



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

DOCKET	
09-AFC-5	
DATE	SEP 07 2010
RECD.	SEP 07 2010

APPLICATION FOR CERTIFICATION FOR THE
ABENGOA MOJAVE SOLAR PROJECT

DOCKET No. 09-AFC-5

ERRATA TO THE PRESIDING MEMBER’S PROPOSED DECISION

After reviewing the comments submitted by the parties on or before September 7, 2010, we incorporate the following changes to the August 6, 2010 Presiding Member’s Proposed Decision (PMPD):

FACILITY DESIGN

1. Page 63, Condition of Certification GEN-3 and Verification, change to read:

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.

PUBLIC HEALTH AND SAFETY / GREENHOUSE GAS

2. Page 113, third paragraph, first two lines, delete the following language:

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.

3. Page 114, first two lines of the page, change to read:

reduce statewide GHG emissions, by the year ~~2020~~ 2010, to the level of statewide GHG emissions that existed in 1990. Gubernatorial Executive Order S-3-05 (June 1, 2005) requires a further reduction, to a level 80 percent below the 1990 GHG emissions, by the year ~~2050~~ 2030.

4. Page 114, under subsection b. Renewable Portfolio Standard, second line, change to read:

California statutory law requires the state's utilities to be obtaining at least 20 percent of their electricity supplies from renewable sources by the year ~~2020~~ 2010.

5. Page 118, first paragraph, first line, change to read:

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.

6. Page 125, under Findings of Fact, delete Finding 2 below:

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

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AIR QUALITY

7. Page 132, Table 3, replace table entry with language as shown below:

**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 NO_x 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 SO_x the peak occurs during months 10 through 21 of the 26 month construction schedule.

8. Page 133, Table 4, replace table entry with language as shown below:

**Air Quality Table 4
Maximum Project Construction Impacts**

Pollutants	Avg. Period	Impacts (≡ug/m ³)	Background ^a (≡ug/m ³)	Total Impact (≡ug/m ³)	Standard (≡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

9. **Page 133, second paragraph, fourth through sixth lines, change to read:**

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.

10. **Page 134, third paragraph, fifth line, change to read:**

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 ~~83~~, 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.)

11. **Page 135, first paragraph, sixth line, change to read:**

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 NO₂ concentrations~~ 24-hour and annual PM10 were below the pollutants' significant impact levels. Maximum combined impacts (modeled plus 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.)

12. Page 136, Table 5, replace table entries with language as shown below:

**Air Quality Table 5
Maximum Project Operation Emission Impacts**

Pollutants	Avg. Period	Impacts (µg/m ³)	Background ^a (µg/m ³)	Total Impact (µg/m ³)	Standard (µg/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.

13. Page 138 and 139, delete language including footnote below:

~~**GHG emissions.** The evidence indicates that GHG emission increases due to vehicle/equipment emissions of CO₂ 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.²³ (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.

~~Fn 23. Under CAISO suspension, 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.)~~

14. Page 141, under Findings and Conclusions, delete Findings 11, 12, 13:

~~11. Greenhouse gas (GHG) emission increases due to vehicle/equipment emissions of CO₂ 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.~~

15. Page 143, under Condition of Certification AQ-SC3, subsection b, change to read:

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.

16. Page 146, under Condition of Certification, AQ-SC5, subsection b, delete the language shown in strikeout format and change to read:

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 ~~50400~~ 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.

17. **Page 147 of PDF version, before list item number 1 of Condition of Certification AQ-SC5, insert the following:**

question meeting the controls required in item “b” occurs within 10 days of termination of the use, if the equipment would be needed to continue working at this site for more than 15 days after the use of the retrofit control device is terminated, if one of the following conditions exists:

18. **Page 160, under Condition of Certification AQ-37, delete the language shown below in strikeout format:**

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.

19. **Page 162-163, under Condition of Certification AQ-46, delete the language shown below in strikeout format:**

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.

20. **Page 164, insert Condition of Certification AQ-52 and Verification to read as follows:**

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.

21. Page 164, under Condition of Certification AQ-53, change to read:

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.

WORKER SAFETY/FIRE PROTECTION

22. Page 190, Condition of Certification WORKER SAFETY- 6, subsection (2), change to read:

(2) ~~If~~ no agreement can be reached, the project owner shall fund a study (the “independent fire needs assessment and risk assessment”) conducted by an independent contractor who shall be selected by the project owner and approved by the CEC Compliance Project Manager (CPM) , in consultation with San Bernardino County Fire Department, and fulfill all mitigation identified in the independent fire needs assessment and a risk assessment. The study will evaluate the project’s proportionate funding responsibility for the above-identified mitigation measures, with particular attention to emergency response and equipment/staffing/location needs.

Should the project owner pursue option (2), above, the study ~~shall be conducted pursuant to the Fire Needs Assessment and Risk Assessment~~ shall evaluate the following:

WASTE MANAGEMENT

23. Page 226, Verification under Condition of Certification WASTE-10, change first line of second paragraph to read:

Within ~~14- 28~~ days of an HTF spill the project owner shall provide the results of the analyses and their assessment of whether the HTF-contaminated soil is considered hazardous or no-hazardous to DTSC and the CPM for review and approval.

24. Page 227, Verification under Condition of Certification WASTE-11, under Verification, second line of first sentence, change to read:

The project owner shall report the results of filter cake testing to the CPM within ~~seven-30~~ days of sampling.

BIOLOGICAL RESOURCES

25. Page 235, replace Biological Resources Figure 1 with the attached figure.

26. **Page 271, top of page, change to read:**

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 deterrent 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.~~

SOIL AND WATER RESOURCES

27. **Page 310, under “Wastewater Management,” third paragraph, sixth line, change to read:**

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.)

28. **Page 311, under “Project Water Supply and Treatment,” subheading a, second sentence, change to read:**

The record contains significant evidence establishing that the Applicant possesses groundwater rights in the amount of 10.478 acre-feet per year (AFY). These acquired rights were granted ~~in significant part~~ by the final judgment from extensive litigation arising from Mojave Basin overdraft issues.

29. **Page 318, under “Potential Impacts on Operational Yield,” fifth line of second paragraph, change to read:**

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 project². 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.

30. **Page 318, under “Potential Impacts on Operational Yield,” fourth line of fifth paragraph, change to read:**

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.)

31. Page 346, Condition of Certification SOIL&WATER-6, delete the language shown below in strikethrough format:

...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.

CULTURAL RESOURCES

32. Page 403, top of page, first line, change to read:

...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.

33. Page 404, sixth paragraph, second line, change to read:

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.)

SOCIOECONOMICS

34. Page 457, under Summary and Discussion of the Evidence, change to read:

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

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

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

VISUAL RESOURCES

- 35. Page 497, KOP 2 Visual Resources Figure 6, replace photo with the photo attached to this Errata.**
- 36. Pages 520-521, Condition of Certification VIS-1, second and third line, change to read.**

VIS-1 The project owner shall treat the surfaces of all project structures and buildings visible to the public, other than surfaces that are intended to direct or reflect sunlight, so that their colors minimize visual intrusion and contrast by blending with the rural landscape in both color and value and their colors and finishes do not create excessive glare. The project owner shall submit to the Compliance Project Manager (CPM) for review and approval a specific surface treatment plan that will satisfy these requirements. The treatment plan shall include:

- 37. Page 521, Verification of Condition of Certification VIS-1, last sentence of second paragraph, change to read:**

If the CPM determines that the plan requires revision, the project owner shall provide to the CPM a plan with the specified revision(s) for review and approval by the CPM before any treatment is applied. Any modifications to the treatment plan must be submitted to the CPM for review and approval. The review of any subsequent revisions shall be completed by the CPM within 15 days of receipt of the revisions.

- 38. Page 521, Condition of Certification VIS-2, change fourth and fifth lines to read:**

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 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 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 shall include native species that are drought tolerant and do not modify or provide a habitat for predator species such as ravens;
- 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 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;
- 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.

39. Page 522, Verification of Condition of Certification VIS-2, change second paragraph to read:

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 15 days of receipt of the revisions.

40. Pages 524-525, Verification of Condition of Certification VIS-4, change to read:

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 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.

Dated: September 7, 2010 at Sacramento, California.



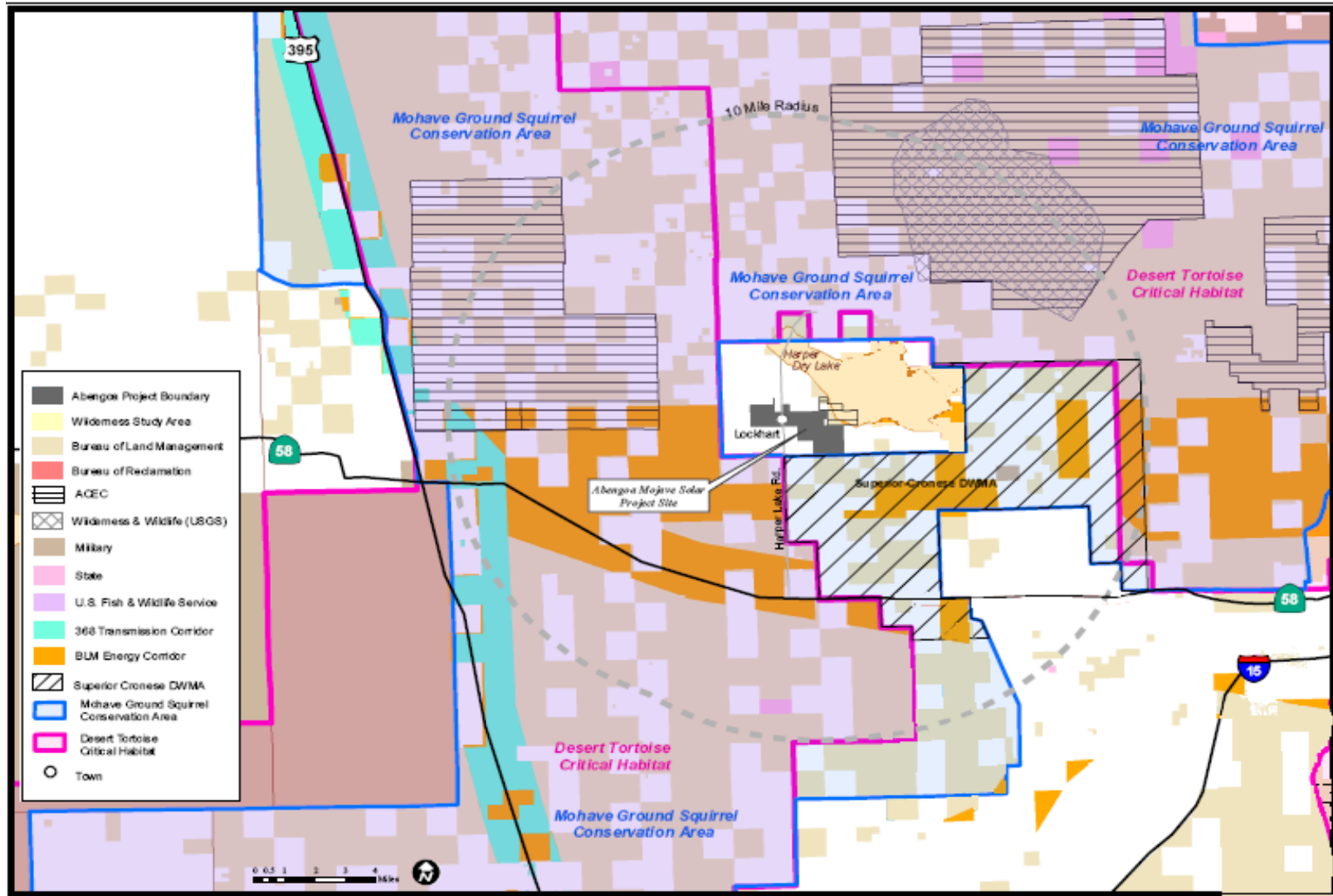
ANTHONY EGGERT
Commissioner and Presiding Member
Abengoa Mojave AFC Committee



JAMES D. BOYD
Vice Chair and Associate Member
Abengoa Mojave AFC Committee

Attachments

BIOLOGICAL RESOURCES – FIGURE 1
Abengoa Mojave Solar Project – Harper Dry Lake Land Management Areas and Project Vicinity



Visual Resources Figure 6

KOP 2 – View from Harper Lake Road South of Roy Road – Pre Project





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APPLICATION FOR CERTIFICATION
FOR THE **ABENGOA MOJAVE
SOLAR POWER PLANT**

Docket No. 09-AFC-5
PROOF OF SERVICE
(Revised 8/6/2010)

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
Project Manager
choffman@energy.state.ca.us

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

*Jennifer Jennings
Public Adviser's Office
E-mail Preferred
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Katherine Nicholls, declare that on September 7, 2010, I served electronically and filed a copy of the ERRATA TO THE PRESIDING MEMBER'S PROPOSED DECISION, dated September 7, 2010, to all parties to the proceeding. 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:

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

by personal delivery;

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:

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.

____Original Signed By_____
Katherine Nicholls
Hearing Adviser's Office