional 5 acres located immediately east of the project site will be used for equipment laydown and construction parking. The proposed project parcel and laydown areas were formerly associated with the prison nursery and appear to have been used recently for agricultural purposes.

Garcia and Associates were retained by the applicant to conduct a paleontological investigation of the Area of Potential Effects (APE), which includes the project site, equipment laydown area, and associated linear facilities. Searches for paleontological information regarding fossil localities in the vicinity of the proposed energy facility were made using the Vertebrate Paleontology Library in the Department of Geology and Geophysics at the University of Wyoming, the on-line databases GeoRef and Bibliography of Vertebrates Online, and a locality request to the Natural History Museum of Los Angeles County. According to these information searches no known fossil localities occur at the project site.

These searches indicated that the proposed project site is located on relatively flat Holocene sediments consisting of unconsolidated to poorly consolidated alluvial fan and terrace gravel, sand, and silt. This Holocene alluvium was reported as not being fossiliferous. In addition, the Holocene alluvium in this area overlays an older alluvium unit. The older alluvium is a late Pleistocene to possibly Holocene terrestrial unit consisting of reddish brown, poorly consolidated alluvial fan and terrace sand, silt, and gravel. This older alluvium is sparsely fossiliferous. The nearest reported vertebrate fossil locality is LACM 1728, which contained Rancholabrean-aged fossils. This locality is approximately three miles due west of the proposed project site. Based on the differences in elevation between the project site and the nearest outcrops of older alluvium it is estimated that the younger alluvium is more than 60 feet thick at the site. The surficial deposits at the proposed energy facility site are unlikely to yield vertebrate fossils. The project site is on the younger alluvium that is too young to produce the Rancholabrean-aged fossils such as were found at LACM 1728. Any bones found in the Holocene-aged younger alluvium will have a high probability of being those of recent animals rather than being fossils. The deeper deposits may yield some vertebrate fossils. Because the maximum foundation depth for this project is 10 feet, the site is judged to have low paleontological sensitivity. Standard Condition of Certification **PALEO-1** applies for this project, and no onsite monitoring is required.

LAND USE (INCLUDES SITE DESCRIPTION, NOISE, LAND USE, TRAFFIC, AND VISUAL)

SITE DESCRIPTION

The proposed Pegasus project would occupy an 11 acre site situated on the grounds of the California Institution for Men (CIM) state correctional facility located in the City of Chino, County of San Bernardino. An existing 26 MW cogeneration plant operated by OLS Energy is located on the northern part of the CIM facility. The Pegasus site would be located immediately north and east of the existing plant and would utilize approximately 11 acres of fairly flat CIM property. The project site was formerly used for agricultural purposes at the CIM. Inmate living quarters are located approximately 900 feet south of the proposed project site. The City of Chino will not issue an address for the proposed project site until a structure has been built at the location. The nearest address is the adjacent OLS Energy facility located at 5601 Eucalyptus Avenue.

The CIM consists of four separate facilities under the administration of a single warden. The facility serves primarily as a minimum-security facility and as a reception center that provides short-term housing during the processing, classification and evaluation of incoming inmates. Land uses in the immediate vicinity of the project site include a cogeneration facility to the south, the CIM day labor facility to the west, and vacant agricultural land to the east and north. Existing land uses in the project vicinity, in addition to the CIM, include the Prado Conservation Camp, the Ruben S. Ayala Community Park, a YMCA facility, and a driving range.

NOISE

Noise sources in the vicinity of the proposed project site consist of a 26 MW cogeneration plant immediately south of the project site, CIM facility operations, including agricultural and dairy activities, and surrounding roadways. The City of Chino Noise Ordinance indicates that when noise levels are in excess of city standards, the noise standard is increased to equal existing ambient levels. The current City of Chino Noise Ordinance indicates a daytime limit of 55 dBA and overnight limit of 50 dBA for residential designations.

The nearest sensitive receptors are approximately 900 feet south of the project site, in the form of barracks, currently housing (CIM) staff and inmates. The nearest residential locations are approximately $\frac{3}{4}$ of a mile to the northeast of the facility. An existing cogeneration plant facility is located on the CIM property south of the proposed site. In addition, large air handling units and a Woodshop Cyclone Unit also contribute to the existing ambient noise levels. Recent measurements were conducted approximately 80 feet from prison buildings with the cogeneration plant operating continuously and the Woodshop Cyclone Unit and air handling units operating intermittently. The measured noise levels ranged from 61 dBA during the day to a low of 51 dBA during early morning hours (3:00 am). Noise levels directly outside the barracks are estimated at 70 dBA with the air handling/Woodshop Cyclone units operating and 50 dBA without the units operating.

The applicant has proposed to house the combustion turbine equipment in acoustic enclosures, and to equip the turbine inlet and exhaust with silencers. With this mitigation in place, the sound level at the nearest residence is projected to be 46 dBA, therefore these levels will satisfy the City of Chino Noise Ordinance criteria and be consistent with ambient sound levels. Estimated project sound levels would be 60 dBA along the southern boundary of the golf driving range and 57 dBA at the southeastern corner of Ayala Park north and northwest of the project site.

The City of Chino expressed concern regarding noise levels of the proposed facility, noting that the area near the proposed power plant may be developed at a future date with senior housing, low-medium density residential dwellings and parks. The City of Chino Hills also expressed concerns about the noise impacts of the project. However, the Department of General Services (DGS) is currently preparing a Specific Plan for this area, and they have indicated that they will analyze future land uses in the area. DGS will work with the City of Chino to develop land uses that are consistent with the siting of the proposed project. Chino has recommended that the applicant prepare a specific plan that will be reviewed in conjunction with the DGS specific plan for the surplus lands. Staff has included this requirement in the protocol for Condition of Certification **LAND-1**.

Implementation of Condition of Certification **NOISE-1** will ensure compliance with applicable community noise standards. The City of Chino proposed conditions listing specific noise standards for the project. Compliance with **NOISE-1** will adequately address the noise impact of the project, so the more detailed language recommended

has not been incorporated into the condition. Within 30 days of the project first achieving a sustained output of 80 percent or greater of rated capacity, the project owner shall conduct a 24-hour community noise survey.

Implementation of standard Conditions of Certification **NOISE-2** and **NOISE-3** will ensure notification all residents within one mile of the project and provide a complaint resolution process. In addition, throughout construction and operation of the project, the project owner shall document, investigate and attempt to resolve all project related noise complaints.

While the applicant did not indicate whether evening and overnight construction activities would occur, implementation of Standard Condition of Certification **NOISE-4** will ensure that noise levels generated from overnight construction activities are consistent with local noise restrictions.

Standard Conditions of Certification **NOISE-1**, **NOISE-2**, **NOISE-3**, and **NOISE-4**, are required to ensure that project-related noise impacts will be reduced to a less than significant level. No additional Noise conditions are required.

PUBLIC SERVICES

The nearest fire station is located at 13251 Central Avenue in Chino, approximately one and a half miles away from the proposed project site. A letter from Wally Hall, Deputy Fire Marshall for the City of Chino, indicates that the Chino Valley Independent Fire District will respond to the proposed project north of the O.L.S Energy facility at 5601 Eucalyptus Avenue in Chino. The copy of this letter is included in the application as Attachment 11.

LAND USE

The Pegasus project is a proposed for a site situated on the grounds of the California Institution for Men (CIM) state correctional facility located in the City of Chino, County of San Bernardino. An existing 26 MW cogeneration plant operated by OLS Energy is located on the northern part of the CIM facility. The Pegasus site would be located immediately north and east of the existing plant and would utilize approximately 11 acres of fairly flat CIM property. The project site was formerly used for agricultural purposes at the CIM. Inmate living quarters are located approximately 900 feet south of the proposed project site. The City of Chino will not issue an address for the proposed project site until a structure has been built at the location. The nearest address is the adjacent OLS Energy facility located at 5601 Eucalyptus Avenue.

The CIM consists of four separate facilities under the administration of a single warden. The facility serves primarily as a minimum-security facility and as a reception center that provides short-term housing during the processing, classification and evaluation of incoming inmates. The CIM facility site is bounded by Edison Avenue to the north, Kimball Avenue to the south, Euclid Avenue to the east and Central Avenue to the west.

The CIM facility originally occupied approximately 2,460 acres, of which approximately 1,100 acres are used for a variety of dairy and agricultural uses, and approximately 700 acres are used for housing inmates and support facilities (DGS 2000). Senate Bill 491 (1998) required the California Department of Corrections (CDC) and DGS to prepare a Master Land Use Plan, in cooperation with the City of Chino, for the entire 2,460 acres (Government Code section 14672.14). The Department of General Services (DGS) designated approximately 758 acres of the northern CIM site as “surplus” land that would not be used by the CIM facility in the future. Approximately 170 acres of this surplus land was leased to the City of Chino in 1994 to create Ruben Ayala Park. DGS is in the process of preparing a specific plan that will direct the future development of this surplus land. Planned features include a golf course, business/professional areas, and future residences. The Pegasus project site is partially located on a portion of this surplus land. DGS plans to remove the surplus designation from the land leased to Pegasus for this project, and will work with the City of Chino to ensure that planned future development in the vicinity of the Pegasus project will be consistent with the presence of the power plant.

The General Plan land use designation for the entire CIM facility, including the Pegasus project site, is Open Space (OS) – Urban Reserve. According to the Land Use Element of Chino’s General Plan, the purpose of the Open Space – Urban Reserve is “...to hold an area for future urban development in the event of a change of use. In this case, the CIM has been designated as Open Space – Urban Reserve in the event that it should be recycled for urban use. At the time of such a change, a specific plan should be developed for the entire area outlining detailed land uses, circulation standards, and design standards.” Further, the General Plan Land Use Element states that if and when the CIM property changes to a non-institutional use, a specific plan would be prepared allocating land for no more than 8,000 residential units along with accompanying commercial facilities, parks, and other public facilities.

The project site is classified as Open Space in the Zoning Ordinance. Utility stations and equipment buildings are allowed in this zone with a Special Conditional Use Permit. The City of Chino has provided a list of recommended conditions of approval and mitigation measures that the city would likely apply in granting such a permit. Energy Commission staff reviewed these proposed conditions, and incorporated them as appropriate as protocols in Condition of Certification **LAND-1**. Staff has not incorporated some conditions because they are effectively covered under existing Conditions of Certification or the air permits issued by SCAQMD, or because they are not necessary to protect public health and safety or the environment. The following table summarizes the City’s proposed conditions and staff’s responses.

Condition No.	Topic	Response
1.1	Nuisance	Included as protocol under LAND-1
1.2	Emissions	Impacts covered under air permits
1.3	Odors	Impacts covered under air permits
1.4	Wastewater discharges	Impacts covered under SOIL&WATER-4
1.5	Noise	Impacts covered under NOISE-1
1.6	Vibrations	Impacts covered under NOISE-2
1.7	Electrical interference	Impacts covered under TSE-1
1.8	Heat	No significant impacts anticipated
1.9	Outdoor storage	Visual impacts covered under VIS-3; other aspects incorporated in protocol for LAND-1
1.10	Hazardous materials	Changes in use included in verification for HAZ-2; use of hazardous materials included in protocol for LAND-1
1.11	Communications	Included as protocol for LAND-1
1.12.1	Specific plan	Included as protocol for LAND-1
1.12.2	Landscape plan	Covered under VIS-3
1.12.3	Screening for SCE substation	Project addition to visual impact of SCE substation is minor, so staff does not require screening of SCE substation by project owner; protocol for LAND-1 requires applicant to screen new transmission equipment
1.12.4	Explosion contingency plan	Included as protocol for LAND-1
1.12.5	Compliance with air permits	Covered under AQ-2 and AQ-3
1.12.6	Biological requirements	Assessment has been completed; covered under BIO-8
1.12.7	Noise assessment	Covered under NOISE-1
1.12.8	Truck traffic	Covered under TRANS-5
1.12.9	Airport impacts	Staff coordinated with state and local airport officials in review of project; no impacts anticipated
1.12.10	City review of plans	Included as protocol for LAND-1
1.12.11	Compliance with local codes	Covered under LAND-1

The City also included a proposed Mitigation Monitoring Plan (MMP). Staff reviewed this proposed MMP and determined that the Conditions of Certification proposed in this Staff Assessment meet or exceed the City's proposed MMP measures, except for the payment of impact fees. The Energy Commission does not generally impose local impact fees except as previously established in city ordinances.

DGS is currently preparing a Specific Plan for the surplus area north of the site, and will develop a plan for uses that are consistent with the siting of the proposed project. Both

the California Department of Corrections and DGS have indicated that the use of this site for a power plant would not be inconsistent with the Land Use plan they intend to develop. The City has recommended that the applicant prepare a specific plan that will be reviewed in conjunction with the DGS specific plan for the surplus lands. Staff has included this requirement in the protocol for Condition of Certification **LAND-1**.

Outside the current boundaries of the CIM facility, surrounding land uses are changing. East of the CIM facility, residential subdivisions are under construction north of Edison Avenue and east of Magnolia Avenue. Directly south of the CIM sewer plant across Kimball Avenue, a new City of Chino sewer plant is under construction. Further east, at the corner of Kimball Avenue and Euclid Avenue, the Inland Empire Utility Agency (formerly the Chino Basin Water District) operates the Chino Basin Desalting Plant. The Chino Airport is also located directly east of the CIM facility across Euclid Avenue. Industrial land uses are located immediately west and north west of CIM facility; in addition, the Chino Junior Fairgrounds, the Southern California Edison Chino substation, and further industrial areas are located immediately north of Edison Avenue and the “surplus” area previously discussed.

The Chino Airport is located directly east of the CIM facility across Euclid Avenue. The flight path imposes restrictions on land uses and building heights in the southern third of the CIM site. The project as proposed includes four exhaust stacks, each measuring 110 feet in height. City staff expressed concern that these stacks could potentially impact the safety of future airport operations because of their proximity to runway 8R/26L takeoff paths and violate Federal Aviation Administration (FAA) FAR Part 77 height and safety restrictions. Comments received from the CalTrans Division of Aeronautics indicate that the location of the proposed exhaust stacks, approximately 11,200 feet northwest of the runway approach, will be outside key areas of overflight safety (the Runway Protection Zone, Approach Surface, and Transition Surface). Both the applicant and staff contacted the FAA for a determination of whether the proposed stacks would violate FAR Part 77 height and safety restrictions; as of this writing, the FAA had not responded. However, an existing stack (180 feet) in excess of the stack height for the proposed project (110 feet) is located within the boundaries of the minimum security facility immediately south of the proposed project site and is not known to have posed safety issues for aircraft in flight in the past. Therefore, the proposed stacks are not expected to adversely impact flight safety or airport operations. Further discussion of the proposed stacks and potential visual impacts are can be found in the **VISUAL** analysis section of this report.

The equipment lay down area will consist of two acres within the project site and approximately 5 additional acres east of the site for construction trailers, construction trailer parking and pipe fabrication activities. The laydown area within the project site as well as the additional area has the same OS zoning designation as the project site and CIM facility. A lease for the equipment and related material laydown is part of the agreement currently being negotiated with the California Department of General Services.

TRAFFIC AND TRANSPORTATION

Regional access to the project site is provided via SR 60, (located north of the project site), and SR 71, (located west of project site). Euclid Avenue (Highway 83) will serve as an alternative route during the construction phase of the project. Direct access is provided via Grand/Edison Avenue, to Central Avenue, and south to Eucalyptus Avenue, where the gate entrance to the California Institution for Men (CIM) is located.

A traffic analysis conducted in March 2000, included intersections and roadway segments that could be utilized by the proposed project during construction and operation. The traffic study used a Level of Service (LOS) analysis (an A through F classification based on traffic capacity, whereas A represents free flow and F represents extended delays). The City of Chino maintains a LOS C or better as an acceptable threshold.

All proposed routes are currently operating at an acceptable LOS A with the exception of SR 71 to Central Avenue, which operates at a LOS B during the peak evening hours. Alternate routes are proposed for the project, reducing potential impacts to Central Avenue. The project is not expected to impact any roadway beyond a LOS B. All proposed roadway segments and intersections operate at a LOS that could accommodate the additional traffic without affecting flow. The proposed access routes are designated truck routes and traffic impacts are expected to be variable and insignificant. In a letter dated May 23, 2001, the City of Chino Hills recommended that construction traffic be restricted to only using state facilities (SR 60, SR, 71, and SR 83) and be kept off local streets and away from residential neighborhoods. In addition, Chino Hills requested that they be provided a copy of the construction route for their review and verification that only state facilities would be used. This requirement has been added as part of the verification for Condition of Certification **TRANS-5**.

Operation and maintenance of the facility will cause a slight increase in traffic levels in the area. The initial number of construction craft personnel will average between 80 to 90 workers per shift. During peak construction periods, the number of construction personnel could increase to 120 workers. Construction personnel will generate 2.5 trips per worker per day or 280 total trips per day. Equipment and related deliveries are expected to generate 450 total trips or 3.75 per day over the life of the project. Construction vehicles and related equipment will result in temporary traffic increases on surrounding roadways. However, the increases are not expected to be significant.

A draft Traffic Control Plan (TCP) was submitted by the applicant with measures that will minimize impacts on traffic flow including the establishment of construction work hours, delivery of heavy equipment and building materials outside of the peak traffic periods. The TCP would also limit vehicular traffic to approved access roads, construction yards, and construction sites, and the scheduling of traffic lane or road closures during off-peak hours whenever possible. Other features may include installing crossing structures to avoid obstructing roads, and using proper signs and traffic control measures in accordance with Caltrans and City requirements. An approved TCP is required prior to the start of construction activities **TRANS-5**.

Implementation of Standard Condition of Certification **TRANS-1** will ensure that the project will comply with all relevant limitations on vehicle size and weight and obtain permits from Caltrans and the City/County prior to start of construction.

Construction of the gas pipeline will occur along Eucalyptus Avenue, which is private and used exclusively by the CIM. Some traffic increases are expected during the transmission line construction at Edison Avenue north of the site. However, the increase will be minor, and temporary, and will therefore have little impact. Implementation of Standard Conditions of Certification **TRANS-2** will ensure that all encroachment into public rights-of-way permits from Caltrans and relevant jurisdictions are obtained before construction begins.

Eucalyptus Avenue will provide access for equipment and construction related deliveries. The project will use 2 acres within the site for equipment laydown and approximately 5 acres immediately east of the project site for construction trailers, parking and pipe fabrication activities. As stated above, Eucalyptus Avenue is private and no impact is expected. Implementation of Standard Condition of Certification **TRANS-4** will ensure that all roadways are returned to as close to original condition as possible.

Implementation of the Traffic Control Plan **TRANS-5** and the Standard Conditions for Certification **TRANS-1**, **TRANS-2**, and **TRANS-4** will reduce traffic impacts to less than significant. No additional Conditions for Certification are recommended.

VISUAL RESOURCES

The project site is located on property belonging to the California Institute for Men (CIM) in the City of Chino. The project site will be located northeast of the CIM and on the northern side Eucalyptus Avenue. Directly south and across Eucalyptus Avenue is an existing 26 MW cogeneration facility operated on CIM property. The project is located east of CIM day labor facility. The land east of the proposed site is vacant land used by CIM for agriculture.

The site is 635 feet above mean sea level and has no distinguishing features or topographical changes. The terrain in the area is flat, has no native trees, and is dominated by shrubs and herbaceous weeds. The project site is currently an open field with no significant aesthetic features or visual resources. The proposed site has primarily been used for agriculture and dairy purposes in the past and no existing land uses have been identified.

Existing land uses in the project vicinity, in addition to the CIM, include the Prado Conservation Camp west of the project site. North of the Prado Conservation Camp and the project site are the Ruben S. Ayala Community Park, a YMCA facility, and a driving range. Public views of the site would be possible from all above facilities.

The adjacent cogeneration plant located on the California Institute for Men (CIM) property has exhaust stacks of approximately 55-feet. Also located on the CIM property

is a closed steam generation plant with a stack approximately 180 feet tall, and a water tank 186 feet high. The proposed facility and related components will be approximately 50 feet in height, with exhaust stacks of 110 feet. The City of Chino Zoning Code establishes exceptions for height limits for equipment, towers, and chimneys etc. In a letter from the City's Public Works Department, dated May 16, 2001, such structures may exceed height limit with Planning Commission approval and the proposed stack height was found to be an eligible exception.

The Ruben S. Ayala Community Park is located approximately 1000 feet to the northeast of the proposed project site. Both facility and stacks would be visible by park users and motorists using the surrounding public roadways. The City of recommended that plans for the facility should, to the maximum extent possible, minimize the visual impact of the facility with perimeter landscaping, view-obstructing fencing/walls, and stealth design alternatives for the stacks, 500,000 gallon water tank, and cooling towers. Staff finds that implementation of the proposed Conditions of Certification will address the City's concerns.

The City has also proposed that the applicant construct a screen wall along Edison Avenue at the Southern California Edison (SCE) Chino substation, where the project will interconnect to the electrical grid. Staff has recommended in the protocol for Condition of Certification **LAND-1** that the applicant consult with SCE on the feasibility of constructing such a screen wall along the southern boundary of the Chino substation.

Landscaping measures were submitted with the application to enhance the appearance of the project. The measures include the use trees, shrubs, and groundcover to screen views and improve the overall visual quality of the project. Per condition **VIS-3**, a detailed Landscape Plan shall be developed in conjunction with local City/County requirements providing appropriate screening of the project through the use of berms, vegetation, and trees.

Conditions of Certification, **VIS-1** will ensure that all structures visible to the public are painted in a neutral color consistent with the surrounding environment.

Public views of the facility would be possible during evening and nighttime hours. Therefore, implementation of Condition of Certification **VIS-2** will ensure that direct lighting and reflections are not visible to the public and that nighttime illumination is minimized.

The project is subject to specific Conditions of Certification **VIS-1**, **VIS-2**, and **VIS-3**, which require measures to ensure mitigation of potential visual impacts. These measures will reduce visual impacts of the project to a less than significant level.

ENVIRONMENTAL JUSTICE

For all siting cases, including the emergency permitting process, Energy Commission staff follows the federal guidelines' two-step screening process. The process assesses:

- whether the potentially affected community includes minority and/or low-income populations; and
- whether the environmental impacts are likely to fall disproportionately on minority and/or low-income members of the community.

Estimated 2000 population data from Claritas shows that numerous census tracks within three miles of the project site include greater than 50 percent minority population, including the census track that includes both the project site and the California Institution for Men.

Staff has determined that with implementation of Staff's recommended conditions of certification, there will not be any significant adverse environmental impacts to the surrounding community. Though minority populations are present in the area, staff finds that there are no environmental justice issues associated with this project.

ENGINEERING

FACILITY DESIGN

The project will be designed and constructed in compliance with the California Building Code (CBC) and all other applicable engineering LORS (see Condition of Certification **GEN-1** below). This will be assured by the Commission's delegate Chief Building Official (CBO), whose duties are prescribed under the CBC. These duties include the review of project designs by qualified engineers and the inspection of project construction by qualified inspectors. The CBO's performance, in turn, will be ensured through monitoring by the Commission's Compliance Project Manager.

The standard Facility Design condition of certification, **GEN-1**, is required. In addition, Facility Design condition of certification **GEN-2** is proposed to ensure effective coordination of the CBO's review and inspection process and to minimize delays in performing the necessary design reviews.

Pegasus is conducting a geotechnical investigation of the site as part of the detailed design process for the project. The report on this investigation must be submitted to the CPM for review and approval prior to construction of foundation (**GEOL-1**).

TRANSMISSION SYSTEM ENGINEERING

The Pegasus Generation Project will connect to Southern California Edison's Chino substation via a new approximately 3,500 foot underground 230 kV transmission line. The System Impact Study for the Pegasus Generation Project indicates that the operation of the project will not cause any line overloads under normal or contingency conditions. Pegasus Generation Project will not require significant downstream electric

facilities and will comply with safety standards and there are no significant transmission issues¹.

CONCLUSION

The Pegasus project, if built and operated in compliance with the proposed conditions of certification included in this staff assessment, will be available in time to help alleviate the current emergency. The proposed conditions of certification serve to protect the public interest and the environment. Staff recommends approval of this project.

STAFF CHECKLIST

The following Emergency Permit Evaluation Checklist is designed to provide an easy-to-follow guide to the application and staff's analysis of project impacts. Included in the Checklist are the Application Requirements, a determination by staff of whether or not the material was provided, and the location of the information in the applicant's document. The checklist then shows staff's analysis of significant issues, any special conditions needed to resolve those issues, and any required comments or references.

¹ CPUC General Order 95, CPUC Rule 21, Title 8, Articles 35, 36 and 37, Title 8 CCR, Sections 2700-2974, CPUC Decision 93-11-013, Federal Communications Commission Part 15, Public Resources Code 4292-4296, and the National Electric Code.

**PEGASUS CHINO (01-EP-9)
EMERGENCY PERMIT EVALUATION CHECKLIST
CALIFORNIA ENERGY COMMISSION**

<u>Application Requirement</u>	<u>Y/N</u>	<u>Application pages</u>	<u>Significant Issues</u>	<u>Special Conditions</u>	<u>Comments</u>
1 Project Description					
1.1 Project owner/operator (Name, title, address, phone)	Yes	Page 1			
1.2 Overview of power plant and linear facilities	Yes	Pages 1-4			
1.3 Structure dimensions (size and height), plan and profile	Yes	Page 4, Attachments 1 and 2			
1.4 Full size color photo of the site and rendering of proposed facility if available	Yes	Attachment 3			
1.5 Maximum foundation depth, cut and fill quantities	Yes	Section 1.5			Reinforced concrete foundation mats will rest on a graded site using balanced cut and fill.
1.6 Conformance with California Building Code	Yes	Section 1.6			All engineering design and construction work will be performed to the applicable LORS, including the California Building Code.
1.7 Proposed operation (hours per year)	Yes	Page 4			
1.8 Expected on-line date	Yes	Page 5			

<u>Application Requirement</u>	<u>Y/N</u>	<u>Application pages</u>	<u>Significant Issues</u>	<u>Special Conditions</u>	<u>Comments</u>
1.9 Proposed duration of operation (years)	Yes	Page 5			
1.10 Identify transmission interconnection facilities	Yes	Page 5			
1.11 Transmission interconnection application	Yes	Attachment 4			
1.12 "Down-stream" transmission facilities, if known	Yes	Page 6			
1.13 Fuel interconnection facilities	Yes	Page 5			
1.14 Fuel interconnection application	Yes	Attachment 6			
1.15 Water requirements and treatment	Yes	Page 6			
1.16 Water interconnection facilities (supply/discharge)	Yes	Pages 6			
1.17 Source and quality of water supply	Yes	Page 7			
1.18 Water supply agreement/ proof of water supply	Yes	Page 7, Attachment 14			
2. Site Description					
2.1 Site address (street, city, county)	Yes	Page 7			
2.2 Assessor's parcel number	Yes	Pages 7-8			

<u>Application Requirement</u>	<u>Y/N</u>	<u>Application pages</u>	<u>Significant Issues</u>	<u>Special Conditions</u>	<u>Comments</u>
2.3 Names and addresses of all property owners within 500 feet of the project site or related facilities in both hard copy and electronic mail merge format.	Yes	Page 8			
2.4 Existing site use	Yes	Pages 8-9			
2.5 Existing site characteristics (paved, graded, etc.)	Yes	Page 9			
2.6 Layout of site (include plot plan)	Yes	Page 9, Attachment 1			
2.7 Zoning and general plan designations of site and linear facilities	Yes	Pages 9-10			
2.8 Ownership of site (Name, address, phone)	Yes	Page 10			
2.9 Status of site control	Yes	Page 10			
2.10 Equipment laydown area – size and location	Yes	Page 10, Attachment 1			
3. Construction Description					
3.1 Construction schedule	Y	Page 10			
3.2 Workforce requirements (peak, average)	Yes	Page 11			
4. Power Purchase Contract (DWR, ISO, other)					
4.1 Status of negotiations and expected signing date	Yes	Page 11			

<u>Application Requirement</u>	<u>Y/N</u>	<u>Application pages</u>	<u>Significant Issues</u>	<u>Special Conditions</u>	<u>Comments</u>
5. Air Emissions					
5.1 Nearest monitoring station (location, distance)	Yes	Page 11			
5.2 Provide complete self certification air permit checklist	Yes	Attachment 8			
5.3 Provide complete air permit application	Yes	Included under separate cover			
5.4 Status of air permit application with air district	Yes	Page 12			
5.5 Status of offsets and/or mitigation fees, as required	Yes	Page 12			
6. Noise					
6.1 Local noise requirements	Yes	Page 12			
6.2 Nearest sensitive receptor (type, distance)	Yes	Page 13			
6.3 Project noise level at nearest property line	Yes	Page 13			
6.4 Proposed mitigation if required	Yes	Page 13			
7 Hazardous Materials					
7.1 Type and volume of hazardous materials on-site	Yes	Page 13-14			
7.2 Storage facilities and containment	Yes	Page 14			

<u>Application Requirement</u>	<u>Y/N</u>	<u>Application pages</u>	<u>Significant Issues</u>	<u>Special Conditions</u>	<u>Comments</u>
8 Biological resources					
8.1 Legally protected species* and their habitat on site, adjacent to site and along right of way for linear facilities (*threatened or endangered species on State or federal lists, State fully protected species)	Yes	Page 14, Attachment 9	Breeding burrowing owls present at CIM, potentially in project area.	BIO-7, BIO-8	Condition BIO-7 requires a resurvey of the construction area prior to start of construction activities. Condition BIO-8 requires a contingency plan for handling possible disturbances to burrowing owls.
8.2 Designated critical habitat on site or adjacent to site (wetlands, vernal pools, riparian habitat, preserves)	Yes	Pages 14-5, Attachment 9	Prado Dam Flood Basin is below the site.		Neither construction nor operation of the facility will take place in the flood basin or surrounding areas.
8.3 Proposed mitigation as required	Yes	Pages 15, Attachment 9			
9 Land Use					
9.1 Local land use restrictions (height, use, etc.)	Yes	Pages 15-16			
9.2 Use of adjacent parcels (include map)	Yes	Page 16, Attachment 10			
9.3 Ownership of adjacent parcels– site and linears	Yes	Attachment 10			
9.4 Demographics of census tract where project is located (most current available)	Yes	Page 16-17			

<u>Application Requirement</u>	<u>Y/N</u>	<u>Application pages</u>	<u>Significant Issues</u>	<u>Special Conditions</u>	<u>Comments</u>
8 Public Services					
10.1 Ability to serve letter from Fire District	Yes	Attachment 11			
10.2 Nearest fire station	Yes	Page 17			
11 Traffic and Transportation					
11.1 Level of Service (LOS) measurements on surrounding roads – a.m. and p.m. peaks	Yes	Page 17-18, Attachment 12			
11.2 Traffic Control Plan for roads during construction period	Yes	Pages 18-19		TRANS-5	Application lists measures to be included in plan; final plan required by TRANS-5
11.3 Traffic impact of linear facility construction	Yes	Page 19			
11.4 Equipment transport route	Yes	Page 19			
11.5 Parking requirements – workforce and equipment	Yes	Pages 19			
12 Soil and Water Resources					
12.1 Wastewater volume, quality, treatment	Yes	Page 20			

<u>Application Requirement</u>	<u>Y/N</u>	<u>Application pages</u>	<u>Significant Issues</u>	<u>Special Conditions</u>	<u>Comments</u>
12.2 Status of permits for wastewater discharge or draft permit (WDR/NPDES)	Yes	Page 20		SOIL&WATER-5	> 5 acres NPDES req. NOI submitted to RWQCB 05/09/01; SOIL&WATER-5 requires preparation of a SPCCP
12.3 Draft Erosion Prevention and Sedimentation Control Plan or Mitigation Strategy	Yes	Page 20			
12.4 Spill Prevention/Water Quality Protection Plans	Yes	Pages 20-21			
13 Cultural Resources					
13.1 Identification of known historic/prehistoric sites	Yes	Page 21			
13.2 Proposed mitigation if required	Yes	Page 21		CUL-3 will apply in the event that any changes are made to the associated gas, water, or electrical transmission routes.	
14 Paleontological Resources					
14.1 Identification of known paleontologic sites	Yes	Page 22			
14.2 Proposed mitigation if required	Yes	Page 22			

<u>Application Requirement</u>	<u>Y/N</u>	<u>Application pages</u>	<u>Significant Issues</u>	<u>Special Conditions</u>	<u>Comments</u>
14 Visual resources					
15.1 Plan for landscaping and screening to meet local requirements	Yes	Pages 22-23, Attachment 15			
15.2 Full size color photo of the site and rendering of proposed facility with any proposed visual mitigation if available	Yes	Attachment 3			
15 Transmission System Engineering					
16.1 Conformance with Title 8, High Voltage Electrical Safety Orders, CPUC General Order 95 (or NESC), CPUC Rule 21, PTO Interconnection Requirements, and National Electric Code	Yes	Page 23			

PEGASUS PROJECT GENERAL CONDITIONS INCLUDING COMPLIANCE MONITORING AND CLOSURE PLAN

INTRODUCTION

General conditions (and the Compliance Plan) have been established as required by Public Resources Code section 25532. The plan provides a means for assuring that the facility is constructed, operated and closed in accordance with applicable environmental and public health and safety laws, ordinances, regulations, and standards, and with conditions of certification as approved by the California Energy Commission (Energy Commission).

The Compliance Plan is comprised of general conditions and technical (environmental and engineering) conditions as follows:

General conditions that set forth the duties and responsibilities of the Compliance Project Manager (CPM), the project owner, and delegate agencies; the requirements for handling confidential information and maintaining the compliance record; procedures for settling disputes and making post-certification changes; administrative procedures to verify the compliance status; and requirements for facility closure plans.

Specific conditions for each technical area contain the measures required to mitigate potential adverse impacts associated with construction, operation and closure to an insignificant level. Specific conditions may also include a verification provision that describes the method of verifying that the condition has been satisfied.

DEFINITIONS

To ensure consistency, continuity and efficiency, the following terms, as defined, apply to all technical areas, including Conditions of Certification:

Site Mobilization

Moving trailers and related equipment onto the site, usually accompanied by minor ground disturbance, grading for the trailers and limited vehicle parking, trenching for utilities, installing utilities, grading for an access corridor, and other related activities. Ground disturbance, grading, etc. for site mobilization are limited to the portion of the site necessary for placing the trailers and providing access and parking for the occupants. Site mobilization is for temporary facilities and is therefore not considered construction.

Ground Disturbance

Onsite activity that results in the removal of soil or vegetation, boring, trenching or alteration of the site surface. This does not include driving or parking a passenger vehicle, pickup truck, or other light vehicle, or walking on the site.

Grading

Onsite activity conducted with earth-moving equipment that results in alteration of the topographical features of the site such as leveling, removal of hills or high spots, or moving of soil from one area to another.

Construction

[From Public Resources Code section 25105.] Onsite work to install permanent equipment or structures for any facility. Construction does **not** include the following:

- a. The installation of environmental monitoring equipment.
- b. A soil or geological investigation.
- c. A topographical survey.
- d. Any other study or investigation to determine the environmental acceptability or feasibility of the use of the site for any particular facility.
- e. Any work to provide access to the site for any of the purposes specified in a, b, c, or d.

TERM OF CERTIFICATION

Certification is for the life of the if the project owner completes a power purchase agreement with the California Department of Water Resources prior to the start of operations, and the project owner can verify that the project meets the following continuation criteria:

- the project is permanent, rather than temporary or mobile in nature;
- the project owner demonstrates site control;
- the project owner either has secured permanent emission reduction credits (ERCs) approved by the South Coast Air Quality Management District (SCAQMD) and the California Air Resources Board (CARB), or has secured RECLAIM trading credits (RTCs) as required by the Air District. The ERCs or RTCs must be adequate to fully offset project emissions for its projected run hours, and must have been in place

prior to the expiration of the temporary ERCs obtained from CARB if temporary ERCs were used for the initial operation of the project. If the project owner is using RTCs to offset emissions, this certification shall expire if the project owner does not maintain appropriate offset credits consistent with Air District regulations;

- the project is in current compliance with all Energy Commission permit conditions specified in the final decision;
- the project is in current compliance with all conditions contained in the Permit to Construct and Permit to Operate issued by SCAQMD for the project; and
- the project continues to meet BACT requirements under SCAQMD and California Air Resources Board (CARB) requirements.

The project certification shall expire if these continuation criteria are not met. At least six months prior to the expiration of the power purchase agreement with the Department of Water Resources (DWR), or prior to the expiration of the Summer Reliability Agreement with the California Independent System Operator if no DWR contract is signed, the project owner shall provide verification that these conditions have been met.

If the project owner does not complete a power purchase agreement with DWR prior to the start of operation, the certification of the project will expire three years from the start of operations.

In addition, the project owner shall submit a report after completion of the first three years in operation, as described below.

COMPLIANCE PROJECT MANAGER (CPM) RESPONSIBILITIES

A CPM will oversee the compliance monitoring and shall be responsible for:

1. ensuring that the design, construction, operation, and closure of the project facilities is in compliance with the terms and conditions of the Commission Decision;
2. resolving complaints;
3. processing post-certification changes to the conditions of certification, project description, and ownership or operational control;
4. documenting and tracking compliance filings; and
5. ensuring that the compliance files are maintained and accessible.

The CPM is the contact person for the Energy Commission and will consult with appropriate responsible agencies and the Energy Commission when handling disputes, complaints and amendments.

The Commission has established a toll free compliance telephone number of **1-800-858-0784** for the public to contact the Commission about power plant construction or operation-related questions, complaints or concerns.

Pre-Construction and Pre-Operation Compliance Meeting

The CPM may schedule pre-construction and pre-operation compliance meetings prior to the projected start-dates of construction, plant operation, or both. The purpose of these meetings will be to assemble both the Energy Commission's and the project owner's technical staff to review the status of all pre-construction or pre-operation requirements contained in the Energy Commission's conditions of certification to confirm that they have been met, or if they have not been met, to ensure that the proper action is taken.

Energy Commission Record

The Energy Commission shall maintain as a public record, in either the Compliance file or Docket file, for the life of the project (or other period as required):

1. All documents demonstrating compliance with any legal requirements relating to the construction and operation of the facility;
2. All complaints of noncompliance filed with the Energy Commission; and
3. All petitions for project modifications and the resulting staff or Energy Commission action taken.

PROJECT OWNER RESPONSIBILITIES

It is the responsibility of the project owner to ensure that the general compliance conditions and the conditions of certification are satisfied. The general compliance conditions regarding post-certification changes specify measures that the project owner must take when requesting changes in the project design, compliance conditions, or ownership. Failure to comply with any of the conditions of certification or the general compliance conditions may result in reopening of the case and revocation of Energy Commission certification, an administrative fine, or other action as appropriate.

Access

The CPM, responsible Energy Commission staff, and delegate agencies or consultants, shall be guaranteed and granted unrestricted access to the power plant site, related facilities, project-related staff, and the records maintained on site, for the purpose of conducting audits, surveys, inspections, or general site visits. Although the CPM will normally schedule site visits on dates and times agreeable to the project owner, the CPM reserves the right to make unannounced visits at any time.

Compliance Record

The project owner shall maintain project files on-site or at an alternative site approved by the CPM, for the life of the project. The files shall contain copies of all “as-built” drawings, all documents submitted as verification for conditions, and all other project-related documents for the life of the project, unless a lesser period is specified by the conditions of certification.

Energy Commission staff and delegate agencies shall, upon request to the project owner, be given unrestricted access to the files.

Compliance Reporting

The project owner shall submit status reports to the CPM every two weeks indicating its progress in meeting milestones for procuring necessary project components and all required approvals for construction and operation of the facility by September 30, 2001. The first of these reports will be due two weeks after certification of the project by the Energy Commission.

Start of Operations

The Pegasus project shall be on-line by not later than September 30, 2001. If the Pegasus project is not operational by September 30, 2001, the Energy Commission will conduct a hearing to determine the cause of the delay and consider what sanctions, if any, are appropriate. If the Energy Commission finds that the project owner failed to proceed with due diligence to have the Pegasus project in operation by September 30, 2001, the Energy Commission will set a specific date by which the Pegasus project must be brought on-line as a condition precedent to continue the certification.

Three-Year Review

No later than 15 days after completion of the first three years in operation, the project owner shall submit to the Energy Commission a report of operations that includes a review of the project’s compliance with the terms and conditions of certification, the number of hours in operation, and the demand for power from the facility during the three year period.

Compliance Verifications

Conditions of certification may have appropriate means of “verification”. The verification describes the Energy Commission’s procedure(s) to ensure post-certification compliance with adopted conditions. The verification procedures, unlike the conditions, may be modified, as necessary by the CPM, without full Energy Commission approval.

Verification of compliance with the conditions of certification can be accomplished by:

- reporting on the work done and providing the pertinent documentation in monthly and/or annual compliance reports filed by the project owner or authorized agent as required by the specific conditions of certification;
- appropriate letters from delegate agencies verifying compliance;
- Energy Commission staff audits of project records; and/or
- Energy Commission staff inspections of mitigation and/or other evidence of mitigation.

A cover letter from the project owner or authorized agent is required for all compliance submittals and correspondence pertaining to compliance matters. The cover letter subject line shall identify the involved condition(s) of certification by condition number and include a brief description of the subject of the submittal.

All submittals shall be addressed as follows:

Compliance Project Manager
California Energy Commission
1516 Ninth Street (MS-3000)
Sacramento, CA 95814

Confidential Information

Any information, which the project owner deems confidential shall be submitted to the Energy Commission's Docket with an application for confidentiality pursuant to Title 20, California Code of Regulations, section 2505(a). Any information, which is determined to be confidential, shall be kept confidential as provided for in Title 20, California Code of Regulations, section 2501 et. seq.

Reporting of Complaints, Notices, and Citations

Prior to the start of construction, the project owner must send a letter to property owners living within 1 mile of the project notifying them of a telephone number to contact project representatives with questions, complaints or concerns. If the telephone is not staffed 24 hours per day, it shall include automatic answering, with date and time stamp recording. The telephone number shall be posted at the project site and easily visible to passersby during construction and operation.

The project owner shall report and provide copies of all complaint forms, notices of violation, notices of fines, official warnings, and citations, within 10 days of receipt, to the CPM.

GENERAL CONDITIONS FOR FACILITY CLOSURE

In order to ensure that a planned facility closure does not create adverse impacts, plant closure must be consistent with all applicable laws, ordinances, regulations, standards (LORS), and local/regional plans in existence at the time of closure. To ensure adequate review of a planned project closure, the project owner shall submit a proposed facility closure plan to the Energy Commission for review and approval at least three months prior to commencement of closure activities (or other period of time agreed to by the CPM).

DELEGATE AGENCIES

To the extent permitted by law, the Energy Commission may delegate authority for compliance verification and enforcement to various state and local agencies that have expertise in subject areas where specific requirements have been established as a condition of certification. If a delegate agency does not participate in this program, the Energy Commission staff will establish an alternative method of verification and enforcement. Energy Commission staff reserves the right to independently verify compliance.

In performing construction and operation monitoring of the project, the Energy Commission staff acts as, and has the authority of, the Chief Building Official (CBO). The Commission staff retains this authority when delegating to a local CBO. Delegation of authority for compliance verification includes the authority for enforcing codes, the responsibility for code interpretation where required, and the authority to use discretion, as necessary, in implementing the various codes and standards.

ENFORCEMENT

The Energy Commission's legal authority to enforce the terms and conditions of its Decision is specified in Public Resources Code sections 25534 and 25900. The Energy Commission may amend or revoke the certification for any facility, and may impose a civil penalty for any significant failure to comply with the terms or conditions of the Commission Decision. The specific action and amount of any fines the Commission may impose would take into account the specific circumstances of the incident(s). This would include such factors as the previous compliance history, whether the cause of the incident involves willful disregard of LORS, inadvertence, unforeseeable events, and other factors the Commission may consider.

Moreover, to ensure compliance with the terms and conditions of certification and applicable laws, ordinances, regulations, and standards, delegate agencies are authorized to take any action allowed by law in accordance with their statutory authority, regulations, and administrative procedures.

NONCOMPLIANCE COMPLAINT PROCEDURES

Any person or agency may file a complaint alleging noncompliance with the conditions of certification. Such a complaint will be subject to review by the Energy Commission pursuant to Title 20, California Code of Regulations, section 1230 et. seq., but in many instances the noncompliance can be resolved by using the informal dispute resolution process. Both the informal and formal complaint procedures, as described in current State law and regulations, are described below. They shall be followed unless superseded by current law or regulations.

INFORMAL DISPUTE RESOLUTION PROCEDURE

The following procedure is designed to informally resolve disputes concerning interpretation of compliance with the requirements of this compliance plan. The project owner, the Energy Commission, or any other party, including members of the public, may initiate this procedure for resolving a dispute. Disputes may pertain to actions or decisions made by any party including the Energy Commission's delegate agents.

This procedure may precede the more formal complaint and investigation procedure specified in Title 20, California Code of Regulations, section 1230 et. seq., but is not intended to be a substitute for, or prerequisite to it. This informal procedure may not be used to change the terms and conditions of certification as approved by the Energy Commission, although the agreed upon resolution may result in a project owner proposing an amendment.

The procedure encourages all parties involved in a dispute to discuss the matter and to reach an agreement resolving the dispute. If a dispute cannot be resolved, then the matter must be referred to the full Energy Commission for consideration via the complaint and investigation process. The procedure for informal dispute resolution is as follows:

Request for Informal Investigation

Any individual, group, or agency may request the Energy Commission to conduct an informal investigation of alleged noncompliance with the Energy Commission's terms and conditions of certification. All requests for informal investigations shall be made to the designated CPM.

Upon receipt of a request for informal investigation, the CPM shall promptly notify the project owner of the allegation by telephone and letter. All known and relevant information of the alleged noncompliance shall be provided to the project owner and to the Energy Commission staff. The CPM will evaluate the request and the information to determine if further investigation is necessary. If the CPM finds that further investigation is necessary, the project owner will be asked to promptly investigate the matter and within seven (7) working days of the CPM's request, provide a written report of the results of the investigation, including corrective measures proposed or undertaken, to

the CPM. Depending on the urgency of the noncompliance matter, the CPM may conduct a site visit and/or request the project owner to provide an initial report, within forty-eight (48) hours, followed by a written report filed within seven (7) days.

Request for Informal Meeting

In the event that either the party requesting an investigation or the Energy Commission staff is not satisfied with the project owner's report, investigation of the event, or corrective measures undertaken, either party may submit a written request to the CPM for a meeting with the project owner. Such request shall be made within fourteen (14) days of the project owner's filing of its written report. Upon receipt of such a request, the CPM shall:

1. Immediately schedule a meeting with the requesting party and the project owner, to be held at a mutually convenient time and place and secure the attendance of appropriate Energy Commission staff and staff of any other agency with expertise in the subject area of concern as necessary;
2. Conduct such meeting in an informal and objective manner; and,
3. After the conclusion of such a meeting, promptly prepare and distribute copies to all in attendance and to the project file, a summary memorandum which fairly and accurately identifies the positions of all parties and any conclusions reached.

FORMAL DISPUTE RESOLUTION PROCEDURE-COMPLAINTS AND INVESTIGATIONS

If either the project owner, Energy Commission staff, or the party requesting an investigation is not satisfied with the results of the informal dispute resolution process, such party may file a complaint or a request for an investigation with the Energy Commission's General Counsel. Disputes may pertain to actions or decisions made by any party including the Energy Commission's delegate agents. Requirements for complaint filings and a description of how complaints are processed are in Title 20, California Code of Regulations, section 1230 et. seq.

The Chairman, upon receipt of a written request stating the basis of the dispute, may grant a hearing on the matter, consistent with the requirements of noticing provisions. The Commission shall have the authority to consider all relevant facts involved and make any appropriate orders consistent with its jurisdiction (Title 20, California Code of Regulations, sections 1232 - 1236).

POST CERTIFICATION CHANGES TO THE COMMISSION DECISION: AMENDMENTS, INSIGNIFICANT PROJECT CHANGES

The project owner must petition the Energy Commission, pursuant to Title 20, California Code of Regulations, section 1769, to 1) delete or change a condition of certification; 2) modify the project design or operational requirements; and 3) transfer ownership or operational control of the facility.

A petition is required for **amendments** and for **insignificant project changes**. In all cases, the petition or letter requesting a change should be submitted to the Commission's Docket in accordance with Title 20, California Code of Regulations, section 1209. The criteria that determine which type of change process applies are explained below.

EXECUTIVE ORDER

Executive Order D-25-01 issued by the Governor of the State of California, which accelerates processing of certain project modifications, will be applied to all qualifying project modifications requested until December 31, 2001.

AMENDMENT

A proposed project modification will be processed as an amendment if it involves a change to a condition of certification, an ownership or operator change, or a potential significant environmental impact.

INSIGNIFICANT PROJECT CHANGE

The proposed modification will be processed as an insignificant project change if it does not require changing the language in a condition of certification, have a potential for significant environmental impact, and cause the project to violate laws, ordinances, regulations or standards.

VERIFICATION CHANGE

Changes to condition verifications require CPM approval and may require either a written or oral request by the project owner. The CPM will provide written authorization of verification changes.

TECHNICAL AREA CONDITIONS OF CERTIFICATION

AIR QUALITY

AQ-1 Prior to the commencement of project construction, the project owner shall prepare a Construction Fugitive Dust Mitigation Plan that will specifically identify fugitive dust mitigation measures that will be employed for the construction of the project and related facilities.

Measures that should be addressed include the following:

- the identification of the employee parking area(s) and surface of the parking area(s);
- the frequency of watering of unpaved roads and disturbed areas;
- the application of chemical dust suppressants;
- the stabilization of storage piles and disturbed areas;
- the use of gravel in high traffic areas;
- the use of paved access aprons;
- the use of posted speed limit signs;
- the use of wheel washing areas prior to large trucks leaving the project site;
- the methods that will be used to clean tracked-out mud and dirt from the project site onto public roads; and
- for any transportation of borrowed fill material, the use of covers on vehicles, wetting of the material, and insuring appropriate freeboard of material in the vehicles.

Verification: The project owner shall submit to the CPM a letter attesting to compliance with the above and shall report any violations to the CPM.

AQ-2 The project owner shall comply with the terms and conditions of the Permit to Construct and the Permit to Operate issued by the South Coast Air Quality Management District, except as allowed under an order granted by the district hearing board.

Verification: In the event that the air district finds the project to be out of compliance with the terms and conditions of the Permit to Construct, the project owner shall notify the CPM of the violation, and the measures taken to return to compliance, within five (5) days.

AQ-3 The project owner shall operate the project in compliance with all Best Available Control Technology (BACT) standards imposed by the Air District in its Permit to Construct and Permit to Operate, except as allowed under an order granted by the district hearing board. Failure to meet these standards will result in a finding that the project owner is out of compliance with the certification.

BIOLOGICAL RESOURCES

BIO-1 The project permitted under this emergency process will avoid all significant non-mitigatable impacts to legally protected species and their habitat on site, adjacent to the site and along the right of way for linear facilities.

BIO-2 The project permitted under this emergency process will avoid all significant non-mitigatable impacts to designated critical habitat (wetlands, vernal pools, riparian habitat, preserves) on site or adjacent to the site.

BIO-3 The project permitted under this emergency process will avoid all significant non-mitigatable impacts to locally designated sensitive species and protected areas.

BIO-4 The project permitted under this emergency process will reduce risk of large bird electrocution by electric transmission lines and any interconnection between structures, substations and transmission lines by using construction methods identified in "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996" (APLIC 1996).

BIO-5 The Designated Biologist, a person knowledgeable of the local/regional biological resources, and the Compliance Project Manager (CPM) will have access to the site and linear rights-of-way at any time prior to and during construction and have the authority to halt construction in an area necessary to protect a sensitive biological resource at any time.

BIO-6 Upon decommissioning the site, the biological resource values will be reestablished at pre-construction levels or better.

Verification: If the Designated Biologist halts construction, the action will be reported immediately to the CPM along with the recommended implementation actions to resolve the situation. If listed species are encountered during construction additional agency consultation may be required. Throughout construction, the project owner shall report on items one through six above if identified resources are found or impacted.

BIO-7 A qualified biologist shall survey the site and linear facilities for listed species prior to ground breaking activities. The biologist shall continuously monitor the site and proposed linear facilities during all phases of construction. If any listed species are encountered, consultation with U.S. Fish and Wildlife Service and California Department of Fish and Game maybe required by the CPM.

Verification: The biologist shall notify the CPM immediately if sensitive species are observed and provide written confirmation to the CPM of survey results.

BIO-8 Prior to trenching for the transmission lines, the applicant must submit for CPM approval a contingency plan that has been reviewed by USFWS and CDFG for dealing with burrowing owls that are disturbed during the construction of the transmission line.

Verification: The designated biologist must provide written confirmation to the CPM of any burrowing owls that were observed and/or relocated during construction activities consistent with the protocols established by the USFWS and CDFG.

CULTURAL RESOURCES

CUL-1 The project certified under this emergency process shall not cause any significant impact to cultural resources on the power plant site or linear rights of way. No significant cultural resources have been identified in the Area of Potential Effect (APE). No on-site cultural resource monitoring is required for this proposed site. In the event of an inadvertent cultural find the following conditions apply:

The presence of subsurface archaeological resources is always a possibility in areas where only surface inspection has taken place. In the unlikely event that sub-surface archaeological remains are discovered during ground disturbing activities (i.e., grading and/or excavation), work in the area must halt and a qualified Cultural Resource Specialist (CRS) will be contacted immediately to evaluate the significance of the find. The project manager, construction manager, and the CPM will be notified if the resource is judged to be potentially significant, and the archaeologist may recommend further study.

In the event that suspected human remains are encountered, work must stop immediately within a radius of 100 feet (30 meters) of the discovery, and the San Bernardino County Coroner's Office will be notified within 24 hours of the find. If the skeletal remains are determined to be prehistoric, the Coroner's Office will contact the Native American Heritage Commission (NAHC) to identify the Most Likely Descendants (MLD). The MLD will be notified and will determine the most appropriate disposition of the remains and any associated artifacts.

Based on available information this project falls under standard condition **CUL-1** provided the applicant complies with special conditions **CUL-3**. Standard condition **CUL-2** does not apply.

CUL-3 Any changes in the associated gas, water, or electrical transmission routes must be surveyed by a qualified Cultural Resource Specialist (CRS) prior to any construction activities related to construction of the transmission route.

Verification: Written documentation of the survey methods and results must be provided to the CPM prior to any construction-related activities associated with the gas, water or electrical transmission routes.

FACILITY DESIGN

GEN-1 The project owner shall design, construct and inspect the project in accordance with the 1998 California Building Code (CBC) and all other applicable LORS in effect at the time initial design plans are submitted to the CBO for review and approval.

Verification: Within 30 days (or a lesser number of days mutually agreed to by the project owner and the CBO) after receipt of the Certificate of Occupancy, the project owner shall submit to the CPM a statement of verification, signed by the responsible design engineer, attesting that all designs, construction, installation and inspection requirements of the applicable LORS and the Energy Commission's Decision have been met. The project owner shall provide the CPM a copy of the Certificate of Occupancy within 30 days of receipt from the CBO [1998 CBC, Section 109 – Certificate of Occupancy.] The project owner shall keep copies of plan checks and CBO inspection approvals at the project site.

GEN-2 Prior to submittal of the initial engineering designs for CBO review, the project owner shall furnish to the CPM and to the CBO a schedule of facility design submittals, a Master Drawing List, and a Master Specifications List. The schedule shall contain a list of proposed submittal packages of designs, calculations, and specifications for major structures and equipment.

Verification: At least 15 days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of rough grading, the project owner shall submit to the CBO and to the CPM the schedule, the Master Drawing List, and the Master Specifications List of documents to be submitted to the CBO for review and approval. These documents shall be the pertinent design documents for the major structures and equipment listed in Table 1 below. Major structures and equipment shall be added to or deleted from the Table only with CPM approval.

Table 1: Major Structures and Equipment List

Equipment/System	Quantity (Plant)
Combustion Turbine Generator Foundation and Connections	4
SCR Unit Structure, Foundation and Connections	4
Auxiliary Transformer Foundation and Connections	4
CT Inlet Air Plenum Structure, Foundation and Connections	4
SCR Unit Exhaust Stack, Foundation and Connections	4
SCR Unit Transition Duct from CTG — Structure	4
Control/Admin Building Structure, Foundation and Connections	1
CT Mechanical Accessory Compartment Foundation and Connections	4
Switchgear Equipment Building Structure, Foundation and Connections	1
Switchyard Component Foundations and Connections	1
Gas Compressor Building Structure, Foundation and Connections	1

GEOLOGICAL ENGINEERING

GEOL-1 A geotechnical report evaluating the project site must be submitted for review and approval to the CPM.

Verification: The geotechnical report should be submitted to the CPM for review and approval prior to construction of foundations.

HAZARDOUS MATERIALS MANAGEMENT

HAZ-1 The project owner shall not use any hazardous material in reportable quantities except those identified by type and quantity in the Application for Certification unless approved by the CPM.

Verification: The project owner shall provide in the Annual Compliance Report a list of hazardous materials used at the facility in reportable quantities.

HAZ-2 The project owner shall submit both the Business Plan and Risk Management Plan to the CPM for review and comment, and shall also submit these plans and/or procedures to the local Fire Department for approval.

Verification: 30 days (or a CPM-approved alternative timeframe) prior to the initial delivery of any hazardous materials in reportable quantities to the facility, the project owner shall submit the Business and Risk Management Plan to the CPM for review and comment. At the same time, the project owner shall submit these plans to the local Fire

Department for approval. The project owner shall also submit evidence to the CPM that the local Fire Department approved of these plans, when available.

No changes in practices, procedures or material storage or usage of hazardous materials shall occur without notifying the local Fire Department and appropriate amendments made to the approved Emergency/Business Contingency Plan on file with the County of San Bernardino. Failure to comply with this requirement shall be deemed cause for immediate review and potential revocation of this project approval.

LAND USE

LAND-1 The project permitted under this emergency process will conform to all applicable local, state and federal land use requirements, including general plan policies, zoning regulations, local development standards, easement requirements, encroachment permits, truck and vehicle circulation plan requirements, Federal Aviation Administration approval, and the Federal Emergency Management Agency National Flood Insurance Program.

Protocol: The project owner shall comply with the following conditions recommended by the City of Chino, unless waived by the CPM after consultation with the City:

- All operations shall not create a nuisance due to noise, odor, dust, mud, smoke, steam, vibration or other similar causes.
- Items stored outside, within 100-feet of a dedicated street, shall be stacked no higher than 6-feet.
- Combustible materials stored outside shall be placed no closer than 20-feet from any property line, and a minimum 20-foot wide clear access drive shall be provided to the rear of the property to permit free access of fire trucks or any other safety vehicles at any time.
- No materials or waste stored outside shall be deposited on the subject property in such form or manner that may be transferred off the lot by natural causes or forces (i.e., storm water runoff, wind, etc.). All waste material shall be stored in an enclosed area, accessible to service vehicles.
- If in the opinion of the Director of Community Development operation of the facility is found to interfere with the radio communications of the City's public safety operations, the project owner will work with the CPM and the West End Communications Authority to rectify the interference problems.
- The project owner shall be required to prepare a specific plan for the power plant site. The specific plan may be processed for review by the

City in conjunction with the specific plan being proposed for the surplus California Institute for Men (CIM) property.

- The project owner shall develop a plan for appropriate screening of new transmission equipment located aboveground south of Edison Avenue.
- A contingency plan shall be prepared to address hazards related to explosion and/or fire in the event of a rupture of the proposed gas pipeline or release of aqueous ammonia. Such plan shall be coordinated with the Southern California Gas Company, and the Chino Valley Fire District.
- A copy of the construction drawings shall be submitted to the City for review.

Verification: Prior to start of construction or at another time agreed upon with the CPM, the project owner will submit to the CPM documentation verifying compliance with the above referenced land use requirements.

NOISE

NOISE-1 The project permitted under this emergency process shall be required to comply with applicable community noise standards.

Verification: Within 30 days of the project first achieving a sustained output of 80 percent or greater of rated capacity, the project owner shall conduct a 25-hour community noise survey, utilizing the same monitoring sites employed in the pre-project ambient noise survey as a minimum. No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints. Steam relief valves shall be adequately muffled to preclude noise that draws legitimate complaints. If the results from the survey indicate that the project noise levels at the closest sensitive receptor are in excess of 50 dBA between the hours of 10 PM and 7 AM, additional mitigation measures shall be implemented to reduce noise to a level of compliance with this limit.

NOISE-2 Prior to the start of rough grading, the project owner shall notify all residents within one mile of the site of the start of construction and will provide a complaint resolution process.

Verification: The project owner shall provide the CPM with a statement, attesting that the above notification has been performed.

NOISE-3 Throughout the construction and operation of the project, the project owner shall document, investigate, evaluate, and attempt to resolve all project related noise complaints.

Verification: Within 30 days of receiving a noise complaint, the project owner shall file a copy of the Noise Complaint Resolution Form, or similar instrument approved by the CPM, with the County Environmental Health Department, and with the CPM, documenting the resolution of the complaint. If mitigation is required to resolve a complaint, and the complaint is not resolved within a 30-day period, the project owner shall submit an updated Noise Complaint Resolution Form when the mitigation is finally implemented.

NOISE-4 Night construction activities may be authorized by the CPM if they are consistent with local noise ordinances. Night construction, or specific night construction activities may be disallowed by the CPM if it results in significant impact to the surrounding community.

Verification: Noise monitoring and surveys may be conducted if complaints are reported by residence in the surrounding area of the project site.

PALEONTOLOGICAL RESOURCES

PALEO-1 The project certified under this emergency process shall not cause any significant impact to paleontological resources on the power plant site or linear rights of way. If significant paleontological resources are unexpectedly encountered, work in the area shall be stopped and the CPM be immediately consulted.

Standard Condition of Certification **PALEO-2** has not been included because no paleontological resources are expected to be encountered in this project.

SOIL & WATER RESOURCES

SOIL&WATER-1 Prior to ground disturbance, the project owner shall obtain CPM approval of a Storm Water Pollution Prevention Plan (SWPPP) as required under the General Storm Water Construction Activity Permit for the project.

Verification: Prior to ground disturbance, the project owner will submit a copy of the Storm Water Pollution Prevention Plan for the project to the CPM.

SOIL&WATER-2 Prior to ground disturbance, the project owner shall obtain CPM approval of an Erosion Prevention and Sedimentation Control Plan.

Verification: The Erosion Control and Storm Water Management Plan for the project shall be submitted to the CPM prior to ground disturbance.

SOIL&WATER-3 Prior to site mobilization, the project owner shall submit to the CPM, a copy of a valid water service agreement for water supplies for the project from an authorized water purveyor, or a copy of a valid well permit for the project from the appropriate licensing agency.

Verification: A copy of the water service agreement or well permit shall be submitted to the CPM prior to site mobilization.

SOIL&WATER-4 Prior to operation, the project owner shall submit to the CPM a copy of a valid permit or agreement from the appropriate approving agency for wastewater discharge.

Verification: The permit or agreement for wastewater discharge shall be submitted to the CPM prior to operation.

SOIL&WATER-5 Prior to operation, the project owner shall submit to the CPM Spill Prevention Control and Countermeasure Plan (SPCCP) for the facility.

Verification: The SPCCP shall be submitted to the CPM prior to operation.

TRAFFIC AND TRANSPORTATION

TRANS-1 The project permitted under this emergency process shall comply with Caltrans and City/County limitations on vehicle sizes and weights. In addition, the project owner or its contractor shall obtain necessary transportation permits from Caltrans and all relevant jurisdictions for roadway use.

Verification: The project owner shall keep copies of any oversize and overweight transportation permits received at the project site.

TRANS-2 The project permitted under this emergency process shall comply with Caltrans and City/County limitations for encroachment into public rights-of-way and shall obtain necessary encroachment permits from Caltrans and all relevant jurisdictions.

Verification: The project owner shall keep copies of any encroachment permits received at the project site.

TRANS-3 The project permitted under this emergency process shall ensure that permits and/or licenses are secured from the California Highway Patrol and Caltrans for the transport of hazardous materials.

Verification: The project owner shall keep copies of all permits/licenses acquired by the project owner and/or subcontractors concerning the transport of hazardous substances at the project site.

TRANS-4 Following completion of construction of the power plant and all related facilities, the project owner shall return all roadways to original or as near original condition as possible.

Verification: Prior to the start of construction, the project owner shall photograph, videotape, or digitally record images of the access roads to be used during the construction process, as directed by the CPM. Within 30 days after completion of project construction, the project owner shall meet with the CPM to determine the actions needed to return all roadways to original or as near original condition as possible.

TRANS-5 A Traffic Control Plan (TCP) must be submitted for CPM approval prior to the start of construction. The TCP shall include appropriate measures to minimize impacts on traffic flow such as the establishment of construction work hours, delivery of heavy equipment and building materials outside of the peak traffic periods, limiting vehicular traffic to approved access roads, construction yards, and construction sites, and the scheduling of traffic lane or road closures during off-peak hours whenever possible.

Verification: The TCP shall be submitted to the CPM for approval and to the Cities of Chino and Chino Hills for review prior to the start of construction.

TRANSMISSION SYSTEM ENGINEERING, SAFETY AND RELIABILITY

TSE-1 The project owner shall ensure that the design, construction and operation of the proposed transmission facilities will conform to requirements listed below:

The power plant switchyard, outlet line and termination shall meet or exceed the electrical, mechanical, civil and structural requirements of CPUC General Order 95, CPUC Rule 21, Title 8, California Code of Regulations, Articles 35, 36 and 37 of the, "High Voltage Electric Safety Orders", Title 8 CCR, Sections 2700-2974, CPUC Decision 93-11-013, Federal Communications Commission Part 15, Public Resources Code 4292-4296, and National Electric Code (NEC).

Verification: Within 15 days after cessation of construction the project owner shall provide a statement to the CPM from the registered engineer in responsible charge (signed and sealed) that the switchyard and transmission facilities conform to the above listed requirements.

VISUAL

VIS-1 Project structures treated during manufacture and all structures treated in the field, that are visible to the public, shall be painted in a neutral color consistent with the surrounding environment.

Verification: Prior to painting exposed services, the project owner shall identify the selected color for CPM approval.

VIS-2 The project owner shall design and install all lighting such that light bulbs and reflectors are not visible from public viewing areas and illumination of the vicinity and the nighttime sky is minimized. Lighting must also be installed consistent with any local requirements.

Verification: The project owner shall inform the CPM of any complaints concerning lighting and when measures have been taken to correct the problem.

VIS-3 The project owner shall prepare and submit to the local planning department for review and comment, and to the CPM for review and approval a landscaping plan which provides for any or all of the following, as appropriate, to screen the project from view: berms, vegetation and trees, and fencing.

Verification: Within 30 days of certification, the project owner shall submit the landscaping plan to the local planning department and the CPM.

WASTE

WASTE-1 The project owner shall obtain a hazardous waste generator identification number from the Department of Toxic Substances Control prior to producing any hazardous waste.

Verification: The project owner shall keep its copy of the identification number on file at the project site.

WASTE-2 The project owner shall have an environmental professional available for consultation during soil excavation and grading activities. The environmental professional shall be given full authority to oversee any earth moving activities that have the potential to disturb contaminated soil. The environmental professional shall meet the qualifications of such as defined by the American Society for Testing and Materials designation E 1527-97 Standard Practice for Phase I Environmental Site Assessments.

Verification: If potentially contaminated soil is unearthed during excavation at either the proposed site or linear facilities, the environmental professional shall inspect the site, determine the need for sampling to confirm the nature and extent of contamination, and make a recommended course of action. The environmental professional shall have the authority to suspend construction activity at that location. If, in the opinion of the environmental professional, remediation is to be required, the project owner shall consult with the CPM and a decision will be made by the CPM within 24 hours as to how to proceed.

WORKER AND FIRE SAFETY

WORKER SAFETY-1 The project owner must comply with all requirements in Title 8 of the California Code of Regulations, beginning with Part 450 (8 CCR Part 450 et seq).

Verification: The project owner shall submit to the CPM a letter attesting to compliance with the above and shall report any violations to the CPM.

REFERENCES

- Adelson, Mark. Santa Ana Regional Water Quality Control Board (Chino). Pers. Comm.
- Arnold, Brent. City of Chino, Planning Department, Telephone conversation, May 10, 2001.
- Arnold, Brent. City of Chino, Planning Department, Telephone conversation, May 15, 2001.
- Black and Veatch. 2001. Pegasus Project, San Bernadino County, California Biological Assessment. Prepared for Pegasus Power Partners LLC. Pegasus Project Application for Certification Pursuant to the 21-Day Emergency Permitting Process, Attachment 9
- Black, Glenn, Davis, Chanel, Drogenson, Jeff, McNair, Leslie. California Department of Fish and Game. Pers. Comm. May, 2001
- Bridger and Helfand. International Journal of Biometeorology. 1968. Mortality from heat during July 1966 in Illinois, 1968.
- Brooks, Ralph. Black and Veatch. Pers comm. May 8, 2001.
- California Burrowing Owl Consortium. 1997. Burrowing Owl Survey Protocol and Mitigation Guidelines. J. Raptor Res. Rep. 9:171-177.
- California Department of Fish and Game. 2001. California Natural Diversity Database
- California Department of Fish and Game. 1995. Staff Report on Burrowing Owl Mitigation. CDFG, Sacramento, CA. Dated September 1995.
- California Department of General Services: Strategic Master Land Use Plan and Implementation Approach, CIM Chino. August 2000 (Volumes I and II).
- California Energy Commission. 1999. High Temperatures and Electricity Demand. An Assessment of Supply Adequacy in California, July 1999.
- Campbell BioConsulting, Inc. Focused Survey for Burrowing Owl for the Pegasus Project, City of Chino, California. May 22, 2001.
- CDC (Center for Disease Control). 2000. Heat-Related Illness, Death, and Risk Factors Cincinnati and Dayton, Ohio, 1999, and United States, 1979-1997, June 02, 2000.

Christman, Chris. Department of General Services, Asset Planning and Enhancement. Telephone Conversation, May 2, 2001.

Christman, Chris. Department of General Services, Asset Planning and Enhancement. Telephone Conversation, May 11, 2001.

Christman, Chris. Department of General Services, Asset Planning and Enhancement. Telephone Conversation, May 14, 2001

Christman, Chris. Department of General Services, Asset Planning and Enhancement. Telephone Conversation, May 15, 2001.

City of Chino Amended Municipal Code, Noise Ordinance, October 3, 1995

City of Chino General Plan, May 1, 2000

City of Chino, Municipal Code and Zoning Ordinance, May 1, 2000

City of Chino Hills, Comment Letter, May 23, 2001.

Coe, Chuck. City of Chino, Director of Community Development, Telephone conversation, May 1, 2001.

Comprehensive Land Use Plan: Chino Airport, November 1991.

Darnell, Doug. City of Chino Planning Department, Telephone conversation on May 18, 2001.

Darnell, Doug. City of Chino Planning Department, Telephone conversation on May 21, 2001.

Dore, Christopher, D., and James W. Jenks. 2001. *Draft Cultural Resources Inventory of a Parcel at the California Institution for Men, Chino, San Bernardino County, California*. Prepared by Garcia and Associates, May 2001. Job 308

Downs, Keith. Riverside County Planning Department, Telephone conversation, May 3, 2001.

Downs, Keith. Riverside County Planning Department, Telephone conversation, May 11, 2001.

Hayes, Loren, and White, P.J. United States Fish and Wildlife Service. Pers. Comm. May, 2001

Innes, Gordon. State Water Resources Control Board, Water Quality Division. Pers. Comm. May 11, 2001

Letter from the City of Chino, Department of Public Works and Engineering, May 11, 2001

Hinke, Andy. Black and Veatch, Telephone conversation, May 18, 2001.

Jenkins, James. Interim Director, Chino Airport, Telephone conversation, May 3, 2001.

Kalkstein and Davis, 1989. Weather and Human Mortality: An Evaluation of Demographic and Interregional Responses in the United States, Annals of Association of American Geographers, 1989.

Kalkstein et al. 1993 Health and Climate Change-Direct Impacts in Cities, Lancet, 1993.

Kalkstein and Green, 1997. An Evaluation of Climate/Mortality Relationships in Large U.S. Cities and Possible Impacts of Climate Change. Environmental Health Perspectives. 1997.

Kalkstein et al. 1998. Analysis of Differences in Hot-Weather-Related Mortality Across 44 U.S. Metropolitan Areas. Elsevier. 1998.

Klausner, Brian. Black and Veatch, Telephone conversation, May 22, 2001.

Klausner, Brian. Black and Veatch, Telephone conversation, May 24, 2001.

Malloy, Brian. CIM Waste Water Treatment Plant, Pers. Comm.

McKernan, Robert. San Bernadino Museum of Natural History. Pers. Comm. May 10, 2001

Pegasus Power, LLC. Application for Certification, submitted to the California Energy Commission on April 27, 2001.

Roland, Jay. Pegasus Power Partners LLC Pegasus Project. Pers. Comm. May 2001.

Roland, Jay. Pegasus Power Partners LLC Pegasus Project. Pers. Comm.

Semenza. New England Journal of Medicine. 1996. Risk Factors for heat-related mortality during the July 1995 heat wave in Chicago, 1996.

Shickele, E. Military Surgeon. 1947. Environmental and Fatal Heat Stroke, 1947.

Small, Ron. Department of General Services, Legal Counsel, Telephone conversation, May 15, 2001.

Squire, Jim. San Bernardino Planning Department, Telephone conversation, May 3, 2001.

- Squire, Jim. San Bernardino Planning Department, Telephone conversation, May 11, 2001.
- State Water Resources Control Board (State Water Board) Water Quality Order No. 97-03-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 (General Permit) Waste Water Discharge Requirements (WDRS) for Discharges of Storm Water with Industrial Activities Excluding Construction Activities. Page 6, Section 4a, and Attachment I.
- Timpe, Doug, Hinkey, Andy. Black and Veatch Corporation, Telephone conference on May 18, 2001.
- Timpe, Doug. Black and Veatch Corporation, Telephone conference on May 22, 2001.
- United States Congress, Office of Technology Assessment. 1990. Physical Vulnerability of Electric Systems to Natural Disasters and Sabotage, June 1990.
- United States Fish and Wildlife Service 2001. Federally Listed Endangered, Threatened, Proposed and Candidate Species that may occur in San Bernadino County, California.
- Wiswell, Robert. Caltrans, Department of Aeronautics. Telephone conversation, May 3, 2001.
- Wiswell, Robert. Caltrans, Department of Aeronautics. Telephone conversation, May 4, 2001.
- Wiswell, Robert. Caltrans, Department of Aeronautics. Telephone conversation, May 7, 2001.
- Wymer, Bill. Chief Operating Officer @ OLS Cogen Plant. Telephone Conversation, May 2, 2001.
- WPM Planning Team: Strategic Master Land Use Plan and Implementation Approach CIM Chino. Vol. II August 2000. State of California, Department of General Services, Real Estate Services Division, Asset Planning and Management Branch. Pp. 2-1 to 3-12

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APPENDIX A

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT NOTICE OF INTENT TO ISSUE PERMIT

APPENDIX B

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT DRAFT PERMIT TO CONSTRUCT

APPENDIX C

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT DRAFT PERMIT TO OPERATE