State of California
Energy Resources Conservation and Development Commission

In the Matter of:	)	Docket No. 08-AFC-2
	)	
Application for Certification	)	**STAFF'S REPLY**
for the Beacon Solar Energy Project	)	**BRIEF**

At the conclusion of the March 22, 2010 evidentiary hearing, the hearing officer for the Beacon Solar Energy Project ("BEACON") directed parties to file reply briefs by May 3, 2010. The following is staff's reply brief.

I. MOTION TO REOPEN THE RECORD

CURE raised several question about the Rosamond and California City recycled water options. To address CURE's questions, staff recommends the record be reopened to admit information that can further clarify the cities' plans.

After reviewing CURE's brief, four questions arise surrounding the Rosamond and California City recycled water options:

1) What entity will be performing the environmental review for the phase II upgrades at the Rosamond wastewater treatment plant and California City upgrades?

2) What exactly do the upgrades at the treatment plant entail?

3) What type of environmental document is expected to be issued by Rosamond and California City?

4) Why did staff not evaluate the proposed pipeline running through Edwards Air Force Base?

To answer these questions, staff moves to reopen the record to admit supplemental testimony, including the attached Exhibit 1, the declaration of Dennis LaMoreaux, that staff is prepared to sponsor at an evidentiary hearing focused exclusively on the questions regarding the plans of the two alternative sources for recycled water. The following subsections summarize the additional testimony staff would sponsor.

A. What entity will be performing the environmental review for the phase II upgrades at the Rosamond wastewater treatment plant?

The Rosamond Community Services District has been planning for the conversion of secondary treated waste water into tertiary treated waste since the late 1990s. The first phase of this process started in 1999 which resulted in the conversion of 500,000 gallons a day of secondary treated waste water into tertiary treated. (Declaration of Dennis LaMoreaux, paragraph 2) Phase I was designed with the current Phase II upgrades in mind. (LaMoreaux declaration, paragraph 3)

As with phase I, the Rosamond Community Services District will be the lead agency for environmental review of the phase II upgrades. It is important to recognize that phase II is not an expansion of the facility but an upgrade to allow for existing secondary treated wastewater to be further treated to tertiary levels. Therefore, phase II cannot reasonably be expected to induce additional population growth to the area. (LaMoreaux declaration, paragraphs 4 and 8)

B. What exactly do the upgrades at the Rosamond treatment plant entail?

Attached as Exhibit B to the LaMoreaux declaration are two maps, one showing the location of the proposed phase II upgrades at the facility and the other, a drawing of the proposed upgrades. As can be seen, the upgrades occur mainly within an existing pond, a highly degraded and controlled environment. Pond expansion is proposed to

extend onto an existing fenced 20-acre section of degraded land within the existing wastewater treatment facility. (LaMoreaux declaration, paragraph 4)

The upgrades and retrofits consist of converting the existing pond secondary treatment to multiple specialized ponds for tertiary treatment, including Advanced Facultative Ponds, High Rate Ponds, Algae Settling Ponds and Maturation Ponds. In addition, some existing equipment installed during phase I will be retrofitted. (LaMoreaux declaration, paragraph 5)

As part of the phase II expansion, a 20-acre section of facility property will be converted into a wastewater pond as anticipated in the phase I negative declaration. The phase II environmental review will evaluate the impacts of pond expansion through an initial study. If significant impacts are found, additional analysis will occur and appropriate mitigation will be required by Rosamond. Based on many years of wastewater treatment operations including the construction and operation of 16 ponds, it is unlikely the phase II expansion will present significant environmental impacts and it is especially unlikely, given the developed nature of the facility and small size of expansion, that any significant impacts could not be mitigated. As can be seen from the map, the phase II expansion takes place on fenced property already part of the wastewater treatment facility and is adjacent to facility equipment and other wastewater ponds. (LaMoreaux declaration, paragraph 5)

The seasonal storage pond utilized by the BEACON project will be placed completely within one of the existing ponds that will be abandoned after the additional tertiary treatment is built. Therefore, no additional environmental impacts would occur. (LaMoreaux declaration, paragraph 10)

C. What type of environmental document is expected to be issued by Rosamond?

It is anticipated phase II will require only a negative declaration or mitigated negative declaration because the majority of the upgrades will occur within an existing waste water pond and many upgrades are retrofits on existing equipment. (LaMoreaux declaration, paragraph 4)

The findings and conclusions of the phase I negative declaration are highly relevant to the phase II project, given the location of phase II and overlapping use of phase I components. Therefore, a review of the Phase I negative declaration provides a good estimate of what the phase II environmental document will likely resemble. Any land development usually concerns biological resources. In the event that habitat supporting species of special concern is found or actual populations of animals, such as desert tortoise, are identified, enough flexibility exists to reconfigure the pond to avoid the biological resource. (LaMoreaux declaration, paragraph 7)

D. Why did staff not evaluate the proposed pipeline running through Edwards Air force Base?

As part of Rosamond's proposal to provide recycled water to the BEACON project, two pipeline routes were noted. One of these routes transverses lands owned by Edwards Air Force Base. This route would only become part of the longer pipeline to the BEACON project if the Air Force Base were to build the line to service its own proposed solar power plant facility. Because it is unknown whether Edwards will have the line built in time for the connection to Beacon, it is reasonable to anticipate the likely route would be the alternative alignment west of the base. (LaMoreaux declaration, paragraph 9)

Rosamond previously engaged in a separate and unrelated effort to provide tertiary-treated wastewater to Edwards Air Force Base by installing a 10-mile pipeline. The Air Force Base completed an environmental review and approved installation of the pipeline which will have excess capacity that can also be used to deliver water for 10 miles of the total distance to the BEACON project. (FSA 6-10)

Similar information responding to these questions are expected to be available from California City shortly and would be sponsored into the record.

II. BASED ON THE RECORD, BOTH THE ROSAMOND WASTEWATER UPGRADES AND CALIFORNIA CITY WASTEWATER UPGRADES WERE PLANNED YEARS BEFORE BEACON FILED AN APPLICATION AND ARE EXPECTED TO PROCEED REGARDLESS OF THE BEACON PROJECT.

The phase II upgrades will occur regardless of whether Rosamond signs an agreement with the Project, since Rosamond has other potential customers (including other solar projects and a mining operation) that have expressed interest in Rosamond's recycled water. (Transcript p137:20-24; p141: 7-13) Rosamond has already begun to discuss phase II with the Lahontan Regional Water Quality Control Board. (Transcripts p151: 2-4) Rosamond also has agreements with other water districts in the Antelope Valley for purchase and exchange of reclaimed water, up to as much as 13 mgd. (Exhibit 169) The 1999 phase I negative declaration contemplated phase II and the additional conversion of secondary treated wastewater to tertiary treated. (LaMoreaux declaration, paragraph 3) Rosamond has many other users and arrangements driving its facility upgrades, which will occur regardless of whether the BEACON purchases its recycled water.

California City has also long contemplated an expansion of its wastewater network and treatment facility and, like Rosamond, is already in the process of expanding. California City's representative stated at the evidentiary hearing that the City has already issued a request for proposals for the upgrade and that California City is moving forward regardless of the BEACON project. (Transcripts p138: 1-8, p151: 6-8)

As CURE points out in *San Joaquin Raptor v. County of Stanislaus,* (1994) 27 Cal.App.4th 713, the court held that an environmental impact report (EIR) was deficient because it did not consider the impacts of a sewer system that was necessary to serve a new residential development. Since the development could not go forward without the sewer expansion, the "total project" included both the housing and the sewer project necessary to serve it. In the present case, neither upgrades at California City nor Rosamond are "necessary" for BEACON as the applicant could potentially seek to use another water source. Likewise, upgrades planned for California City and Rosamond do not depend on BEACON. The fact that BEACON may become a customer of California City or Rosamond does not entail a nexus requiring staff to evaluate the activities associated with each cities' generation of recycled water. (See *Towards Responsibility In Planning v. San Jose City Council* (1988) 200 Cal.App.3d 671)

In *Communities for a Better Environment v. City of Richmond*, 2010 WL 1645906, the City's EIR treated a hydrogen pipeline as a separate project from the construction of a new hydrogen plant. The trial court concluded that the City improperly "piece-mealed" the Project by failing to include and analyze the hydrogen pipeline as part of the Project. The appellate court disagreed with the trial court's conclusion, finding instead that there was no improper segmentation of a larger project here. (*Id.* p. 17)

The new Hydrogen Plant Replacement was located on the Chevron Refinery's property, but was going to be constructed, owned and operated by Praxair, a third-party industrial gas company. The Hydrogen Plant Replacement's design allowed Praxair to produce additional hydrogen, if it chose to do so, beyond that needed by Chevron at the Refinery. (Id. p. 18)

In February 2007, Praxair filed an application with Contra Costa County for a conditional use permit for a proposed hydrogen pipeline to transport and sell any excess hydrogen to other hydrogen users in the Bay Area besides Chevron. The route of the approximately 21.5 mile proposed hydrogen pipeline would start at the new Hydrogen

Plant Replacement at the Refinery and then span a number of jurisdictions, although it would be located entirely within Contra Costa County. While the hydrogen pipeline project was not considered to be part of the new Hydrogen plant project, there was no dispute that the pipeline project was being environmentally reviewed under CEQA in a different EIR with Contra Costa County identified as the CEQA Lead Agency with the responsibility of preparing the EIR (Id. p.18)

In the EIR prepared for the Chevron hydrogen facility project, the City set out the following reasons why the hydrogen pipeline project was treated as a separate, stand-alone project:

> The Contra Costa Pipeline Project is not a crucial or functional element of the Chevron Renewal Project. The Chevron Renewal Project does not depend on the Contra Costa Pipeline Project in order to proceed, and would be implemented with or without a pipeline being constructed by Praxair. The scope of the remainder of the Chevron Renewal Project is not dependent upon, and would not change if the pipeline is, or is not, constructed. Rather, the Contra Costa Pipeline Project's purpose would be to serve Bay Area hydrogen consumers and producers in addition to Chevron. (Id. p. 18)

The court found the city properly defined the pipeline as a separate project because the new hydrogen facility and the hydrogen pipeline project are not interdependent. The court noted,

> [T]hey perform entirely different, unrelated functions. The principal purpose for the Project is to allow Chevron to modify and/or replace existing Refinery equipment in order to “improve the Refinery's ability to process crude oil and other feed stocks from around the world and to direct more of current gasoline production capacity to the California market. The principal purpose of the hydrogen pipeline project is to provide a way for Praxair to transport excess hydrogen that is not required for Chevron's operations to other hydrogen consumers in the Bay Area. Because Chevron's efforts to process a larger

percentage of California fuel at the Refinery does not “depend on” construction of the hydrogen pipeline, the City's treatment of the hydrogen pipeline as a separate project does not constitute illegal piecemealing. (Id. p. 21)

In the present case, while the pipeline transmitting recycled water from the wastewater treatment plant to the BEACON site is part of the project and has been fully analyzed, the activities and upgrades at the treatment facilities are part of a pre-existing plan to serve recycled-water customers and are, therefore, not part of the project. The deterministic elements the court focused on included principle purpose and dependency.

1) Principle Purpose: BEACON will be generating renewable energy (FSA project description); the waste water treatment plants convert local sewage into treated waste water.

2) Dependency: Neither Rosamond nor California City need BEACON in order to proceed with plans to increase the production of tertiary treated wastewater. (LaMoreaux declaration, Transcripts p138: 1-8, p151: 6-8) While BEACON desires to purchase the tertiary treated wastewater, BEACON could seek other water sources. Unlike the situation in *San Joaquin Raptor,* in which sewer plant upgrades had to occur in order to service a proposed housing development, no such link exists in the present case. The homes had to have a place to collect and handle the increased sewage. Neither Rosamond nor California City needs to dispose of its wastewater with BEACON and BEACON can still potentially develop a project without Rosamond and California City. (See project description of AFC)

III. STAFF RECOMMENDS REOPENING THE RECORD FOR SUBMISSION OF ADDITIONAL EVIDENCE REGARDING THE WASTEWATER UPGRADE ACTIVITES AND RELATED INFORMATION.

Additional evidence to address the questions posed in the introduction, including the attached declaration of Dennis LaMoreaux, the phase I negative declaration, the maps of the planned upgrades as well as similar materials anticipated from California City, would augment the record to better understand the actions contemplated by both wastewater treatment authorities.

Although review by staff of the wastewater upgrades are not required given the separate nature of the wastewater project, staff would anticipate submitting brief evaluations of the upgrades to identify possible impacts and potential mitigation. Although the Commission has no authority over the wastewater treatment project, staff could opine as to the potential for impacts and the need, if any, for mitigation.

Staff proposes a filing date for additional testimony regarding recycled water options by May 18, 2010, and a hearing on the additional testimony sometime before the PMPD is released.

IV. CURE MAKES A NUMBER OF ASSERTIONS THAT EITHER MISCHARACTORIZE THE EVIDENCE OR THE RELEVANT LAW

CURE's agenda to eliminate recycled water as a viable alternative for power plant cooling is misguided for two reasons. First, as described below, the use of recycled water for power plant cooling is perfectly acceptable and consistent with state water policy. Second, elimination of the recycled water option would not necessarily result in the use of dry cooling. CURE insists that the "Commission must require dry cooling …." (CURE's opening brief p. 1) In this case, the decision by the applicant to utilize recycled water by one of two alternative plans has multiple positive benefits beyond drastically reducing on-site ground water consumption from nearly 1400 afy to 153 afy.

(FSA 4.9-12, 4.9-13) There are substantial facts that show BEACON's use of either plan will provide multiple economic and water resource benefits to the region. (FSA 6-10, FSA 6-11, Exhibit 506, transcripts p134: 17-25, p135: 1-3, p136: 6-21, p137: 1-25, p138: 1-18, p139: 4-12) The record does not support rejecting either recycled water source and requiring the use of dry cooling.

Assertion One: *Using Fresh Groundwater for Power Plant Cooling Violates the Warren-Alquist Act and LORS*.

RESPONSE: The project's primary source for power plant cooling is tertiary treated recycled water not fresh groundwater. If the Rosamond option is selected, the project would only use ground water in emergency situations; normal operation would use 100% recycled water for cooling starting from the first day of operation. If California City is selected, some onsite ground water would be used in decreasing amounts during the first five years as flow from California City increases. (Exhibit 337 Condition of Certification Soil & Water One.)

It is simply a myth that the California Constitution, Warren Alquist Act, Water Code or California Environmental Quality Act prohibits the use of fresh groundwater for power plant cooling. CURE is confusing a policy to not waste fresh water with an imaginary law that prohibits the use of fresh water for power plant cooling. CURE cites Article X, section 2 of the California Constitution as a source of authority. Yet a close look at the relevant section reveals not a prohibition for using fresh water for power plant cooling, but a policy to be frugal with water, not waste it and put it towards beneficial use.

> It is hereby declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the

reasonable and beneficial use thereof in the interest of the people and for the public welfare. (Article X, section 2)

Water Code section 13050 specifically identifies power generation as a beneficial use of water. *"Beneficial uses of the waters of the state that may be protected against quality degradation include, but are not limited to, domestic, municipal… power generation..."* (Water Code § 13050(f)) At best, Article X section 2 of the Constitution sets forth a broad policy regarding water management in the state. This is far from a law specifically restricting water use by power plants.

CURE next states, "[T]he Warren-Alquist Act sets forth the policy of the state and the intent of the legislature to 'promote all feasible means of energy and water conservation and all feasible uses of alternative energy and water supply sources.' (Pub. Res. Code § 25008)" (CURE's opening brief p. 4)

Again, nothing in this citation specifically prohibits power plants from using fresh water for cooling. It is noteworthy that the quote itself identifies the objective of promoting all feasible means of energy and water conservation as a "policy". Of course CURE conveniently ignores the fact that the BEACON project is following the policy by using "alternative water supply sources."

In a final attempt to prove it is a violation of the law for BEACON to use any fresh water for cooling, CURE first identifies another "policy", The State Water Resources Control Board's 1975 *Water Quality Control Policy on the Use and Disposal of Inland Waters Used for Powerplant Cooling* (State Board Res. No. 75-58). CURE then states this policy would not apply because it is limited to surface water. CURE finally decides to rely on State Water Resources Control Board's 1988 *Adoption of Policy Entitled "Sources of Drinking Water"* (State Board Res. No. 88-63). It is not clear the relevance of this section since it sets forth thresholds for determining the water quality needed to be considered drinking water. Staff is unaware of any dispute regarding the quality of

the site's groundwater. Nothing in Resolution No. 88-63 prohibits using limited amounts of groundwater for the beneficial use of power generation.

Taken together, the various water policies of the state cited above discourage wasteful use of good quality water. That is exactly what the BEACON project is doing, first by reducing water needs with a partial zero liquid discharge system and second by implementing a $50,000,000.00 plan to utilize recycled water for cooling. (FSA 4.9-12, 4.9-13, Exhibit 506) CURE's assertion that the law prohibits the project from using any onsite ground water for power plant cooling is simply incorrect.

Assertion Two: ***Using Fresh Groundwater for Power Plant Cooling Will Result in Unmitigated Significant Impacts to Biological Resources***

RESPONSE: Again it is important to point out that the project will be primarily using recycled water for power plant cooling. Extensive discussion regarding assertion two overlooks this point. (Exhibit 337 Condition of Certification Soil & Water One) CURE argues that, because the project is wet cooled, ponds are created and the ponds are a source of impacts. As staff has indicated, all significant impacts from the ponds have been addressed through mitigation. (See Condition of Certification, BIO-14)

CURE's assumption that, because water is used for cooling purposes, dry cooling would eliminate the need for the ponds. This is not a correct assumption because the BEACON project, as with a dry cooled one, would still use water for non-cooling purposes including blow down, mirror washing and potable use. In this case BEACON will be using around 153 acre feet a year of ground water for non-cooling purposes. (Exhibit 337 Condition of Certification Soil & Water One) Such water use may also require the need for evaporating ponds. There is no evidence that dry cooling would eliminate all evaporating ponds. (FSA 4.9-63) As CURE is well aware, the Ridgecrest, Blythe, and Palen Solar projects are all dry cooled and will all have evaporating ponds. The BEACON project already implemented a project change to decrease the pond size

from around 40 acres to 6 acres, therefore minimizing potential environmental impacts. (FSA 4.9-63)

Assertion Three: ***Dry Cooling Eliminates Inconsistency with LORS and is a Feasible Mitigation Measure and Economically Viable Alternative.***

RESPONSE: Since the underlying presumption is incorrect, "the use of recycled water is inconsistent with LORS", it is irrelevant as to whether dry cooling is consistent with LORS or is a viable alternative. The use of recycled wastewater, especially water that is currently evaporating as in the case of Rosamond, for power plant cooling is specifically called out as an appropriate use in the above mentioned Resolution 75-58.

> It is the Board's position that from a water quantity and quality standpoint the source of powerplant cooling water should come from the following sources in this order of priority depending on site specifics such as environmental, technical and economic feasibility consideration: (1) wastewater being discharged to the ocean …. (Resolution 75-58)

Of course BEACON will be miles from the ocean but the key point is wastewater is acceptable.

Whether dry cooling is a viable option is not relevant to this proceeding because the BEACON project will be implementing an acceptable alternative, the recycled water option. Staff position that potable ground water use for power plant cooling is inconsistent with state water policy was the basis for developing alternative cooling processes. The adoption of recycled water by the BEACON project addresses staff's concerns. (FSA 4.9-62) The use of recycled water, coupled with comprehensive Conditions of Certification, result in staff concluding the project would comply with all laws, ordinances, regulations and standards and that all environmental impacts would be reduced to less than significant levels or fully mitigated as required under the

California Endangered Species Act and the California Environmental Quality Act. (Transcripts p352: 22-25, p353: 1-25, p354: 1-3)

Staff does not believe the proposed decision needs to address the financial viability of dry cooling for this project as the use of recycled water for cooling is consistent with water policy and environmental requirements. (Stipulation, FSA 4.9-62) Further, a determination of the economic feasibility is not necessary as BEACON has chosen to use recycled water as an acceptable alternative to fresh ground water and not dry cooling.

Assertion Four: ***The FSA Fails to Analyze and Mitigate Significant Impacts from the Western Alternative of the Southern 23-miles of the 40-mile Rosamond Pipeline.***

RESPONSE: Staff expended significant resources analyzing and developing mitigation for the 23-mile segment of the water pipeline route. Staff directs the Committee's attention to BIOLOGICAL RESOURCES APPENDIX A, FSA 4.2-127 to 4.2-170 and the attached maps showing the results of habitat and biological analysis. Staff specifically selected a route that would be constructed almost entirely within the existing road bed and shoulder to avoid or minimize environmental impacts. (FSA 4.2-13, testimony p372: 2-25, p373: 1-25, p374: 8-25)

CURE seems to believe that staff's environmental analysis is deficient because rare plant surveys have not yet been completed. This is simply not the case. Because only reconnaissance level vegetation surveys were conducted along the 23-mile alignment, pre-construction floristic surveys would be conducted in spring prior to construction in accordance with guidelines described in staff's proposed Condition of Certification **BIO-20** to determine whether special-status plants occur within areas that might be directly or indirectly impacted by pipeline construction. In the unlikely event that special-status plant species are detected during the surveys, staff has concluded that direct and

indirect impacts to such occurrences can be avoided with measures described in **BIO-20**. (FSA 4.2-74)

Under CEQA it is perfectly appropriate to utilize performance standards and defer some amount of environmental problem solving until after project approval. (Cal. Code Regs., tit. 14, § 15126.4(a)(1)(B), See *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal. App. 3d 1011. *Project approved without first determining precisely the means of mitigating the project's impacts.* See also *Riverwatch v. County of San Diego supra,*). In *Endangered Habitats League v. County of Orange* (2005) 131 Cal. App.4th 777, 793-794, the court found deferral is permissible where the agency commits itself to mitigation and either adopts a performance standard and makes further approvals contingent on finding a way to meet the standard or lists alternative means of mitigating the impacts which must be considered, analyzed, and possibly adopted in the future.

Assertion Five: ***The Cumulative Impacts Analysis Fails to Analyze Impacts from Construction and Operation of Upgrades at the Wastewater Treatment Facilities.***

RESPONSE: Cumulative analysis varies with each technical discipline, but, generally, distance is an element in determining what projects are considered in cumulative impacts. Most technical sections considered projects nearer to the project site such as the Pine Tree Wind development project, consisting of 80 wind turbines, and the Barren Ridge Substation. (FSA 4.1-35, 4.1-135, 4.2-44, 4.5-9, 4.6-11, 4.7-16, 4.10-12, 4.11-9, 4.12-24) To be considered cumulative, impacts need to be of like kind to be included in a cumulative analysis. "Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (Cal. Code Regs., tit. 14, § 15355) An Environmental Impact Report (EIR) "should not discuss impacts which do not result in part from the project evaluated in the EIR." (Cal. Code Regs., tit. 14, § 15130(a)(1)) Staff's discussion of cumulative impacts covers reasonably foreseeable projects that present similar impacts to the BEACON project and are in the same geographical area affected

by the project. The discussion of cumulative impacts should be guided by standards of practicality and reasonableness. (Cal. Code Regs., tit. 14, § 15130(b)) Given these regulatory parameters, staff did not evaluate as cumulative impacts the pending improvements at the two treatment facilities, which are 40 miles away for Rosamond and over ten miles away for the California City facility, outside the range of impacts from the project. (Exhibit 506, FSA 4.2-127) In addition, there is no evidence that upgrades to either facility would cause impacts in kind with the BEACON project.

Assertion Six: ***Using 8,086 AF of Fresh, High Quality Groundwater for Power Plant Construction Violates the Warren-Alquist Act and LORS.***

RESPONSE: CURE takes the position that using onsite ground water for construction purposes is a waste and therefore should not be used. Again, CURE confuses law and policy. There is no law that prohibits the use of fresh water for construction. CURE cites Article X, section 2 and of the California constitution and the Warren Alquist Act, but these sources address prevention of waste and unreasonable use of water resources as noted above. There is no mention of prohibiting the use of fresh water for construction as there is no mention of prohibiting the watering of a lawn in the desert. Is it really unreasonable or wasteful to use water to prevent air pollution? Dust suppression is the primary use of this water. (FSA 4.9-12) CURE has yet to provide a viable alternative plan as to how the project site could acquire the water needed for construction.

The record contains a great deal of evidence demonstrating that the use of recycled water during construction is *not* feasible. CURE's argument in favor of using recycled water for construction assumes Beacon will have access to the required volumes of recycled water during the construction phase. (Ex. 616 at 4.) CURE has failed to demonstrate that a delivery system will be in place by the time Project construction commences. Not only will the pipelines not be completed by the start of construction (3/22/2010 RT 102:2-4.) but the upgrades at the treatment facilities will not be competed. (3/22/2010 RT 145:11-16; 148:17-150:8.)

The timing is further complicated by the uneven use of water during construction with the majority of grading and hence water use occurring in the initial five months of construction. (Ex. 21 at 28.) Trucking recycled water to the Project is possible, but it would be inefficient and would only potentially contribute 1.4 to 3.4 percent of the Project's construction water needs. (3/22/2010 RT 102:9-22.) This would satisfy only an insignificant amount of the Project's construction water needs. (3/22/2010 RT 102:20-22.) Furthermore, trucking of water to the Project site has the potential to create additional impacts of its own, especially in the areas of air quality and traffic.

Assertion Seven: ***CURE Makes a Number of Assertions Regarding Biological Resources That Are Adequately Addressed In The Staff's Brief and In the Final Staff Assessment. Given the Extensive Evidence In the Record Additional Detailed Briefing Is Not Necessary. A Few Responses Are Warranted to Clarify the Misconceptions Put Forth by CURE.***

RESPONSE: CURE states the Project is also likely to illegally take desert kit fox, a fully protected species. Desert kit fox is a **fully protected species** under the California Fish and Game Regulations. Specifically, "desert kit fox…may not be taken at any time." (Cal. Code Regs. tit 5 §460.) During a site visit, Commission and CDFG staff observed two potential desert kit fox burrows adjacent to the creek. (Exh. 611, p. 6.)

The desert kit fox (*Vulpes macrotis*) is not a special-status species, but it is protected under Title 14, California Code of Regulations (sections 670.2 and 670.5), and potential impacts to individuals of this species must be avoided (CDFG 2008b). Desert kit fox sign were detected on the BSEP site, and the site includes marginally suitable foraging and denning habitat for this species. Construction of the BSEP project could kill or injure desert kit fox by crushing with heavy equipment, or could entomb them within a den if avoidance measures are not implemented. Construction activities could also result in disturbance or harassment of individuals. Staff's proposed Condition of Certification **BIO-16** requires that concurrent with the desert tortoise clearance survey, a qualified biologist perform a preconstruction survey for kit fox dens in the project area, including

areas within 250 feet of all project facilities, utility corridors, and access roads. (FSA 4.2-37) CURE is confusing the San Joaquin Kit Fox, *Vulpes macroitis mutica*, which is fully protected with the species potentially around the BEACON site, *Vulpes macrotis.*

CURE continues under the belief that the project will not be providing mitigation for Mohave ground squirrel but this is not the case. See Conditions of Certification BIO-10 and BIO-11.

Assertion Eight: ***The Project Will Result In Unanalyzed and Unmitigated Significant Impacts From Spills of Heat Transfer Fluid ("HTF"), Or Therminol VP-1, and Violations of LORS Related to Hazardous Materials and Waste Management.***

RESPONSE: CURE's efforts to cast doubt on the safety of this project are simply misguided. CURE relies on events at the older SEGS facilities as evidence that the same problems will happen at BEACON, yet provides little evidence that a facility built in 2011 will perform like facilities built in the 1980s. (Exhibit 615, transcript p438: 23-25, p439: 1-18) Even if the BEACON facility does perform as the older SEGS facilities and a similar quantity of HTF leaks out, CURE failed to show what the environmental impacts would be as a result of these leaks or why the proposed Conditions of Certification are not adequate.

After careful review of the design of the BEACON project, both in terms of preventing leaks and addressing contaminated soil, staff concluded that management of the waste generated during construction and operation of the BEACON facility would not result in any significant adverse impacts and would comply with applicable LORS, if the waste management practices and mitigation measures proposed in the BEACON AFC and staff's proposed conditions of certification are implemented. (FSA 4.13-1) In addition, hazardous materials use at the proposed site would not present a significant impact on the public health and safety. (FSA 4.4-1, transcript p460: 13-25, p461: 1-7)

CURE spends considerable effort on whether an HTF leak will result in a liquid spill or a semi-solid waxy spill. Yet, CURE fails to show why any spill would cause significant impacts to the environment or public health. The fact is HTF with its high freezing point can form a waxy substance when it leaks onto the ground as a wax or a liquid can be easily handled and disposed of. (FSA 4.4-8, 4.13-9)

CURE also claims the staging area of the Project's LTU does ***not*** meet the requirements for a temporary staging area under Section 25123.3(a)(2) of the Health and Safety Code. Specifically, the hazardous waste being accumulated 1) contains free liquids. The facts indicate the HTF fluid will not be free liquid but contaminated within soil and it is this mixture that will be placed in the staging area until characterization of the waste can be completed. (FSA 4.9-211, 4.13-10)

Assertion Nine: ***Since the BRRTP Is Not Planned to Enter Operation Until 2013 But Beacon Is Planned For Operation In 2011 (Exh. 622), It Is Feasible to Require That An Interconnection Agreement Not Be Permitted Unless the Existing LADWP Barren Ridge-Rinaldi Line Can Handle Its Output.***

RESPONSE: CURE's major point regarding transmission is that the system may not be able to handle 100% of BEACON's output if all other generators are also at 100%. Regarding this power curtailment, in the unlikely event both wind and solar are fully generating, holding back hydro generation would be an appropriate response since hydro can be stored. (Transcripts p208 13-25, p209: 1-25, p210: 1-19, FSA 5.5-1, 5.5-4 to 5.5-7, Exhibit 637 Email from LADWP regarding BEACON)

Given a two year time frame for construction and all the various conditions that must be satisfied before construction can even start, the BEACON project will not be operating until 2013 so CURE's concern is moot because the Barren Ridge-Rinaldi upgrades will be done. (FSA 4.8-11)

V. THE CONTRAST INTRODUCED BY THE BRIGHTNESS FROM THE PARABOLIC TROUGH SOLAR COLLECTOR FIELD AND THE TROUGH STRUCTURES CREATE A SIGNIFICANT IMPACT

The applicant concluded that the absence of definitive contrast criteria or testimony from Staff, and given the contrary conclusions reached by Mr. Paulson applying the established CEQA Appendix G criteria, there is simply no substantial evidence for the Committee to find at this time that this particular Project, sited at this location, will be a significant and unavoidable visual impact.

Yet for starters, it is undisputed that the project would introduce a high degree of contrast to the existing physical environment for a portion of the day from certain elevated locations. (Exhibit 324, p2) The California Environmental Quality Act defines a "significant effect on the environment" to mean a "substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including . . . objects of historic or aesthetic significance" (Cal. Code Regs., tit. 14, §15382).

Precise criteria are not always possible when determining significance. Visual Resources technical staff testified that there are no historical thresholds of significance for large solar projects that delineate when a substantial visual contrast becomes a significant impact. (Transcripts p161: 10-21, p162:13-21, p172: 5-18) Rather staff is left to assess each situation on a project-by-project basis, taking into account all relevant factors, such as terrain, proximity to highways, proximity to other public areas, direction of reflecting mirrors relative to viewers affected, duration of impact, etc.

Staff assesses each key observation point (KOP), using eight factors: visual quality, viewer concern, visibility, number of viewers, duration of view, contrast, dominance, and view blockage; see Visual Resources Diagram 1. Appendix VR-1 provides a description of the visual-related terms shown in Diagram 1. (FSA 4.12-10, 4.12-32, 4.12-33, 4.12-45)

Contrast concerns the degree to which a proposed project's visual characteristics or elements of form, line, color, and texture differ from form, line, color and texture existing in the landscape. The degree of contrast rates from weak (low) to strong (high). (FSA 4.12-48) Contrast can be seen through ambient brightness intensity. (Hamblin testimony, p159: 1-25, p160: 1-24)

Given the totality of the project and the surrounding environment, staff concluded the brightness contrast would be of such a degree as to reach a level of significant impact. (FSA 4.12-12, FSA 4.12-17, Hamblin testimony p161:22-25, p162: 1-21, p168: 11-25, p169: 1-25, p170: 1-25, p171: 1-13)

Despite a conclusion by staff that significant impacts to Visual Resources exist, staff concurs with the applicant that the record supports a finding that sufficient mitigation is infeasible, but that overriding considerations justify approval of the project. (Exhibit 505)

VI. CONCLUSION

Based on the above discussion and even without reopening the record, sufficient evidence exists to support a finding that the BEACON project would meet all applicable LORS and, except for visual, would result in the mitigation of all significant impacts. With respect to Visual, the evidentiary record supports a finding of overriding considerations.

Dated: May 3, 2010

Respectfully submitted,

/s/ Jared J. Babula
JARED J. BABULA
Senior Staff Counsel

EXHIBIT I

State of California
Energy Resources Conservation and Development Commission

In the Matter of:	)	Docket No. 08-AFC-2
	)	
Application for Certification	)	DECLARATION OF DENNIS
for the Beacon Solar Energy Project	)	LaMOREAUX

I, Dennis LaMoreaux, declare as follows:

1. I am employed in the engineering department at the Rosamond Community Services District as the Assistant General manager/District Engineer where I have been for over one year I am also currently General Manager of the Palmdale Water District. As part of my job with Rosamond I have been involved with the operations and engineering of the Rosamond wastewater treatment plant including the currently propose project to increase the quantity of tertiary treated recycled water the plant produces.

2. During the course of my work in the engineering department I have knowledge of the prior 1999 phase I facility upgrades to convert 500,000 gallons a day of secondary treated waste water to tertiary treated wastewater. I am currently involved in the phase II upgrade project which would increase the facility's tertiary wastewater treatment capacity to 2.5 million gallons a day.

3. Attached as Exhibit A to this Declaration are excerpts from the environmental review required by the California Environmental Quality Act for the phase I 1999 wastewater treatment facility expansion. As the exhibit shows, the Rosamond Community Services District was the lead agency and a negative declaration was submitted because the expansion occurred on disturbed Rosamond treatment plant property inducing no significant environmental impacts. The phase I expansion was designed to allow for anticipated future expansions, or conversions, such as the current proposed phase II. The negative declaration specifically stated, "Space has been provided in the proposed layout to allow for the phased expansion of the facility to an ultimate plant capacity of 2.34 MGD."

4. The current phase II conversion of two million gallons a day of existing secondary treatment to tertiary treatment will be located adjacent to the phase I development. It is anticipated phase II will require only a negative declaration or mitigated negative declaration because the majority of the upgrades will occur within an existing waste water pond and many upgrades are retrofits on existing equipment. As with phase I, the Rosamond Community Services District will be the lead agency for the phase II analysis. Attached as Exhibit B are two maps, one showing the location of the proposed phase II upgrades at the facility and the other, a drawing of the proposed upgrades. As can be seen the upgrades occur

mainly within an existing pond, a highly degraded and controlled environment. Pond expansion is proposed to extend onto an existing fenced 20 acre section of degraded land within the existing wastewater treatment facility.

5. The upgrades and retrofits consist of converting the existing pond secondary treatment to multiple specialized ponds for tertiary treatment including Advanced Facultative Ponds, High Rate Ponds, Algae Settling Ponds and Maturation Ponds. In addition some existing equipment installed during phase I will be retrofitted.

6. As part of the phase II expansion, a 20 acre section of facility property will be converted into a wastewater pond as anticipated in the phase I negative declaration. The phase II environmental review will evaluate the impacts of pond expansion through an initial study. If significant impacts are found additional analysis will occur and appropriate mitigation will be implemented. Based on many years of wastewater treatment operations including the construction and operation of 16 ponds, it is unlikely the phase II expansion will present significant environmental impacts and it is especially unlikely given the developed nature of the facility and small size of expansion, that any significant impacts could not be mitigated. As can be seen from the map the phase II expansion takes place on fenced property already part of the wastewater treatment facility and is adjacent to facility equipment and other wastewater ponds.

7. The findings and conclusions of the phase I negative declaration are highly relevant to the phase II project given the location of phase II and overlapping use of phase I components. Therefore, a review of the Phase I negative declaration provides a good estimate of what the phase II environmental document will likely resemble. Any land development usually concerns biological resources. In the event that habitat supporting species of special concern is found or actual populations of animals, such as desert tortoise, are identified, enough flexibility exists to reconfigure the pond to avoid the biological resource.

8. It is important to note that phase II is not an expansion of the plant's capacity to process incoming waste water, only to further process existing secondary treated waste water to tertiary treated. Therefore, phase II cannot reasonably be expected to induce additional population growth.

9. As part of our proposal to provide recycled water to the BEACON project, two pipeline routes were noted. One of these routes transverse lands owned by Edwards Air force Base. This route would only become part of the longer pipeline to the BEACON project if the Air Force base were to build the line to service its own proposed solar power plant facility. Unless Edwards already has the line built, it is anticipated that the recycled water line servicing BEACON would follow the alternative alignment west of the base.

10. The seasonal storage pond utilized by the BEACON project will be placed completely within one of the existing ponds that will be abandoned after the additional tertiary treatment is built. Therefore no additional environmental impacts would occur.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 4/27/10

Signed: Dennis La Moreaux
DENNIS La MOREAUX

At: PALMDALE, California

EXHIBIT A

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse

Gray Davis
GOVERNOR

STREET ADDRESS: 1400 TENTH STREET ROOM 222 SACRAMENTO, CALIFORNIA 95814
MAILING ADDRESS: P.O. BOX 3044 SACRAMENTO, CA 95812-3044
916-445-0613 FAX 916-323-3018 www.opr.ca.gov/clearinghouse.html

Loretta Lynch
DIRECTOR

November 12, 1999

Sherry DeLano
Rosamond Community Services District
2700 - 20th Street West
Rosamond, CA 93560

Subject: Rosamond Community Services District, Wastewater Treatment Plant Expansion
SCH#: 99101037

Dear Sherry DeLano:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period closed on November 10, 1999, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the eight-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Senior Planner, State Clearinghouse

Document Details Repor
State Clearinghouse Data Base

SCH# 99101037
Project Title Rosamond Community Services District, Wastewater Treatment Plant Expansion
Lead Agency Rosamond Community Services District

Type neg Negative Declaration

Description The proposed project would entail the expansion of the Rosamond Community Services District Wastewater Treatment Plant. Improvements would include adding treatment capacity and effluent disposal facilities. The initial expansion will provide an additional 0.5 million gallons per day of capacity; however, the facilities will be expandable.

Lead Agency Contact

Name Sherry DeLano
Agency Rosamond Community Services District
Phone 661-256-3411 **Fax**
email
Address 2700 - 20th Street West
City Rosamond **State** CA **Zip** 93560

Project Location

County Kern
City Rosamond
Region
Cross Streets Patterson Road & Sierra Hwy.
Parcel No. 471-190- (09, 27, 28, 32 , 33)
Township 9N **Range** 12W **Section** 27, 34 **Base** SBBM

Proximity to:

Highways 14
Airports
Railways SPRR
Waterways
Schools
Land Use The property is part of the existing Rosamond Community Services District Wastewater Treatment Plant. The surrounding property consists of vacant land.

Project Issues Traffic/Circulation; Noise

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 4; Department of Parks and Recreation; Caltrans, District 6; Department of Health Services; Integrated Waste Management Board; State Water Resources Control Board, Clean Water Program; Regional Water Quality Control Bd., Region 6 (Victorville); Native American Heritage Commission; State Lands Commission

Date Received 10/12/1999 **Start of Review** 10/12/1999 **End of Review** 11/10/1999

Note: Blanks in data fields result from insufficient information provided by lead agency.

ROSAMOND COMMUNITY SERVICES DISTRICT
AMENDED MINUTES
Regular Meeting
December 22, 1999 – 7:00 pm

Item 6(a) of Old Business:

a. Acceptance of Environmental Impact Report on Wastewater Treatment Plant.

A motion was made by Director Landsgaard, seconded by Director Speed and unanimously carried to approve the Acceptance of Environmental Impact Report on Wastewater Treatment Plant.

In order to meet the requirements of the State Water Resources Control Board the wording accepting our Notice of Determinations for the Wastewater Treatment Plant should have read:

The Board has determined that the Wastewater Treatment Plant Expansion Project (State Clearinghouse Number 99101037) will not have a significant effect on the environment. The Notice of Determination should be filed with the County Clerk and the Governor's Office of Planning and Research.

Respectfully submitted:

Sharon L. Welker

Sharon L. Welker, Secretary/Treasurer

Greg Wood, President

CERTIFICATION

STATE OF CALIFORNIA)
)
COUNTY OF KERN)

I, Sharon L. Welker, Secretary of the Board of Directors of the Rosamond Community Services District, do hereby certify that the foregoing Amended Minutes were duly approved by the Board of Directors of said District at a scheduled regular meeting of said Board held on the 22nd day of March, 2000, and that I certify that this is a true and correct copy.

Sharon L. Welker

Secretary, Rosamond Community Services District and the Board of Directors thereof

APPENDIX D

NOTICE OF DETERMINATION

TO: ____ Office of Planning & Research
1400 Tenth Street, Room 121

X
____ County Clerk
County of Kern

FROM: (Public Agency)
Rosamond Community Services District

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Rosamond Community Services District Wastewater Treamtnet Plant Expansion
Project Title

99101037	Sherry L. DeLano	(661) 256-3411
State Clearinghouse Number (If Submitted to Clearinghouse)	Contact Person	Area Code/Number/Extension

Rosamond Area, Kern County
Project Location

Expansion of the RCSD's WWTP, Including grit removal, flow splitting, extended aeration reactor basin, secondary clarifier, chemical feed and sludge drying beds.
Project Description

This is to advise that the Rosamond Community Services District
(Lead Agency or Responsible Agency)

has approved the above described project on 12-22-99 (Date) and has made the following determinations regarding the above described project:

1. The project ___ will, X will not have a significant effect on the environment.

2. ___ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
X A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

3. Mitigation measures ___ were, X were not made a condition of the approval of the project.

4. A Statement of Overriding Considerations ___ was, X was not adopted for this project.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Rosamond Community Services District, 2700 20th Street West, Rosamond, CA 93560

Date Received for Filing and Posting at OPR _____

Sherry L DeLano — General Manager
Signature (Public Agency) — Title

Notice of Environmental Document
Posted by County Clerk on 1-20-2000
and for 30 days thereafter, Pursuant to
Section 21152(C), Public Resources Code

9668

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title/Location (include county): Rosamond Community Services District
Wastewater Treatment Plant Expansion
County of Kern

The project is located east of Sierra Highway and south of Patterson Road.

Project Description:

The expansion of the Rosamond Community Services District's Wastewater Treatment Plant, including grit removal, flow splitting, extended aeration reactor basin, secondary clarifier, chemical feed and sludge drying beds.

Findings of Exemption (attach as necessary):

1. An initial study has been prepared by the Rosamond Community Services District to evaluate the potential adverse environmental impacts.
2. The Rosamond Community Services District Board of Directors finds that there is no evidence that the proposed project will have any adverse impacts on wildlife resources.

Certification:

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Sherry L. DeLano
(Chief Planning Official)

Title: General Manager

Lead Agency Rosamond Community Services District

Date December 28, 1999

BKR0400129

Environmental Checklist Form

1. **Project title:** Wastewater Treatment Plant Expansion

2. **Lead agency name and address:** Rosamond Community Services District
2700 20th Street West
Rosamond, CA 93560

3. **Contact person and phone number:** Mrs. Sherry DeLano, Manager, (661) 256-3411

4. **Project location**: Kern County, California, Sections 27 and 34, T9N, R12W, SBBM.

5. **Project sponsor's name and address:** Rosamond Community Services District
2700 20th Street West
Rosamond, CA 93560

6. **General plan designation:** N/A

7. **Description of project:** The proposed project would entail the expansion of the Rosamond Community Services District (RCSD) Wastewater Treatment Plant. The treatment facilities would include grit removal, flow splitting, tie-in to the existing system, an extended aeration reactor basin, one secondary clarifier, return and waste activated sludge pumping station, chemical feed facility, filters, ultraviolet disinfection, sludge drying beds, and a control building. Effluent disposal facilities would include new effluent storage facilities and a reclaimed water pump station to feed the existing reclaimed water pipelines. The expanded wastewater treatment facilities will have an initial 12-year flow treatment capacity of 0.5 million gallons per day (MGD) but will be expandable to meet the 20-year flow of 1.0 MGD. Space has been provided in the proposed layout to allow for the phased expansion of the facility to an ultimate plant capacity of 2.34 MGD. At the present time, the facilities have a capacity of 1.3 MGD. Facilities to be constructed will be located on RCSD owned property.

8. **Surrounding land uses and settings:** The property surrounding the project site consists of an existing District wastewater treatment plant and vacant land.

9. **Other public agencies whose comments are requested:**

Agency	Permit/Approval
1. STATE CLEARINGHOUSE	Environmental Review
2. Kern County Planning Department	Environmental Review
3. Kern County Engineering & Survey Services	Environmental Review
4. Kern County Health Department	Environmental Review
5. Kern Council of Governments	Environmental Review
6. Edwards Air Force Base	Environmental Review

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use/Planning
☐ Mineral Resources	☐ Noise	☐ Population/Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities/Service Systems	☐ Mandatory Findings of Significance	

DETERMINATION: (To be completed by the Lead Agency)

On basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature Ben P. Horn Date 9-28-99

Printed name Ben P. Horn For Rosamond Community Services District

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
ENVIRONMENTAL IMPACTS:				
I. Aesthetics. *Would the project:*				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Clarification for Responses:

a,b,c,d. The project will not result in a negative visual / aesthetic impact.

II. Agricultural Resources: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. *Would the project:*				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

Clarification for Responses:

a,b,c. The project will not convert any land designated or zoned for agricultural usage.

III. Air Quality. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. *Would the project:*				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Clarification for Responses:

a,b,c. The proposed project will not violate any applicable air quality plans or standards.

d. Increased pollutant concentrations will not occur as a result of the proposed project.

e. The properties surrounding the proposed project site are sparsely populated. Therefore, the improved facilities will not expose substantial numbers of people to objectionable odors.

IV. Biological Resources. *Would the project:*

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Clarification for Responses:

a,b,c,d,e,f. The majority of the proposed project will be located on RCSD owned property that is currently part of the existing wastewater treatment plant facilities. The property is presently used for plant operations and material storage and therefore the proposed improvements should not adversely affect the above listed items.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
V. Cultural Resources. *Would the project:*				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Clarification for Responses:

a. There are no known cultural resources within the vicinity of the project.

b. It is always possible that articles of archaeological significance could be discovered during the construction process. If this should occur, all construction would immediately cease until a qualified archaeologist could be brought to the site to determine the significance of the discovery.

c. There are no known unique paleontological resources or geologic features within the project vicinity.

d. There are no known human remains interred within the project area. However, upon the discovery of human remains, construction would immediately cease and the proper authorities would be contacted.

VI. Geology and Soils. *Would the project:*				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact

Clarification for Responses:

a. The proposed project site is not located on a known fault and therefore should not expose people to the listed impacts.

b,c,d,e. The project should not result in substantial erosion because it will not substantially alter the existing topography of the region. No unstable soil conditions are known to exist within the project vicinity.

VII. Hazards and Hazardous Materials. *Would the project:*

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas of where residences are intermixed with wildlands?	☐	☐	☐	☒

Clarification for Responses:

a. Hazardous materials will not be routinely transported, used, or disposed of at the project site.

b. The wastewater treatment facilities are designed to contain the untreated sewage influent locally in the event of an accident.

c. There are no existing or proposed schools within one-quarter mile of the proposed facilities.

d. The proposed facilities are not located on a hazardous materials site.

e,f. There are no public airports within the vicinity of the project site; however, Edwards Air Force Base does lie just to the east of the site. The proposed improvements would not create a safety hazard for people working at the Air Force Base.

g. Local emergency plans will not be affected by the proposed project.

h. Wildland fires should not occur as a result of the proposed improvements.

VIII. Hydrology and Water Quality. *Would the project:*	**Potentially Significant Impact**	**Potentially Significant Unless Mitigation Incorporated**	**Less than Significant Impact**	**No Impact**
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Clarification for Responses:

a. The facility would be designed to meet or exceed all water quality and waste discharge standards.

b. The proposed project will not interfere with the availability or quantity of the local groundwater.

c,d,e. No local streams or rivers will be altered by the proposed improvements. Drainage should continue to flow in an easterly direction to Edwards Air Force Base lakebed.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact

f. The proposed facility improvements would not affect the quality of the groundwater within the region.

g,h,i,j. The proposed improvements are not located within the 100-year flood plain (see attached FIRM map) and therefore will not expose people or structures to the above hazards.

IX. Land Use and Planning. *Would the project:*

a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Clarification for Responses:

a. The proposed improvements are to be constructed on the southeasterly boundary of the community of Rosamond.

b,c. A majority of the proposed project will be constructed on the District's existing wastewater treatment property. Any improvements to the property should be compatible with the existing land use in the area.

X. Mineral Resources. *Would the project:*

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Clarification for Responses:

a,b. No impacts to mineral resources of local, regional, or statewide importance are anticipated.

XI. Noise. *Would the project result in:*

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

Clarification for Responses:

a,b,d. The potential for increased noise levels and vibrations will exist for the duration of the construction period. However, the increase will only be temporary and will end once the construction is complete.

c. Ambient noise levels will increase within the project area as a result of the proposed improvements. However, the lack of housing within the vicinity of the project will keep noise impacts to a minimum. Furthermore, noise emittance requirements will be incorporated into the design of the facilities.

e,f. The proposed facilities will not be located near a public airport. Edwards Air Force Base lies just to the east of the proposed project site; however, the noise from the construction of the facilities should not have any significant effect upon the residents or employees at the base.

XII. Population and Housing. *Would the project*:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) ore indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Clarification for Responses:

a,b,c. The project is not expected to induce population growth. Furthermore, the proposed facilities will not displace housing or people within the project area. The expansion is proposed in order to provide the required treatment capacity that the growing community of Rosamond will require in the future.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XIII. Public Services				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response time or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

Clarification for Responses:

a. The proposed project should in no way interfere with fire protection, police protection, schools, parks, or other public facilities.

XIV. Recreation				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction of expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Clarification for Responses:

a,b. The proposed project will not affect existing or proposed recreational facilities.

XV. Transportation/Traffic. *Would the project:*				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
f) Result in inadequate parking capacity?	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs, supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Clarification for Responses:

a. The possibility exists to disrupt local traffic patterns both during and after the construction phase of the project. However, the majority of the traffic interruptions will be temporary and should only occur in the immediate vicinity of the ongoing work. It is also possible that after construction, the daily operation of the expanded treatment facilities will cause an increase in the local traffic flows.

b,c,d,e,f,g. The other traffic conditions listed above should not be affected by the proposed construction.

XVI. Utilities and Service Systems. *Would the project?*

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider that services or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Clarification for Responses:

a,b,e. Not Applicable.

c,d. The proposed project will not require new water supply or storm water drainage facilities.

f,g. The project will not require landfill service nor will it interfere with solid waste statutes and regulations.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XVII. Mandatory Finding of Significance.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? {"Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Clarification for Responses:

a,b,c. The proposed project will not degrade, either individually or cumulatively, the quality of the surrounding environment.

NOTES TO USER

This map is for use in administering the National Flood Insurance Program; it does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size, or all planimetric features outside Special Flood Hazard Areas.

Areas of special flood hazard (100-year flood) include Zones A, A1-30, AE, AH, AO, A99, V, V1-30 AND VE.

Certain areas not in the Special Flood Hazard Areas (zones A and V) may be protected by flood control structures.

Coastal base flood elevations apply only landward of the shoreline shown on this map.

For adjoining map panels, see separately printed Index to Map Panels.

INITIAL IDENTIFICATION:
JUNE 20, 1978

FLOOD HAZARD BOUNDARY MAP REVISIONS:

FLOOD INSURANCE RATE MAP EFFECTIVE:
SEPTEMBER 29, 1986

FLOOD INSURANCE RATE MAP REVISIONS:
SEPTEMBER 29, 1989

Map revised SEPTEMBER 6, 1995 to incorporate previously issued letter of map revision.

To determine if flood insurance is available in this community, contact your insurance agent, or call the National Flood Insurance Program, at (800) 638-6620.

APPROXIMATE SCALE IN FEET

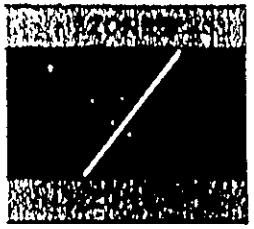
2000 0 2000

KEY TO MAP

500-Year Flood Boundary

100-Year Flood Boundary

Zone Designations



100-Year Flood Boundary

500-Year Flood Boundary

Base Flood Elevation Line With Elevation In Feet** — 513

Base Flood Elevation In Feet Where Uniform Within Zone** — (EL 987)

Elevation Reference Mark — RM7×

Zone D Boundary

River Mile — •M1.5

**Referenced to the National Geodetic Vertical Datum of 1929

EXPLANATION OF ZONE DESIGNATIONS

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
AO	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

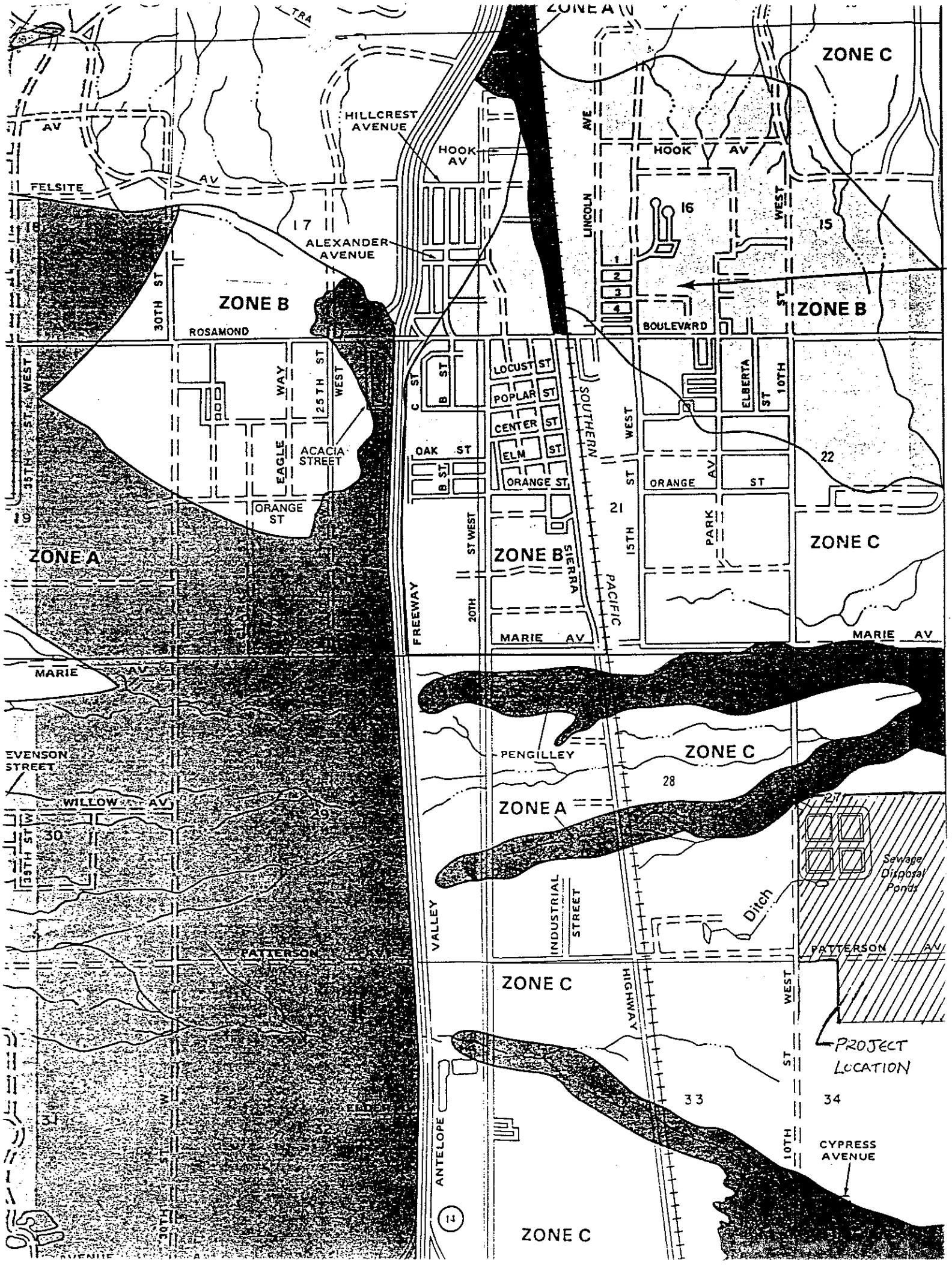
KERN COUNTY
CALIFORNIA
(UNINCORPORATED AREAS)

PANEL 2025 OF 2075
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
060075 2025 D

MAP REVISED:
SEPTEMBER 6, 1995

Federal Emergency Management Agency


ZONE A
ZONE C
HILLCREST AVENUE
HOOK AV
FELSITE
ALEXANDER AVENUE
LINCOLN AVE
WEST
ZONE B
30TH ST
ROSAMOND
BOULEVARD
LOCUST ST
POPLAR ST
CENTER ST
OAK ST
ELM ST
ORANGE ST
ELBERTA
10TH ST
SOUTHERN PACIFIC
15TH ST WEST
ORANGE AV
PARK
ACACIA STREET
EAGLE WAY
25TH ST WEST
35TH ST WEST
SIERRA
20TH ST WEST
FREEWAY
MARIE AV
PENGILLEY
EVENSON STREET
WILLOW AV
39TH ST W
PATTERSON
VALLEY
INDUSTRIAL STREET
Sewage Disposal Ponds
Ditch
HIGHWAY
PROJECT LOCATION
ANTELOPE
CYPRESS AVENUE
10TH ST WEST
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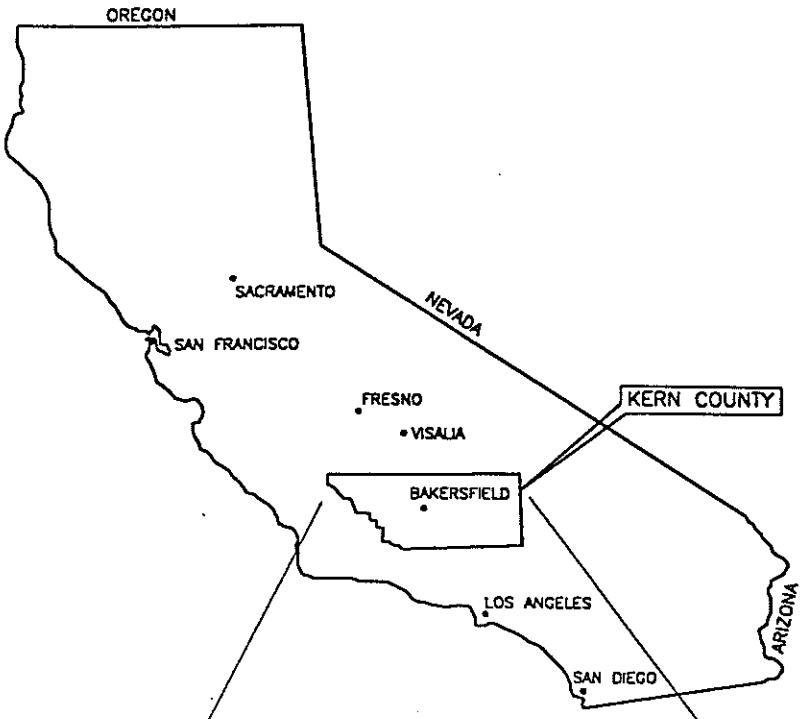
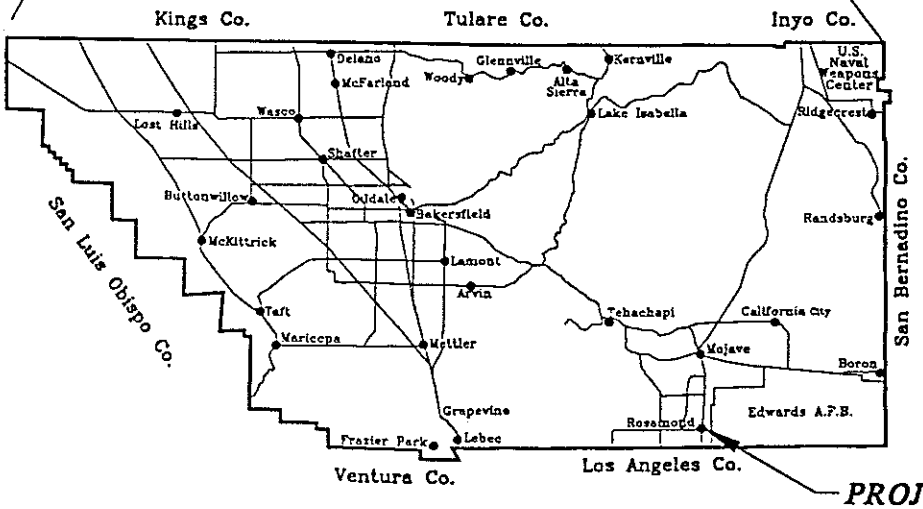


STATE OF CALIFORNIA



COUNTY OF KERN

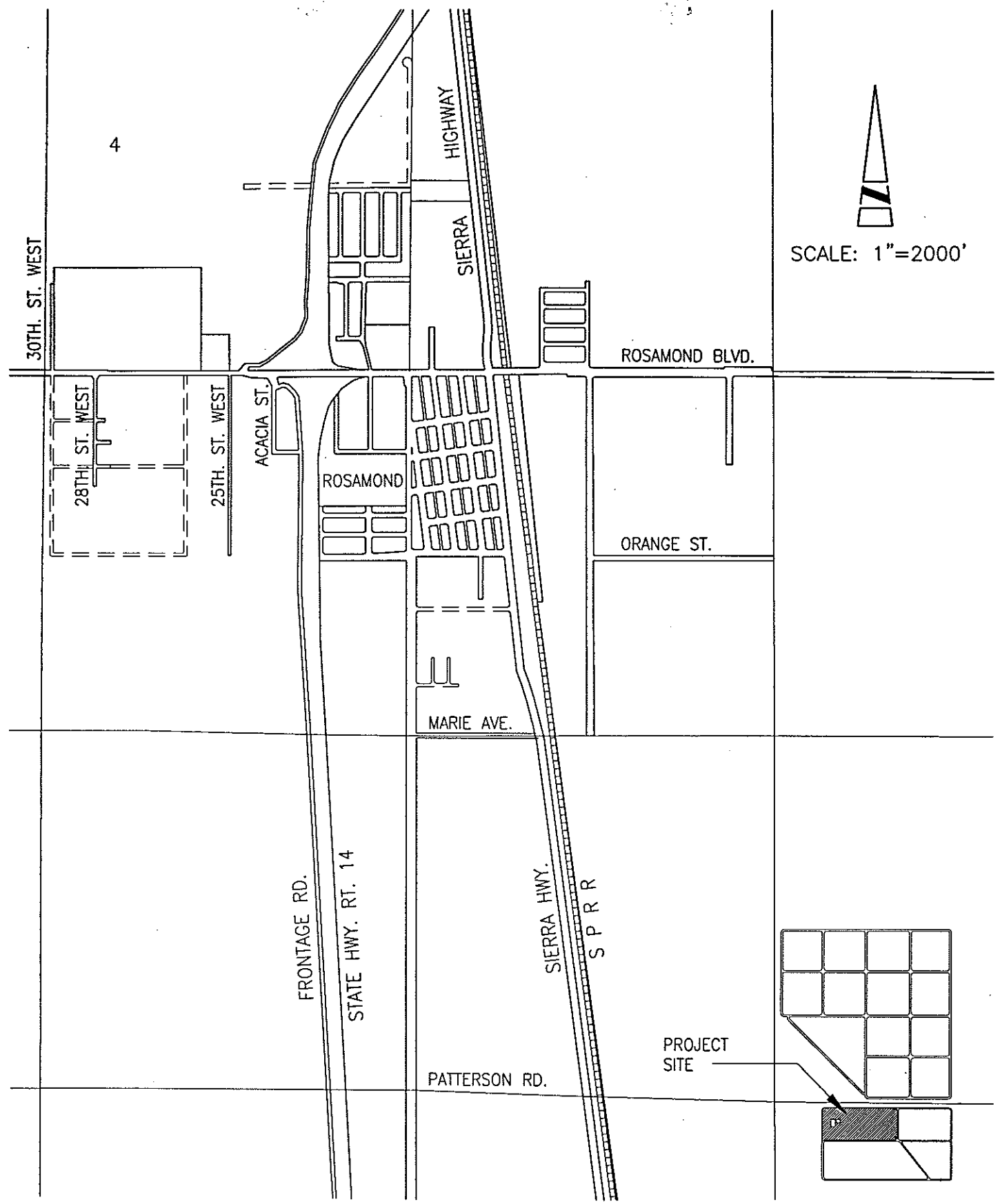
ROSAMOND COMMUNITY SERVICES DISTRICT

WWTP PROJECT REPORT

FIGURE 1.1

VICINITY MAP

BOYLE ENGINEERING CORPORATION



ROSAMOND COMMUNITY SERVICES DISTRICT

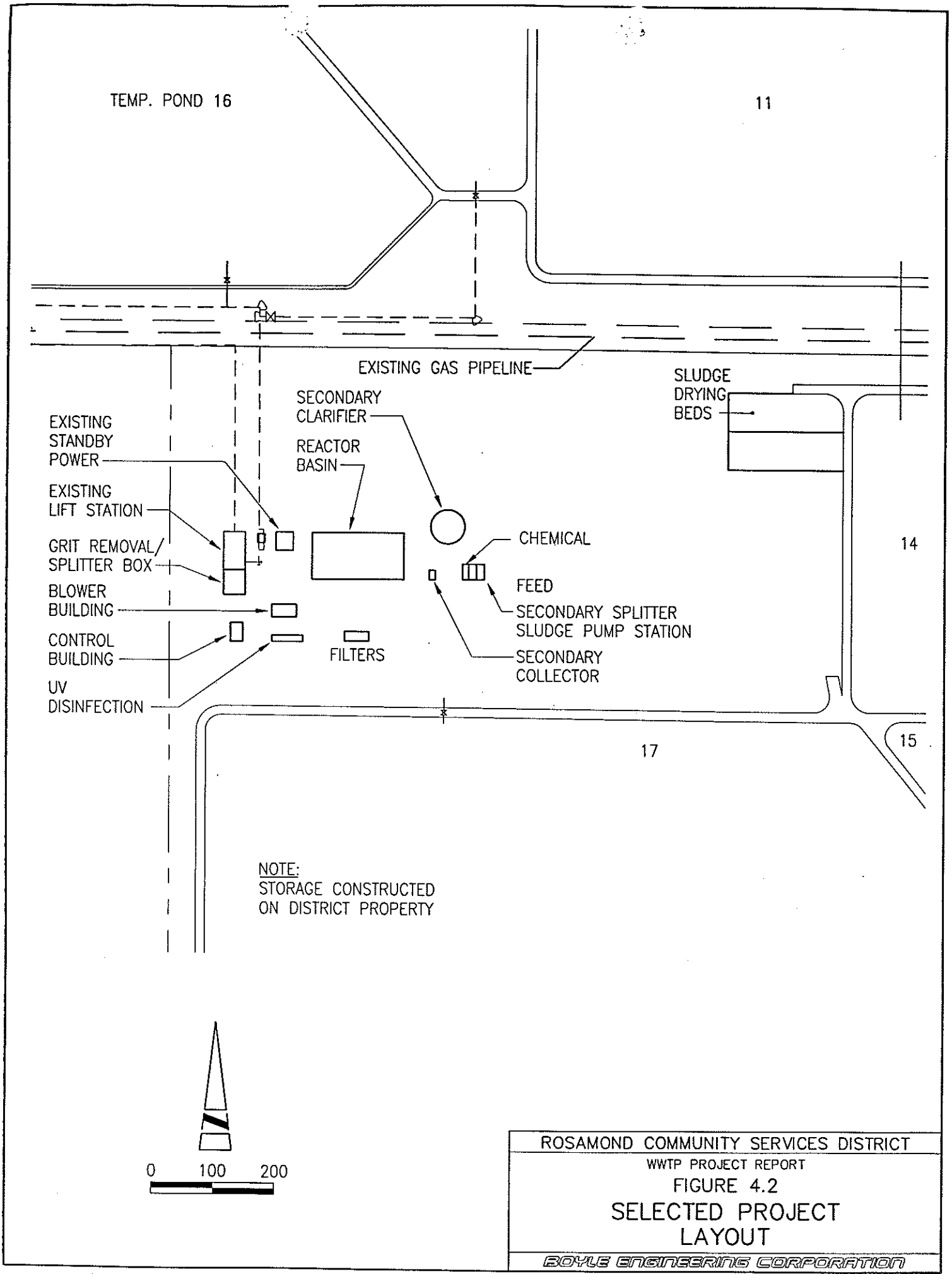
WWTP PROJECT REPORT

FIGURE 2.1

LOCATION MAP

BOYLE ENGINEERING CORPORATION

D1687-5/12-09-98/1=1



ROSAMOND COMMUNITY SERVICES DISTRICT

WWTP PROJECT REPORT

FIGURE 4.2

SELECTED PROJECT LAYOUT

BOYLE ENGINEERING CORPORATION

D1687-11\12-09-98\1=1

EXHIBIT B

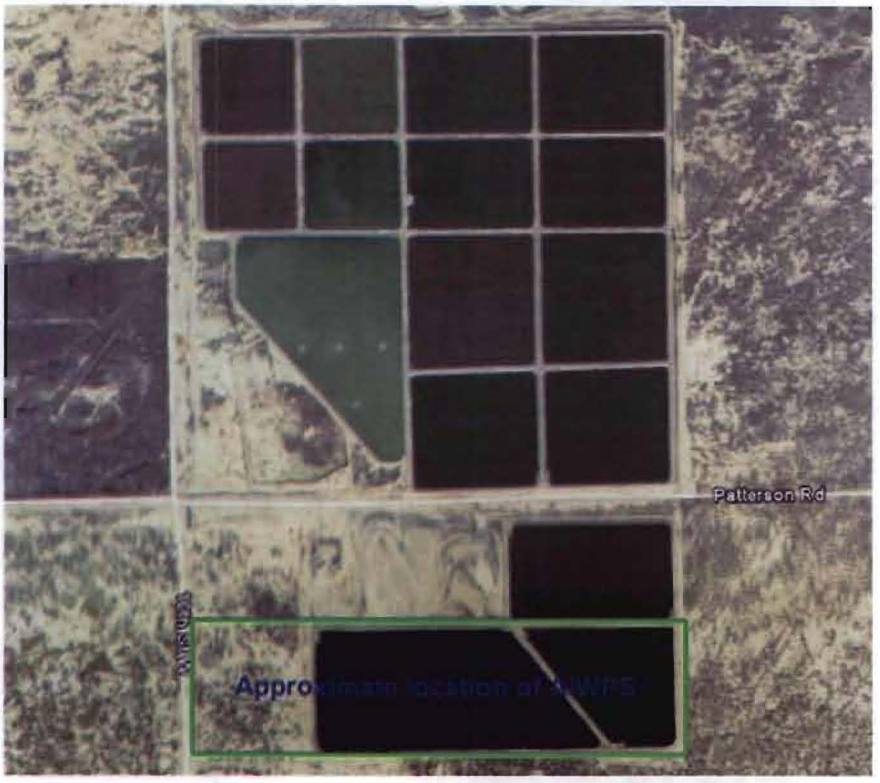


Figure 2: Location within the existing Rosamond CSD WWTF where the 2-MGD AIWPS® Facility is proposed.

GO_2 Water, 268 Arlington Ave., Suite F, Kensington, California 94707, Tel (510) 526-2050; Fax (510) 526-2051
Teichert Construction, 265 Val Dervin Parkway, Stockton, CA 95206; Tel: (209) 983-2300; Fax (209) 983-2375

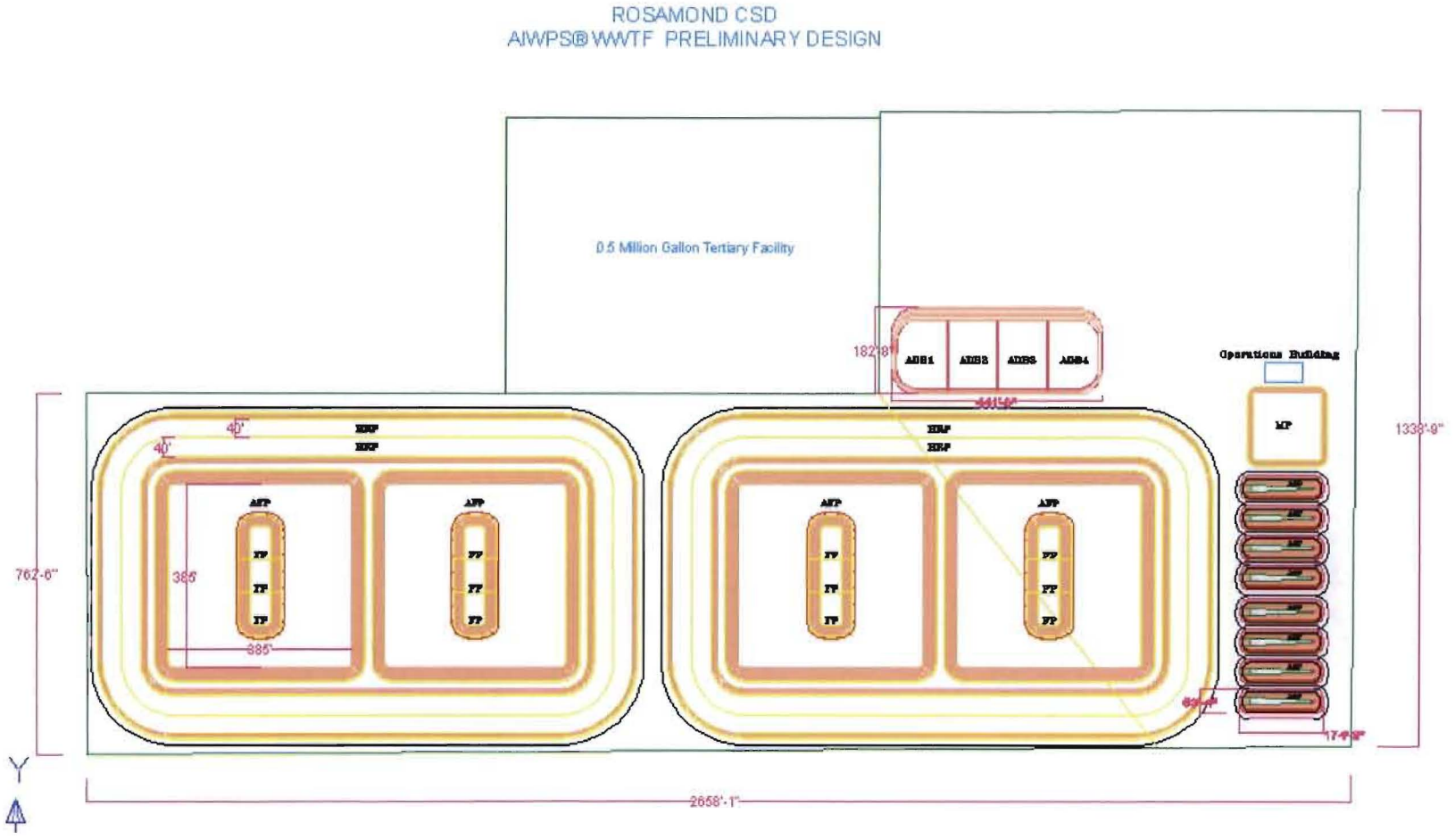


Figure 3. Preliminary AIWPS Facility Design Plan View.

GO_2 Water, 268 Arlington Ave., Suite F, Kensington, California 94707, Tel (510) 526-2050; Fax (510) 526-2051
Teichert Construction, 265 Val Dervin Parkway, Stockton, CA 95206; Tel: (209) 983-2300; Fax (209) 983-2375

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

APPLICATION FOR CERTIFICATION
For the *BEACON SOLAR ENERGY PROJECT*

Docket No. 08-AFC-2

PROOF OF SERVICE
(Revised 2/8/10)

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DECLARATION OF SERVICE

I, Janet Preis, declare that on May 3, 2010, I served and filed copies of the attached, California Energy Commission Staff's Reply Brief, dated May 3, 2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [http://www.energy.ca.gov/sitingcases/beacon/index.html].

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(*Check all that Apply*)

FOR SERVICE TO ALL OTHER PARTIES:

__x__ sent electronically to all email addresses on the Proof of Service list;

__x__ by personal delivery or by depositing in the United States mail at Sacramento with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses NOT marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

__x__ sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (***preferred method***);

OR

_____ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-2
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Janet Preis

*indicates change