

Memorandum

Date: February 3, 2010
Telephone: (916) 654-4781
File: 09-AFC-5

To: Commissioner James Boyd, Presiding Member
Commissioner Anthony Eggert, Associate Member
Paul Kramer, Hearing Officer

DOCKET	
09-AFC-5	
DATE	FEB 03 2010
REC'D	FEB 03 2010

From: California Energy Commission - Craig Hoffman
1516 Ninth Street Siting Project Manager
Sacramento, CA 95814-5512

Subject: **Abengoa Mojave Solar (09-AFC-5)**
Project Status Report 3

Pursuant to the Committee Scheduling Order dated December 17, 2009, the following is staff's Status Report #3 for the proposed Abengoa Mojave Solar (AMS) project. This is an update for activities that have occurred since the previous Status Report on January 12, 2010.

Staff are working to complete their technical sections in order for the Staff Assessment to be published in early March 2010. San Bernardino County, Lahontan Regional Water Quality Control Board, U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers are reviewing information from the applicant and are expected to provide staff with comments in February and March. At this point in time, there is outstanding data that is needed from the applicant for air quality, biological resources, cultural resources, land use, transmission system engineering, water resources and waste management. This information is expected in February and March.

The Staff Assessment will be published in early March with outstanding issues and data analysis that will need to be resolved and documented in a Supplemental Staff Assessment. The Supplemental Staff Assessment will be published in early May and will be a limited document representing revisions and additions rather than a document including each technical section. The Supplemental Staff Assessment will be a more complicated document than a simple addendum or errata. The supplement will include issue resolution and data analysis in many of the core sections including air quality, biological resources, cultural resources, land use, and water resources.

January 15 and 20, 2010 Data Response and Issues Resolution Workshops

Staff held Data Response and Issues Resolution Workshops on Friday, January 15th and Wednesday January 20th at the Energy Commission. During these workshops, clarifications to data were provided and supplemental information still needed by staff was identified in the areas of air quality, biological resources, cultural resources, land use, transmission system engineering, water resources and waste management.

Outstanding Supplemental Data Responses and Issues

Air Quality / GHG – The applicant provided a resubmittal of data responses and air quality modeling information on February 2, 2010. Staff is currently reviewing this information. The Mojave Desert Air Quality Management District has indicated their goal is to submit the Preliminary Determination of Compliance (PDOC) for Abengoa Mojave Solar by the beginning to middle of February. Depending on when the PDOC is submitted, staff may need to prepare the Staff Assessment without including air district conditions and mitigation for compliance. Staff is continuing to work to complete the air quality section with all the available data and information provided to date.

Biological – Staff is expecting US Army Corps of Engineer (USACE) review of the Jurisdictional Delineation Letter Report and the Streambed Alteration Agreement application package in February. Staff is also working with the applicant to verify that consultation with the U.S. Fish and Wildlife Service (USFWS) occurs in February.

The applicant has recently indicated that the US Department of Energy (DOE) will initiate the federal nexus and subsequently get the USFWS engaged under a Section 7 process in early February. The ability of this project to be considered a fast track project is predicated upon the section 7 consultation with DOE. If the DOE does not accept this project for financing, the section 7 consultation would not occur and this project would need a section 10 consultation that could take up to 2 to 3 years with the USFWS.

It is crucial that the AMS project receive DOE funding and the section 7 consultation occur for the project schedule to be met.. The staff is reviewing options to keep moving the project forward under a section 10 consultation if needed.

Cultural – The applicant has provided staff with an archeological testing plan and preliminary testing report. The applicant is currently preparing a final testing report and working on historical resources forms that will be completed in late February.

Land Use – Staff is waiting for responses from San Bernardino County in regard to project consistency with the General Plan and Zoning Code. This information should be provided to staff in early February and is a vital part of the staff analysis.

Soils and Water – Staff does not currently have all the information that is needed in order to complete its analysis. Staff is working with the applicant on revised modeling files, Total Dissolved Solids information, and storm water flow information for the main

control channel. Staff is also waiting on the approval of the Report of Waste Discharge that was provided to the Regional Water Quality Control Board.

The applicant proposes pumping groundwater from the Mojave River Basin (MRB) for power plant cooling. Staff is working to provide a detailed policy analysis within the Staff Assessment.

Transmission System Engineering – A Facility Study was provided to staff and potential impacts to the transmission system downstream of the first interconnection are being reviewed. Analysis of downstream impacts and possible transmission line upgrades will need to be discussed in the Supplemental Staff Assessment.

Waste Management – The applicant prepared a soil sampling screening plan that was approved by staff. The applicant will be completing soil sampling and submitting those results. Before staff can provide a definitive analysis of the project, sampling of potential contaminants needs to be completed.

Project Schedule

Staff is currently working to meet the attached Committee scheduling order and will continue to keep the Committee apprised of work progress and critical timeline challenges.

The Staff Assessment document published in early March will have more unresolved issues and need more additional data than previously anticipated. The Supplemental Staff Assessment in May will be a more complex document than a simple addendum or errata. The Committee Schedule may require some flexibility after the SA workshop because of increased staff analysis and review.

Attachment

cc: Proof of Service List
Docket 09-AFC-5

ATTACHMENT

COMMITTEE SCHEDULE
FOR THE
ABENGOA MOJAVE SOLAR PROJECT
(09-AFC-5)

<i>DATE</i>	<i>EVENT</i>
October 21, 2009	AFC Data Adequate
November 25, 2009	Applicant provides Data Responses
December 8, 2009	Data Response and Issue Resolution Workshop
December 9, 2009	Site Visit and Informational Hearing
December 24, 2009	Applicant provides additional data responses
January 21, 2010	Local, State, and Federal Agency Draft Determinations, including Air District's Preliminary Determination of Compliance (PDOC) filed
January 6, 2010 and every four (4) weeks thereafter until the SA is filed	Parties file Status Reports
March 4, 2010	Staff publishes Staff Assessment (SA)
March 22, 2010	Local, State, and Federal Agency Final Comments and Determinations, including Air District's Final DOC filed
March 23, 2010	Staff conducts SA workshop
SA workshop + 1 week	Applicant's opening testimony filed and served
SA workshop + 1 week	Parties file Prehearing Conference Statements identifying expected contested issues and discussing readiness for hearings
SA workshop + 2 weeks	Prehearing Conference (PHC)
To be determined	Staff publishes Staff Assessment Addendum(SAA)
SA workshop + 4 weeks	Staff and other parties file and serve opening testimony (other than SA/SSA) and Prehearing Statements identifying witnesses and expected cross-examination; Applicant files Prehearing Statement
SA workshop + 5 weeks	All parties file rebuttal testimony and any Prehearing Statement modifications made necessary by testimony filed the previous week
SA workshop + 5 weeks	Second Prehearing Conference (if necessary—it may instead be held on the same day, just before, the Evidentiary Hearings, below, or eliminated entirely)
SA workshop + 6 weeks	Evidentiary Hearings
3 weeks after Evidentiary Hearings close	Post Hearing Briefs filed*
6 - 8 weeks after Evidentiary Hearings close	Presiding Member's Proposed Decision (PMPD) issued for 30-day comment period
Approx. 25 days after PMPD issued	PMPD comment hearing
35 days after PMPD issued	Revised PMPD issued* for 15-day (30 days if significant environmental information added) review period*
To be determined	Energy Commission Final Decision Adoption Hearing

* if necessary

Issued: December 17, 2009



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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APPLICATION FOR CERTIFICATION
FOR THE **ABENGOA MOJAVE
SOLAR POWER PLANT**

Docket No. 09-AFC-5
PROOF OF SERVICE
(Revised 1/29/2010)

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DECLARATION OF SERVICE

I, April Albright, declare that on February 3, 2010, I served and filed copies of the attached Energy Commission Staff's Status Report 3, dated February 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: [\[http://www.energy.ca.gov/sitingcases/abengoa/index.html\]](http://www.energy.ca.gov/sitingcases/abengoa/index.html).

The document has 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:

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery or by depositing in the United States mail at Sacramento, California, 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:

- 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. 09-AFC-5
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I declare under penalty of perjury that the foregoing is true and correct.

Original signed by: _____
April Albright