State Of California — The Resources Agency of California

Memorandum

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To: Commissioner Anthony Eggert, Presiding Member
Commissioner James Boyd, Associate Member
Kourtney Vaccaro, Hearing Officer

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

Subject: **Abengoa Mojave Solar Project (09-AFC-5)**
Comments on Presiding Member's Proposed Decision

In response to the *Notice of Availability of the Presiding Member's Proposed Decision and Notice of Committee Conference and Notice of Full Commission Hearing* (August 6, 2010) for the Abengoa Mojave Solar Project, Energy Commission Staff hereby submits its comments on the Presiding Member's Proposed Decision (PMPD). These edits are either in the nature of technical corrections or will ensure consistency with the record evidence. Comments and edits concern the technical areas of Air Quality, Public Health/Greenhouse Gas, Biological Resources, Cultural Resources, Compliance and Closure, Facility Design, Socioeconomics, Soil and Water Resources, and Visual Resources and are set forth below.

AIR QUALITY

The comments to Air Quality are minor text edits and additions. Technical corrections have been made on pp. 132-136, 143, 160 (**AQ-37**), 163 (**AQ-46**), and 164 (**AQ-53**). Staff's changes to Conditions of Certification **AQ-37**, **AQ-46**, and **AQ-53** are based on the undisputed Conditions as set forth in Exh. 302.

In addition, staff recommends deleting the language on pages 138 and 139 of the PMPD, which appear in strikethrough, as this language is repetitive and already appears in the Greenhouse Gas Emissions (GHG) section of the PMPD (Section V.A). If the Commission retains this language, the language should refer to **AQ-SC5** and not **AQ-SC1** to **AQ-SC4**, which are intended to reduce dust, not GHG emissions. The GHG

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section correctly notes **AQ-SC5**. As noted on page 141, the corresponding Findings of Fact can be moved to the GHG section of the PMPD.

Comments are provided to conditions **AQ-SC3** on page 143, on page 146, **AQ-37** on page 160, **AQ-46** on page 163, **AQ-52** and **AQ-53** on page 164.

Page 132 – Table 3

Air Quality Table 3
AMS Construction – Staff's Emissions Estimate

	NO_x	SO_x	CO	VOC	PM10	PM2.5
Maximum Daily Emissions (lb/day) [a]						
Onsite Construction Equipment	598.4	0.6	841.0	240.4	31.2	29.6
Onsite Fugitive dust	---	---	---	---	1,102.0	211.4
Subtotal of Onsite Emissions	598.4	0.6	841.0	240.4	1,133.2	240.0
Offsite Vehicle Emissions	135.9	0.7	475.5	53.3	7.8	6.8
Offsite Fugitive Dust Emissions	---	---	---	---	29.9	0.0
Subtotal of Offsite Emissions	135.9	0.7	475.5	53.3	37.7	6.8
Maximum Daily Total	734.4	1.3	1,316.6	293.7	1,170.9	247.8
Maximum Annual Emissions (tons/year) [b]						
Onsite Construction Equipment	47.5	0.0	61.8	19.2	2.8	2.6
Onsite Fugitive dust	---	---	---	---	78.7	14.9
Subtotal of Onsite Emissions	47.5	0.0	61.8	19.2	81.4	17.5
Offsite Vehicle Emissions	17.2	0.1	75.1	7.7	1.1	0.8
Offsite Fugitive Dust Emissions	---	---	---	---	3.9	0.0
Subtotal of Offsite Emissions	17.2	0.1	75.1	7.7	4.9	0.8
Maximum Annual ~~Daily~~ Total	64.7	0.2	136.9	26.9	86.3	18.3

Source: Ex. 302, p. 5.1-13.
[a] - Maximum daily and monthly emissions for all criteria would occur during Month 6, except PM10 which would have its peak emissions during Month 5.
[b] – Maximum annual emissions (worst-case consecutive twelve month period for onsite and offsite emissions) do not occur during the same periods for all pollutants: for PM10 and PM2.5 the peak occurs during months 1 to 12; for NOx the peak occurs during months 2 through 13; for VOC the peak occurs during months 4 through 15; for CO the peak occurs during months 6 through 17; and for SOx the peak occurs during months 10 through 21 of the 26 month construction schedule.

Page 133 Table 4

Air Quality Table 4
Maximum Project Construction Impacts

Pollutants	Avg. Period	Impacts (~~u~~ug/m^3)	Background [a] (~~u~~ug/m^3)	Total Impact (~~u~~ug/m^3)	Standard (~~u~~ug/m^3)	Percent of Standard
NO_2	1-hr	177	152.6	329.6	339	97%
	Annual	1.8	38.0	39.8	57	70%
PM10	24-hr	72	76	148	50	296%
	Annual	1.8	29.8	31.6	20	158%
PM2.5	24-hr	15	19	34	35	97%
	Annual	0.45	9.7	10.2	12	85%
CO	1-hr	94	1,610	1,704	23,000	7%
	8-hr	31	1,367	1,398	10,000	14%
SO_2	1-hr	0.18	23.6	23,8	665	4%
	3-hr	0.08	15.6	15.7	1300	1%
	24-hr	0.03	13.1	13.1	105	13%
	Annual	0.003	2.7	2.7	80	3%

Source: Ex. 302, p. 5.1-24
Note:[a] Background values have been adjusted per staff recommended background concentrations shown in Staff's Air Quality Table 5 in Ex. 302, p. 5.1-10

Page 133 second paragraph

Construction PM10 Impacts. Although the Air District does not require mitigation for construction emissions, the project's unmitigated construction activities will likely contribute to nonattainment PM10 and ozone conditions in the MDAB. (Exs. 1, § 5.2.1.4, 302, p. 5.1-24.) The project's on-site ~~emissions~~ impacts are expected to ~~exceed the daily significance thresholds for NO_x and PM10~~ the 24-hour and annual threshold for PM10, and the annual threshold for PM10. Therefore, the project's contribution to existing adverse air quality would be considered a significant impact under CEQA, if left unmitigated. In this context, Staff and the Applicant proposed several mitigation measures to reduce construction emissions to insignificant levels. (Exs. 1, § 5.2.2.6, 302, p. 5.1-25 et seq.) We have incorporated these measures in the following Conditions of Certification.

Page 134 third paragraph

Condition **AQ-SC9** requires the project owner to pay for offsite lodging, if requested, during initial site grading for residents located within 0.25 mile of the project fence line. This measure is necessary because the worst-case predicted PM10 impacts occur where residences are located adjacent to and near the project fence line. Staff maintains that the emission estimate shown in Table ~~8~~3, above, is likely underestimated for the early earthmoving/grading phase of construction, thus creating the potential for nuisance dust emissions within 0.25 mile of earthmoving activities. Staff recommended

that Applicant pay residents for equivalent lodging during the initial grading phase when the maximum particulate impacts could occur. We have adopted this proposal because it provides the most immediate and protective mitigation for construction-related emissions. (Ex. 302, pp. 5.1-27—5.1-28.)

Page 135 first paragraph

The Applicant modeled the air pollutant emissions from the project's stationary equipment based on manufacturers' specifications using peak estimated on-site hourly, daily and annual operating emissions to determine potential impacts. (Ex. 1, § 5.2.2.4, Tables 5.2-3, 5.2-4, 5.2-5, 5.2-6, 5.2-7.) The predicted concentration levels were then added to existing ambient pollutant concentration levels to determine the cumulative effect. All modeling results with the exception of ~~the 1-hour NO_2 concentrations~~ 24-hour and annual PM10 were below the pollutants' significant impact levels. Maximum combined impacts (modeled pus ambient background) exceed the AAQS only when background concentrations already exceed the applicable standards, specifically, the PM10 24-hour CAAQS and NAAQS and the PM10 annual CAAQS. (*Id.*, § 5.2.4.9, Table 5.2-7.)

Page 136 Table 5

Air Quality Table 5
Maximum Project Operation Emission Impacts

Pollutants	Avg. Period	Impacts (~~u~~g/m^3)	Background [a] (~~u~~g/m^3)	Total Impact (~~u~~g/m^3)	Standard (~~u~~g/m^3)	Percent of Standard
NO_2	1-hr	130	152.6	282.6	339	83%
	1-hr Fed	--	--	184.3[b]	188	98%
	Annual	0.18	38.0	38.2	57	67%
PM10	24-hr	8.8	76	84.8	50	170%
	Annual	2.3	29.8	32.1	20	161%
PM2.5	24-hr	4.4	19	23.4	35	67%
	Annual	0.7	9.7	10.4	12	87%
CO	1-hr	76	1,610	1,686	23,000	7%
	8-hr	7.8	1,367	1,375	10,000	14%
SO_2	1-hr	0.25	23.6	23.9	665	4%
	3-hr	0.18	15.6	15.8	1300	1%
	24-hr	0.07	13.1	13.2	105	13%
	Annual	0.003	2.7	2.7	80	3%

Source: Ex. 302, p. 5.1-29.
Note:[a] Background values have been adjusted per Staff's recommended background concentrations shown in Staff's **Air Quality Table 5** at Ex. 302, p. 5.1-8.
[b] The applicant's modeling results for this new federal standard includes actual hourly background so only the total maximum impact determined as the maximum three-year average of the 98th percentile of daily maximums is presented.

Page 138 and 139

GHG emissions. The evidence indicates that GHG emission increases due to vehicle/equipment emissions of CO_2 during construction are not CEQA-significant in this case. Construction activities are temporary and the use of best practices control measures required by Conditions **AQ-SC1** through **AQ-SC4**, such as limiting idling times and using equipment that meets the latest emissions standards will reduce GHG vehicle/equipment emissions to insignificant levels.

Although the AMS will directly emit chemically reactive pollutants (NO_x, SO_x, and VOC), it will indirectly reduce older fossil-fuel fired power plant emissions by displacing their operation because solar renewable energy facilities operate on a must-take basis[1]. (Ex. 302, pp. 5.1-32, 5.1-67, 5.1-76 et seq., 5.1-82.)

As a solar energy project that does not rely on carbon-based fuel, AMS is exempt from state and federal mandatory GHG emission reporting requirements for electricity generating facilities. See, California Global Warming Solutions Act of 2006 [AB 32 Núñez, Stats. of 2006, Chap. 488, Health and Safety Code section 38500 et seq.; Cal. Code Regs., tit. 17, § 95101(c)(1).] (Ex. 302, p. 5.1-81.)

Additionally, as a renewable energy facility, AMS is presumed to comply with the Greenhouse Gas Emission Performance Standard requirements of SB 1368 (Cal. Code Regs. tit. 20 , § 2903 [b][1]). (Ex. 302, p. 5.1-81.) The **Greenhouse Gas Emissions** section of this Decision more fully discusses the topic of GHG emissions as they relate to this project.

Page 140

5. The mitigation measures contained in Conditions **AQ-SC1** through **AQ-SC5** and **AQ-SC9** are designed to reduce the project's construction-related air quality impacts to insignificant levels under CEQA.

[1] Under CAISO supervision, the contract between AMS and the utility requires the utility to take all generation from the AMS with little or no provisions for the utility to refuse to accept generation from the facility. (Ex. 302, p. 5.1-32, fn. 14.)

Page 141

~~11. Greenhouse gas (GHG) emission increases due to vehicle/equipment emissions of CO_2 during construction are not CEQA-significant.~~

~~12. As a solar generating facility, the AMS does not rely on carbon-based fuel and is not subject to GHG reporting requirements.~~

~~13. As a solar generating facility, the AMS is expected to displace fossil fuel power plants and reduce fossil fuel emissions because solar energy is produced on a "must-take" basis.~~

Page 143 AQ-SC1

b. All unpaved construction roads and unpaved operation and maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent that can be determined to be both as efficient or more efficient for fugitive dust control as ARB approved soil stabilizers, and shall not increase any other environmental impacts, including loss of vegetation to areas beyond where the soil stabilizers are being applied for dust control. All other disturbed areas in the project and linear construction sites shall be watered as frequently as necessary during grading ~~(~~consistent with ~~**BIO-7**~~ Biological Conditions of Certification that address the minimization of standing water and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods, in order to comply with the dust mitigation objectives of Condition of Certification **AQ-SC4**. The frequency of watering can be reduced or eliminated during periods of precipitation.

Page 146 AQ-SC5

b. All construction diesel engines with a rating of 50 hp or higher and lower than 750 hp shall meet, at a minimum, the Tier 3 California Emission Standards for Off-Road Compression-Ignition Engines, as specified in California Code of Regulations, Title 13, section 2423(b)(1), unless a good faith effort to the satisfaction of the CPM that is certified by the on-site AQCMM demonstrates that such engine is not available for a particular item of equipment. Engines larger than 750 hp shall meet Tier 2 engine standards. In the event that a Tier 3 engine is not available for any off-road equipment larger than 50~~100~~ hp and smaller than 750 hp, that equipment shall be equipped with a Tier 2 engine, or an engine that is equipped with retrofit controls to reduce exhaust emissions of nitrogen oxides (NOx) and diesel particulate matter (DPM) to no more than Tier 2 levels unless certified by engine manufacturers or the on-site AQCMM that the use of such devices is not practical for specific engine types. For purposes of this condition, the use of such devices is "not practical" for the following, as well as other, reasons.

Page 160 AQ-37

AQ-37 No two permitted stationary emergency engines (emergency generators or emergency fire pump engines) ~~Equipment with valid District permit numbers E0XXXX, E0XXXX, E0XXXX and E0XXXX~~ shall ~~not~~ be readiness tested on the same calendar day.

Verification: The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.

Page 163 AQ-46

AQ-46 No two permitted stationary emergency engines (emergency generators or emergency fire pump engines) ~~Equipment with valid District permit numbers E0XXXX, E0XXXX, E0XXXX and E0XXXX~~ shall ~~not~~ be readiness tested on the same calendar day.

Verification: The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.

Page 164 AQ-52

AQ-52 Any modifications or changes to the piping or control fitting of the vapor recovery system require prior approval from the District.

Verification: The project owner shall make the site available for inspection of records by representatives of the District, ARB, and the Energy Commission.

Page 164 AQ-53

AQ-53 Pursuant to EO VR-401-A, vapor vent pipe~~(s)~~ are to be equipped with Husky 5885 pressure relief valves, or as otherwise allowed by EO.

Verification: The project owner shall make the site available for inspection of records by representatives of the District, ARB, and the Energy Commission.

PUBLIC HEALTH AND SAFETY / GREENHOUSE GAS

The comments to the GHG section are minor text edits and additions on pp. 113 and 118. On page 125, staff recommends deleting Finding of Fact No. 2. The Air Resources Board has published draft interim thresholds that are numerical and that can be applied to a project, where construction and operation are added together to get an annualized emission rate in comparison with the thresholds. Some Air Quality Control Districts have published similar numerical thresholds.

Moreover, in general, construction and operation should be considered together and not separately as GHG emissions do not create project specific short-term or localized impacts. GHG/Climate change is a long-term global issue and needs to be evaluated in that manner, unlike the manner in which criteria pollutants are evaluated in the Air Quality section.

In the interest of factual accuracy and internal consistency within the PMPD, staff suggests deleting this finding.

Page 113 third paragraph

Since the impact of the GHG emissions from a power plant's operation has ~~both~~ global ~~and local~~ effects, those impacts should be assessed not only by analysis of the plant's emissions, but also in the context of the operation of the entire electricity system of which the plant is an integrated part. Furthermore, the impact of the GHG emissions from a power plant's operation should be analyzed in the context of applicable GHG laws and policies, such as AB 32.

Page 118 first paragraph

As we have previously noted, a project's GHG emissions have ~~both~~ global ~~and local~~ impacts. While it may be true that in general, when an agency conducts a CEQA analysis of a proposed project, it does not need to analyze how the operation of the proposed project is going to affect the entire system of projects in a large multistate region, analysis of the impacts of GHG emissions from power plants requires consideration of the project's impacts on the entire electricity system.

Page 125

~~2. There is no numerical threshold of significance under CEQA for construction-related GHG emissions.~~

BIOLOGICAL RESOURCES

The comments to Biological Resources are minor text edits and additions. Staff recommends using Figure 1 from the Biological Resources Errata (Exhibit 304) to ensure the PMPD's accuracy and consistency with the record. In addition, staff has corrected Finding of Fact No. 23 on p. 271 to accurately reflect Condition of Certification **BIO-19** as set forth in Exh. 302.

Page 271

23. Condition of Certification **BIO-19** requires that birds and wildlife be excluded from the evaporation ponds to reduce impacts to less than significant levels. Installation of netting over the evaporation ponds will be required if applicant proposed deterent technologies fail to exclude wildlife from the evaporation ponds. ~~to exclude birds and other wildlife, which will reduce evaporation pond impacts to birds to less-than-significant levels.~~

CULTURAL RESOURCES

The comments to Cultural Resources are minor text edits and additions at pp. 403, 404, 406 and 408 of the PMPD.

Page 403 first paragraph

significance of a historical resource and may therefore have a significant impact on the environment. We evaluate such resources by determining whether they meet several sets of specified criteria.

Page 404 sixth paragraph

A historic refuse scatter, cement slab and wood and cement-lined well and two historic ~~reference~~ refuse scatters were identified as previously recorded archaeological resources. The 2006 search also revealed six remaining and previously recorded architectural sites. (Ex. 302, pp. 5.3-15 - 5.3-15.)

Page 406 second paragraph

The evidentiary records reveal that the potential for the discovery of buried archaeological deposits is moderate to high across the whole of the project site. The Applicant and Staff have each proposed that procedures for identifying, evaluating, and possibly mitigating impacts to newly discovered archaeological resources be put in place in Conditions of C~~c~~ertification to reduce those impacts to a less-than-significant level. The measures are intended to mitigate potential impacts to archaeological resources that could be discovered during the construction of the proposed AMS project. Mitigation includes steps in five areas: 1) evaluation and documentation where resources cannot be avoided; 2) a mitigation plan to be implemented if a significant resource is encountered; 3) work crew education by monitoring archaeologists; 4) collection and curation of cultural materials and field notes; 5) work stoppage and special handling should human remains be encountered. (Ex. 302, pp. 5.3-31 -5.3-32.)

Page 408 second paragraph

The record shows that one public comment was received on the topic of cultural resources. In particular, ~~the~~ Mr. Glenn Maclean expressed concern that more analysis should be carried out on cultural significance of the Lockhart General Merchandise Store. The Lockhart General Merchandise Store is of a mass and scale that, when seen on site, has an enormous presence. As noted in the original evaluation, it is the largest building in the area. In response to the comment, Staff conducted additional analysis to determine whether, based on well established criteria, the store qualifies as a significant cultural resource under CEQA. The additional analysis contained in the record establishes that the store does not qualify. (Ex. 302, pp. 5.3-34 to 5.3-41.)

COMPLIANCE AND CLOSURE

The comments to Compliance and Closure are minor text edits. The form at the end of the Compliance General Conditions on page 58 of the PMPD has six misspellings: Complainant is misspelled 5 times, including at the top of the page. In addition, "Corrective" is misspelled in the second section of the form.

FACILITY DESIGN

There is no longer a fee table in the California Building Code (CBC). The 2007 CBC no longer has a table with suggested fees for design review, plan check and inspections. Staff recommends that GEN-3 read as follows:

Page 63

GEN-3 The project owner shall make payments to the CBO for design review, plan checks, and construction inspections, based upon a reasonable fee schedule to be negotiated between the project owner and the CBO, in accordance with the most recently adopted CBC. These fees may be ~~consistent with the fees listed in the 2007 CBC, adjusted for inflation and other appropriate adjustments; may be based on the value of the facilities reviewed; may be based on hourly rates; or may be otherwise agreed upon by the project owner and the CBO.~~ based on hourly rates or the valuation of the facilities reviewed, or may be otherwise agreed upon by the project owner and the CBO.

Verification: The project owner shall make the required payments to the CBO in accordance with the agreement between the project owner and the CBO. The project owner shall send a copy of the CBO's receipt of payment to the CPM in the next monthly compliance report indicating that applicable fees have been paid. A copy of the contract between the project owner and the CBO shall be submitted to the CPM for review.

SOCIOECONOMICS

The comments to Socioeconomics are minor text edits and additions at p. 457 of the PMPD.

Page 457

Summary and Discussion of the Evidence

Under ~~both NEPA and~~ CEQA Guidelines, a project may have a significant effect on socioeconomics if it would:

- Induce substantial population growth in an area, either directly or indirectly;
- Displace substantial numbers of people and/or existing housing, necessitating the construction of replacement housing elsewhere;
- Cause a substantial change in revenue for local businesses or government agencies; or
- Adversely impact acceptable levels of service for law enforcement, schools, and hospitals.~~, or~~

Additionally, the project was analyzed to determine if it would;

- Result in any disproportionate adverse socioeconomic impacts to any low-income or minority population.

SOILS AND WATER RESOURCES

The comments to Soils and Water Resources are minor text edits and additions at pp. 310, 318 and 346.

Page 310 fourth paragraph

During plant operations, process wastewater would be generated from the reverse osmosis/demineralizer system, chemical feed area, and general plant drains. The reverse osmosis/demineralizer system water would be discharged to evaporation ponds sized to accommodate the anticipated discharge. Wastewater from the chemical feed area and general plant drains would be processed through an oil/water separator with the water discharged to the evaporation ponds. The oil and sludge from the oil/water separator would be removed off-site to a recycling facility or landfill. (Ex. 302, pp. 5.9-34 – 5.9-35.)

Page 318 third paragraph

With the addition of the AMS project, the simulated pumpage in the Harper Lake model zone is expected to be 7,750 AFY. This is comprised of 5,490 AFY of existing pumpage plus 2,260 AFY of maximum pumpage by the project.[2] The 5,490 AFY figure represents the 2008 modeled pumping rate, developed by the Applicant ~~from Mojave Water Agency data~~. (Ex. 302, p. 5.9-29.) The evidence shows that this is a conservative figure that likely over-estimates the projected future groundwater storage decline.

Page 318 fifth paragraph

If a 1,515 AF/y reduction in simulated pumpage becomes necessary under the Adjudication, to bring the Harper Lake model within five percent of this operational yield when the AMS project consumes the 2,260 AFY of groundwater, this would result in a ~~2,906~~ 2,096 AFY reduction of the Applicant's 5,239 AFY FPA. When the initial twenty percent ramp down (discussed above) is combined with the secondary ramp down, the Applicant's FPA is reduced to 3,143 AFY. Even with the combined rampdowns, the FPA volume is still almost 30 percent greater than the project's proposed maximum groundwater use. (Ex. 320, p. 5.9-29.)

Page 346 first paragraph SOIL&WATER-6

diagnose and treat ~~and~~ well screen encrustation. Reimbursement shall be provided at an amount equal to the customary local cost of performing the necessary diagnosis and maintenance for well screen fouling. Should well yield reductions reoccur, the project owner shall provide payment or reimbursement for either periodic maintenance throughout the life of the project or replacement of the well.

VISUAL RESOURCES

The conditions of certification **VIS-2** and **VIS-4** are not the rebuttal conditions agreed upon by staff and the applicant (Exh. 306; *see also* email of Craig Hoffman to Committee and all parties dated June 30, 2010 reflecting staff and applicant agreed upon Conditions of Certification). Staff requests that the Commission reflect the agreed upon **VIS-2** and **VIS-4** conditions reprinted and modified to reflect these comments in the PMPD.

[2] This figure is for modeling analysis. Condition of Certification **SOIL&WATER-5** limits project water use to 2,160 AFY.

VIS-2 The project owner shall develop and implement a plan to reduce permanent views of the project from residential properties located within 0.5 mile of the project boundary by installing off-site landscape planting on the residential properties if the landowner so desires. The landscape planting shall only include drought-resistant plants that reduce views of the project and exposure to glare to a reasonable level.

The project owner shall submit to the CPM for review and approval a screening plan providing proper implementation that will satisfy these requirements. The plan shall include:

A. A detailed plan at a reasonable scale such that all information is legible, and elevations and/or section drawings showing the relationship of the screening to the project site. The plan, elevations and/or sections shall clearly demonstrate how the view-reducing reducing requirements stated above shall be met. The plan shall provide a detailed plant list including quantities and sizes of materials to be used and an installation schedule demonstrating installation of as much of the screening as early in the construction process as is feasible in coordination with project construction;

B. A watering plan for the drought-resistant vegetative planting that includes methods such as drip irrigation.

C. Plant establishment procedures, including a plan for routine care and monitoring of plant materials and replacement of installed plants that fail to thrive for a period of five years from installation; and

D. Documentation that a landowner declines to have landscape screening installed on his property in the event they choose not to participate in the screening program.

E. The plan shall not be implemented until the project owner receives final approval from the CPM.

Verification: The screening plan shall be submitted to the CPM for review and approval at least 90 days prior to installation.

If the CPM determines that the plan requires revision, the project owner shall provide to the CPM a revised plan for review and approval by the CPM.

The project owner shall notify the CPM within seven days after completing the screening installation that the screening is ready for inspection.

The project owner shall report maintenance activities, including replacement of plants that fail to thrive for the previous year of operation for a period of five years, in each Annual Compliance Report.

VIS-2 The project owner shall develop and implement a plan to reduce permanent views of the project from residential properties located within 0.5 mile of the project boundary by installing off-site landscape planting on the residential properties if the landowner so desires and requests implementation of the off-site landscape screening in writing. The landscape planting shall reduce views of the project and exposure to glare to a reasonable level.

The project owner shall submit to the CPM for review and approval a screening plan providing proper implementation that will satisfy these requirements. The plan shall include:

A. A detailed plan at a reasonable scale such that all information is legible, and elevations and/or section drawings showing the relationship of the screening to the project site. The plan, elevations and/or sections shall clearly demonstrate how the view-reducing requirements stated above shall be met. The plan shall provide a detailed plant list including quantities and sizes of materials to be used and an installation schedule demonstrating installation of as much of the screening as early in the construction process as is feasible in coordination with project construction. Landscaping should include native species that are drought tolerant and not modify or provide for habitat for predator species such as ravens;

B. Plant establishment procedures, including a plan for routine care and monitoring of plant materials will be provided by the project owner to each landowner. The project owner will work with landowners to ensure proper and diligent watering, weeding and maintenance. The project owner will replace plants that fail to thrive for a period of five years from installation; and

C. Documentation that a landowner declines to have landscape screening installed on his property in the event they choose not to participate in the screening program.

D. The plan shall not be implemented until the project owner receives final approval from the CPM.

Verification: The screening plan shall be submitted to the CPM for review and approval at least 90 days prior to installation.

If the CPM determines that the plan requires revision, the project owner shall provide to the CPM a revised plan for review and approval by the CPM. The review of any subsequent revisions shall be completed by the CPM within fifteen (15) days of receipt of the revisions.

The project owner shall notify the CPM within seven days after completing the screening installation that the screening is ready for inspection.

The project owner shall report maintenance activities, including replacement of plants that fail to thrive for the previous year of operation for a period of five years, in each Annual Compliance Report.

Perimeter Screening

~~**VIS-4** The project owner shall develop and implement a screening plan that reduces direct visibility of the SCA mirrors to traffic on Harper Lake Road north of Lockhart Road, to traffic on Lockhart Road from Harper Lake Road to the eastern boundary of the Beta solar field, to residents living within one mile of the west boundary of the Beta solar field, and to visitors of the Harper Dry Lake Watchable Wildlife Area. The plan shall utilize sufficient setbacks of the SCAs from roads and 10-foot high slatted fencing to eliminate public exposure to hazardous levels of reflection, and to minimize public exposure to nuisance glare. The screening shall be designed to minimize glare from the project as seen by motorists and local residents during all times of year and periods of the day. Fence slats shall be of a non-reflective tan or other color designed to blend with the visual background in order to minimize color contrast of the fence.~~

~~The project owner shall submit to the CPM for review and approval a screening plan providing proper implementation that will satisfy these requirements. The plan shall include:~~

~~A. A detailed plan at a reasonable scale such that all information is legible, and elevations and/or section drawings showing the relationship of the screening to the road and SCAs from locations on Lockhart Road. The plan, elevations and/or sections shall clearly demonstrate how the glare-reducing requirements stated above shall be met. The plan shall provide a detailed installation schedule demonstrating installation of as much of the screening as early in the construction process as is feasible in coordination with project construction;~~

~~B. Maintenance procedures, including a plan for routine annual or semi-annual debris removal and repair of slatted fencing for the life of the project;~~

~~C. A procedure for monitoring and replacement of damaged screening for the life of the project; and~~

~~D. The plan shall not be implemented until the project owner receives final approval from the CPM.~~

~~**Verification:** The screening plan shall be submitted to the CPM for review and approval at least 90 days prior to installation.~~

~~If the CPM determines that the plan requires revision, the project owner shall provide to the CPM a revised plan for review and approval by the CPM.~~

~~The project owner shall notify the CPM within seven days after completing the screening installation that the screening is ready for inspection.~~

~~The project owner shall report maintenance activities, including replacement of damaged or destroyed screening for the previous year of operation in each Annual Compliance Report.~~

VIS-4 The project owner shall develop and implement a screening plan that reduces direct visibility of the SCA mirrors to traffic on Harper Lake Road north of Lockhart Road, to traffic on Lockhart Road from Harper Lake Road to the eastern boundary of the Beta solar field, to residents living within one mile of the west boundary of the Beta solar field, and to visitors of the Harper Dry Lake Watchable Wildlife Area. The plan shall utilize sufficient setbacks of the SCAs from roads and 10-foot high slatted fencing to eliminate public exposure to hazardous levels of reflection, and to minimize public exposure to nuisance glare. The screening shall be designed to minimize glare from the project as seen by motorists and local residents during all times of year and periods of the day. Fence slats shall be of a non-reflective tan or other color designed to blend with the visual background in order to minimize color contrast of the fence.

The project owner shall submit to the CPM for review and approval a screening plan providing proper implementation that will satisfy these requirements. The plan shall include:

A. A detailed plan at a reasonable scale such that all information is legible, and elevations and/or section drawings showing the relationship of the screening to the road and SCAs from locations on Lockhart Road. The plan, elevations and/or sections shall clearly demonstrate how the glare-reducing requirements stated above shall be met. The plan shall provide a detailed installation schedule demonstrating installation of as much of the screening as early in the construction process as is feasible in coordination with project construction;

B. Maintenance procedures, including a plan for routine annual or semi-annual debris removal and repair of slatted fencing for the life of the project;

C. A procedure for monitoring and replacement of damaged screening for the life of the project; and

D. The plan shall not be implemented until the project owner receives final approval from the CPM.

Verification: The screening plan shall be submitted to the CPM for review and approval at least 90 days prior to installation.

If the CPM determines that the plan requires revision, the project owner shall provide to the CPM a revised plan for review and approval by the CPM. The review of any

subsequent revisions shall be completed by the CPM within fifteen (15) days of receipt of the revisions.

The project owner shall notify the CPM within seven days after completing the screening installation that the screening is ready for inspection.

The project owner shall report maintenance activities, including replacement of damaged or destroyed screening for the previous year of operation in each Annual Compliance Report.

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

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 *ABENGOA MOJAVE SOLAR POWER PLANT*

Docket No. 09-AFC-5
PROOF OF SERVICE
(Revised 7/21/2010)

APPLICANT
Emiliano Garcia Sanz
General Manager
Abengoa Solar Inc.
11500 West 13th Avenue
Lakewood, CO 80215
emiliano.garcia@solar.abengoa.com

Scott D. Frier
Chief Operating Officer
Abengoa Solar Inc.
13911 Park Ave., Ste. 206
Victorville, CA 92392
scott.Frier@solar.abengoa.com

*Tandy McMannes
VP Business Development
Abengoa Solar Inc.
235 Pine Street, Suite 1800
San Francisco, CA 94104
tandy.mcmannes@solar.abengoa.com

APPLICANT'S CONSULTANTS
Frederick H. Redell, PE
Engineering Manager
Abengoa Solar, Inc.
11500 West 13th Avenue
Lakewood, CO 80215
frederick.redell@solar.abengoa.com

COUNSEL FOR APPLICANT
Christopher T. Ellison
Ellison, Schneider & Harris
2600 Capitol Ave., Suite 400
Sacramento, CA 95816
cte@eslawfirm.com

INTERESTED AGENCIES
California ISO
E-mail Preferred
e-recipient@caiso.com

INTERVENORS
County of San Bernardino
Ruth E. Stringer, County Counsel
Bart W. Brizzee, Deputy County Counsel
385 N. Arrowhead Avenue, 4th Floor
San Bernardino, CA 92415-0140
bbrizzee@cc.sbcounty.gov

California Unions for Reliable Energy ("CURE")
Tanya A. Gulesserian
Marc D. Joseph
Elizabeth Klebaner
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
E-mail Preferred
tgulesserian@adamsbroadwell.com
eklebaner@adamsbroadwell.com

Luz Solar Partners Ltd., VIII
Luz Solar Partners Ltd., IX
Jennifer Schwartz
700 Universe Blvd
Juno Beach, FL 33408
jennifer.schwartz@nexteraenergy.com

ENERGY COMMISSION
ANTHONY EGGERT
Commissioner and Presiding Member
aeggert@energy.state.ca.us

JAMES D.BOYD
Vice Chairman and Associate Member
jboyd@energy.state.ca.us

Kourtney Vaccaro
Hearing Officer
kvaccaro@energy.state.ca.us

Lorraine White
Adviser to Commissioner Eggert
lwhite@energy.state.ca.us

Craig Hoffman

*indicates change

Project Manager
choffman@energy.state.ca.us

Christine Hammond
Staff Counsel
chammond@energy.state.ca.us

Jennifer Jennings
Public Adviser's Office
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Maria Santourdjian, declare that on September 2, 2010, I served and filed copies of the attached Comments on Presiding Member's Proposed Decision dated September 2, 2010. The original documents, filed with the Docket Unit, are 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]. 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:

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:

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

__x__ by personal delivery;

__x__ by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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. 09-AFC-5
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, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Originally Signed by
Maria Santourdjian