

## DOCKETED

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OFFICE OF COUNTY COUNSEL  
COUNTY OF RIVERSIDE



PAMELA J. WALLS  
County Counsel

ANITA C. WILLIS  
Assistant County Counsel

3960 ORANGE STREET, SUITE 500  
RIVERSIDE, CA 92501-3674  
TELEPHONE: 951/955-6300  
FAX: 951/955-6322 & 951/955-6363

November 12, 2013

Commissioner Karen Douglas, Presiding Member  
Mary Dyas, Compliance Project Manager.  
CALIFORNIA ENERGY COMMISSION  
1516 Ninth Street, MS-14 (Dockets Unit)  
Sacramento CA 95814-5512

RE: COUNTY OF RIVERSIDE COMMENTS ON THE STAFF ASSESSMENT FOR THE  
PROPOSED BLYTHE SOLAR POWER PROJECT AMENDMENT (09-AFC-6C)

Dear Commission Douglas and Ms. Dyas:

The County of Riverside ("County") appreciates the opportunity to provide comments and indicate necessary changes to the Staff Assessment ("SA") submitted by California Energy Commission ("CEC") Staff for the Blythe Solar Power Project amendment ("BSPP" or "Project"). As explained in greater detail below, while BSPP is located on federal land and under the CEC's certification authority, BSPP will have impacts on the County, County services and County residents that must be addressed. Given that this is an amendment to an approved CEC decision the County has focused its comments on the impacts of the changes on County services, facilities, and infrastructure and compliance with County laws, ordinances and regulations ("LORS").

SUMMARY OF THE PROPOSED BSPP

On June 28, 2012, Palo Verde Solar I, LLC (PVSI) filed a petition with the CEC to amend the BSPP by replacing the previously approved solar thermal technology with photovoltaic (PV) generating technology.<sup>1</sup> On April 12, 2013, NextEra Blythe Solar Energy Center, LLC ("NextEra" or "petitioner"), the new owner on the Project, filed a revised Petition to Amend with the CEC requesting to modify the approved BSPP to change the solar thermal power-generating technology of the approved project from parabolic trough technology to photovoltaic (PV) technology.

The CEC issued its Final Decision on the BSPP on September 15, 2010. The Bureau of Land Management ("BLM") published the Plan Amendment/Record of Decision for the BSPP on October 22, 2010 and issued the Right-Of-Way Grant on November 4, 2010. The CEC's Final

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<sup>1</sup> On June 25, 2012, PVSI also requested Energy Commission approval to transfer the ownership of BSPP to NextEra Blythe Energy Center LLC.

Decision describes the BSPP as a 1000 megawatt (MW) solar thermal generating plant that would consist of four adjacent, independent units of 250 MW. The BSPP, as set forth in the Final Decision, is on approximately 7,043 acres of land managed by the BLM located approximately 8 miles west of the City of Blythe and 2 miles north of the Interstate-10 freeway.

The BSPP was previously approved in the Final Decision to utilize solar parabolic trough technology to generate electricity. With this technology, arrays of parabolic mirrors collect heat energy from the sun and refocus the radiation on a receiver tube located at the focal point of the parabola. A heat transfer fluid (HTF) is heated to high temperature (750°F) as it circulates through the receiver tubes. The heated HTF is then piped through a series of heat exchangers where it releases its stored heat to generate high pressure steam. The steam is then fed to a traditional steam turbine generator where electricity is produced

The modifications proposed in in the Petition to Amend include replacing the parabolic trough solar collection system and associated heat transfer fluid with PV modules. The modified BSPP would be comprised of four phases designed to generate a total of approximately 485 MW (nominal) of electricity when completed. The first three units (phases) would consist of approximately 125 MW alternating current (AC) each. The fourth unit would generate approximately 110 MW AC. All four units would share an operations and maintenance facility, one on-site switchyard, access and maintenance roads, perimeter fencing and other ancillary security facilities, and a 230-kV gen-tie line. The transmission corridor is located in the center of the site with the exact location to be determined during final design.

## **COMMENTS ON TECHNICAL AND ENVIRONMENTAL SECTIONS OF THE STAFF ASSESSMENT**

### **AIR QUALITY/GREENHOUSE GASES**

CEC Staff concludes that with the adoption of proposed conditions of certification, the Project would comply with all applicable laws, ordinances, regulations, and standards and would not result in any significant CEQA air quality impacts. The County notes with approval the envisioned reduction in PM10 and PM2.5 release in Air Quality, section 4.1, and agrees with the conclusion on 4.1-23 that the low envisioned level of emission is unlikely to affect attainment of PM2.5 standards for the region.

### **BIOLOGICAL RESOURCES**

According to CEC Staff, the Project reduces many terrestrial impacts from the previously approved project, by reducing onsite grading and other disturbances. The Project would also eliminate development of the engineered channels and most of the natural onsite drainage features will be maintained and any grading required will be designed to promote sheet flow where possible; with the exception of limited mowing and placement of pylons within some drainages. These impacts, in conjunction with fencing the site, are considered by CEC Staff and acknowledged by the project owner (NextEra), to result in the functional loss of native plant and wildlife communities that occur within the approximately 4,003-acre site.

With the exception of avian impacts, CEC Staff has concluded that with implementation of recommended conditions of certification all impacts to biological resources would be mitigated to less than significant levels. However, CEC Staff also states impacts to avian species may be significant after implementation of mitigation. The County concurs with this conclusion.

CEC Staff recommends avoidance, minimization, and compensatory mitigation measures to offset direct, indirect, and cumulative impacts to desert tortoise and other special-status species, and to assure compliance with state and federal laws such as the federal and state endangered species acts and regulations protecting waters of the state. While the County agrees such biological impacts must be properly mitigated, the County is concerned that the Project has yet to identify where or how such mitigation will occur. The location of mitigation lands should be discussed now publicly during the Project review stage to validate whether mitigation lands are obtainable and to analyze the location and impacts, if any. Permanent commitment of vast areas of land for habitat mitigation often necessarily precludes other potential uses, including, but not limited to, agricultural, recreational, commercial, residential and other open space uses. While the County fully supports habitat mitigation, setting aside thousands of acres of private lands in the unincorporated area of the County could impact other land use plans or opportunities in the County and result in lost opportunity costs. Because Riverside County is one of fastest growing counties in the state, and because it is expected to be the second most populous county in the state by 2044, the commitment of so much land to a single use has serious consequences and could potentially conflict with the following General Plan policies:

- Land Use Element Policy LU 2.1.c. - the County shall provide a broad range of land uses, including a range of residential, commercial, business, industry, open space, recreation and public facility uses (General Plan pg. LU-20).
- Land Use Element Policy LU 7.1 - the County shall accommodate the development of a balance of land uses that maintain and enhance the County's fiscal viability, economic diversity and environmental integrity (General Plan LU- 26).

If private land within the County must be permanently restricted for mitigation purposes, the environmental and economic impacts resulting from the removal of those lands must be accounted for and further mitigation may be necessary to offset any identified adverse impacts to the County or to the environment.

### CULTURAL RESOURCES

The County recognizes that prehistoric and historic cultural resources of the Coachella and Chuckwalla valleys are important to many in the region for familial, spiritual, social, academic, and research purposes, and contribute to the present day communities through cultural richness and tourism. The County is concerned about the Project's impact on cultural resources.

Although this is not a project under the County's land use jurisdiction, it appears that the Riverside County requirements for a cultural resources survey were met. A records search with a 1-mile radius was obtained from the EIC, extensive Native American consultation was conducted, and a field survey of the entire project area, including the areas for solar energy generation facilities and access road and gen-tie routes, were surveyed for cultural resources using 20-meter intervals between survey transects. This is slightly greater than the 15-meter intervals recommended by the County for projects under the County's jurisdiction, but is justified based on the ground visibility afforded by the very sparse desert vegetation. As a result of the survey, 201 archaeological sites were identified and recorded, of which 176 date to the historic-period and 25 to the prehistoric period. Of the historic-period sites, seven also have a prehistoric component. Several built environment resources were also recorded. Three

archaeological districts were later defined by CEC staff. All cultural resources are listed with a brief description in Cultural Resources Table 2 in the Staff Assessment.

The Conditions of Certification for Cultural Resources in the SA appear to be adequate to reduce impacts to cultural resources to less than significant. CEC Staff concluded, and County staff agrees, that implementation of the mitigation measures would result in less-than-significant direct physical impacts on known and newly found cultural resources. Therefore, the Project would meet the requirements of Riverside County's process for ensuring CEQA compliance for cultural resources if this were under the County's land use jurisdiction.

The County's General Plan has language promoting the general county-wide preservation of cultural resources. Implementation of the Conditions of Certification would ensure that the Project's construction would be consistent with the general historic preservation goals of the County of Riverside.

Finally, the County notes that the cumulative impacts on cultural resources from this and other nearby solar energy projects were found to be cumulatively considerable.

#### HAZARDOUS MATERIALS

The County requests that Condition of Certification HAZ-2 be revised to make clear that the project owner is to not only provide the Hazardous Materials Business Plan and Spill Prevention, Control, and Countermeasure Plan to Riverside County Department of Environmental Health and to the Riverside County Fire Department, but that the project owner shall also pay the usual and customary fee for review of those plans, and the usual and customary fee for any necessary and required inspections regarding same.

#### LAND USE

Page 4.5-11 of the SA states, "[A]t least 12 months prior to the initiation of decommissioning, the Project owner would prepare a Facility Closure Plan for Energy Commission review and approval." The County understands that a fully detailed facility closure plan may not be possible at this time while the Project is still in the development stages. However, a framework for a closure plan should be discussed publicly now, during the CEC's Project review stage, to validate if the closure plan is possible, if it will be sufficient, and if it entails impacts requiring mitigation. Moreover, when the final plan is submitted, a noticed public hearing should be conducted prior to adoption of the plan.

Furthermore, the County respectfully asks that the Project owner be required to post an adequate financial assurance prior to the start of construction, based on estimated costs, should the Project owner fail to comply with the plan at closure. The provision of financial assurance is an important guarantee, without which there can be no expectation that a project owner will have either the interest or the funds to reclaim the industrial site. Although the Project is on entirely on BLM land, the County has a strong interest in ensuring that the Project is decommissioned in an environmentally and fiscally responsible manner, and that the County and its citizens bear no burden for such decommissioning – or project abandonment.

#### PUBLIC HEALTH

CEC Staff has analyzed potential public health risks associated with construction and operation of the proposed BSPP and does not expect any significant adverse cancer, short-term, or long-

term health effects to any members of the public including low income and minority populations, from project toxic emissions. On the whole, the County does not disagree with this conclusion. The County notes with approval the envisioned reduction in PM10 and PM2.5 release in Air Quality, section 4.1, and agree with the conclusion on 4.1-23 that the low envisioned level of emission is unlikely to affect attainment of PM2.5 standards for the region. The County also agrees with the conclusion on 4.4-7 that the use of large quantity sulfuric acid and sodium hydroxide does require mitigation measures for spillage, even at the envisioned quantity of 400 gallons or less.

The County has continued concern over Valley Fever risk to the construction workers, especially in light of other such outbreaks within construction zones. The proposed mitigations on page 4.7-16 seem adequate for risk reduction. Due to the remote location of the site from habitation, it is unlikely to be of danger to anyone except the employees. The County reiterates that coccidioidomycosis is a reportable illness under state law.

The County notes the removal of the cooling towers and therefore the removal of the no-longer-needed Condition of Certification Public Health-1 for reducing bacterial growth.

#### SOCIOECONOMICS

The County will provide comments on the Socioeconomics section of the SA under a separate letter.

#### TRAFFIC & TRANSPORTATION

The County is concerned about the impact that construction-related traffic will have on County roads and intersections. Absent the CEC's certification authority, the County would have the ability to ensure mitigation of these impacts to County roads and intersections, and respectfully requests the CEC do the same.

Prior to approval of the BSPP amendment, the County requests the Project owner be required to perform and provide analyses of the pavement structure for all County roadways that may be utilized by the Project's construction traffic. If the analyses determine the pavement would not provide sufficient load bearing capacity for the construction traffic, the County would require, and requests that the CEC require, the Project applicant to provide road improvements specified by the County Director of Transportation. The County further requests the Project owner restore all County public roads, easements, and rights-of-way that may be damaged due to Project-related construction activities to original or near-original condition in a timely manner. The County respectfully requests that Condition of Certification TRANS-5 be revised as follows to include reference to the County of Riverside:

**TRANS-5 RESTORATION OF ALL PUBLIC ROADS, EASEMENTS AND RIGHTS-OF-WAY.** The project owner shall restore all public roads, easements, and rights-of-way that have been damaged due to project-related construction activities to original or near-original condition in a timely manner, as directed by the CPM and County of Riverside. Repair and restoration of access roads may be required at any time during the construction phase of the project to assure public safety.

In addition, the County requests that the Project owner be required to provide financial security to the County, in a form acceptable to the County, to ensure the restoration or replacement of

County public roads, easements, and rights-of-way.

The County also requests that the Traffic and Transportation Conditions of Certification be amended to require that all monthly compliance reports (“MCRs”) be forwarded to the County of Riverside Department of Transportation for review and comment.

#### WASTE MANAGEMENT

The County has reviewed the SA relating to solid waste and does not currently have any concerns or comments regarding the Project’s solid waste generation and impacts to solid waste facilities or County waste services.

#### WORKER SAFETY AND FIRE PROTECTION

The Riverside County Fire Department (RCFD) reviewed the Worker Safety and Fire Protection section of the SA for the amendment to the Project. The County appreciates the acknowledgment within the SA of the impacts this Project has to the Riverside County Fire Department. The following comments are made in response to our review the SA.

Page 4.14-21: CEC Staff makes the following statement: *“Riverside County does not have a “county” fire department per se and instead the county contracts with Cal Fire, which is a state agency under the California Department of Forestry and Fire Protection that also includes the Office of the California Fire Marshall.”* While the contractual arrangement as mentioned is correct, a more accurate statement would be that Riverside County Fire Department exists as a County Department and utilizes a mix of County and State employees in the provision of services to Riverside County.

Page 4.14-21: In discussing Mutual Aid, CEC Staff correctly advises that Riverside County does not maintain individual mutual aid agreements with other agencies within the County. However, to clarify, it is not necessary to have individual mutual aid agreements. All non-RCFD fire departments in Riverside County along with RCFD are participants in the State-wide Mutual Aid System. Please note that the California Mutual Aid Plan provides statewide guidance that mutual aid is used for a local emergency that, “...is or is likely to be beyond the control of the services, personnel, equipment, and facilities of that agency and require the combined forces of other local agencies to combat.” Additionally it states, “Basic to California’s emergency planning is a statewide system of mutual aid in which each jurisdiction relies first upon its own resources.”

Jurisdictions have a responsibility to plan for these emergencies through proper training, equipping and staffing. Therefore, the County respectfully advises that it is inappropriate to factor in mutual aid resources in a first response capability in lieu of appropriately staffing, training and outfitting Riverside County Fire Department resources. The Riverside County Fire Department is clearly responsible as the Authority Having Jurisdiction (“AHJ”) to take reasonable steps to provide emergency services based on the hazard and anticipated need.

Regarding specific proposed Conditions of Certification for Worker Safety and Fire Protection, the County, at the recommendation of the County Fire Chief, respectfully submits the following comments:

Worker Safety-1 through Worker Safety-4: The County continues to support.

Worker Safety-5: The County supports the presence of an on-site Automatic External Defibrillator (AED) program and the concurrent training of sufficient staff to ensure there is always someone on site capable of putting it into service. However, while the inclusion of an AED in their program is warranted for heart-related emergencies, the type of medical emergencies seen more likely will be traumatic worker injuries. Therefore, the County recommends the CEC require that *in addition* to an AED being on site, the same delegated staff and foremen be trained in First Aid and CPR in addition to AED to a recognized standard, such as American Red Cross. In addition, the County recommends requiring “Trauma/First-Aid” kits sufficient to handle anticipated industrial accidents. Identical Trauma/First-Aid kits should also be located in the field (i.e.: in vehicles) at all times with those delegated staff and foremen as mentioned in Worker Safety 5. The County requests that Worker Safety-5 be amended to reflect this change.

Worker Safety-6: The County understands and will support the change in Worker Safety-6 to a Secondary Access Gate. However, we must remind CEC staff and the Project owner that the associated access road to and through this gate and any connectors within the project to other fire access roads must still meet RCFD’s access road standards.

Worker Safety-7: The County has reviewed the proposed Project and strongly believes that the recommended mitigations, though reduced, are appropriate. RCFD is undergoing a significant need to upgrade its training, and increase equipment and staffing in order to be able to handle specialized rescues within these solar industrial projects. We feel that it is important that all projects participate in mitigating these impacts. With any mitigation, the County reminds CEC staff that this Project has an anticipated life-span of at least 30 years. Therefore, it is important to note that with inflation the value of the proposed mitigation dollars decreases over time. The County respectfully requests that Worker Safety-7 be amended to include an annual escalator so as to ensure that the mitigation amount remains sufficient.

Worker Safety-8 through Worker Safety-10: The County supports Worker Safety-8 through Worker Safety-10 as modified in the SA. However, we request that in lieu of the previously approved Worker Safety-9, which is now deleted in the SA, the following new condition be included as follows:

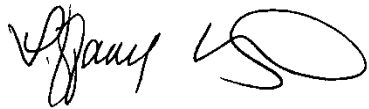
Worker Safety-11: The Project Owner shall coordinate access to the site and training sessions with the RCFD staff for the purpose of site familiarity and operational safety of emergency responders. This access shall be made available on multiple days during a week and no less than twice a year.



Thank you, again, for the opportunity to provide comments on amendment of this Project, which will have a lasting, irreversible impact on the County of Riverside. As the Project moves forward and additional information about the Project is known, the County reserves the right to issue additional comments on the Staff Assessment. Should need further information from the County, please contact me at (951) 955-6300 or Principal Planner Larry Ross at (951) 955-3200.

Sincerely,

PAMELA J. WALLS  
County Counsel

A handwritten signature in black ink, appearing to read "Tiffany N. North", followed by a large, stylized circular flourish or initial.

Tiffany N. North  
Supervising Deputy County Counsel