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Project Title:	Black Rock Geothermal Project (BRGP)
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Document Title:	Request for Agency Participation in the Review of the Morton Bay GEP, Elmore North GEP, and Black Rock GEP
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TO: AGENCY DISTRIBUTION LIST

REQUEST FOR AGENCY PARTICIPATION IN THE REVIEW OF THE MORTON BAY GEOTHERMAL ENERGY PROJECT (23-AFC-01), ELMORE NORTH GEOTHERMAL PROJECT (23-AFC-02), AND BLACK ROCK GEOTHERMAL PROJECT (23-AFC-03)

On April 18, 2023, BHE Renewables, LLC (BHER) (applicant), filed Applications for Certification (AFC) to construct and operate three geothermal electrical generating facilities, the Morton Bay Geothermal Project (MBGP) (23-AFC-01), the Elmore North Geothermal Project (ENGP) (23-AFC-02), and the Black Rock Geothermal Project (BRGP) (23-AFC-03), within approximately five miles of each other, at the Salton Sea Known Geothermal Resource Area. The MBGP generating facility would be on 63 acres of a 160-acre parcel in unincorporated Imperial County, bounded by McDonald Road to the north, Davis Road to the east, Schrimpf Road to the south, and the Salton Sea to the immediate west. The proposed ENGP electricity generating facility would be on a 63-acre portion of a 160-acre parcel bounded by an unnamed dirt road to the north, Cox Road to the west, Garst Road to the east, and West Sinclair Road to the south. The proposed BRGP electricity generating facility would be on a 55-acre portion of a 160-acre parcel bounded by McKendry Road to the north, Severe Road to the west, and Boyle Road to the east.

Project Description

All three proposed projects would provide electricity via a steam turbine generator.

- The proposed MBGP would deliver power via a new 3.2-mile above-ground transmission line (Preferred Route) to a new Imperial Irrigation District switching station to be constructed adjacent to the ENGP site near the intersection of Garst Road and West Sinclair Road. MBGP would have a maximum continuous rating of roughly 157 megawatts (MW) gross output, with an expected net output of roughly 140 MW.
- The proposed ENGP would provide electricity via a new 0.5-mile transmission line to deliver power to the new Imperial Irrigation District switching station. The facility would have a maximum continuous rating of roughly 157 MW gross output, with an expected net output of roughly 140 MW.
- The proposed BRGP would provide electricity via a new 2.2-mile transmission line to deliver power to the new Imperial Irrigation District switching station. The facility would have a maximum continuous rating of roughly 87 MW gross output, with an expected net output of roughly 77 MW.

Additional components of each project, in addition to the steam turbine generator system, include a geothermal fluid processing system, cooling towers, production and injection wells, well pads, pipelines, fluid and steam handling facilities, a solids handling system, a Class II surface impoundment, a service water pond, a stormwater retention basin, process fluid injection pumps, and power distribution centers. Dedicated construction laydown and parking areas would be located adjacent and serve each project site. Borrow pits and construction camps would be in the vicinity and designed to serve all three projects. If approved, the projects would require approximately 29 months to construct.

A copy of the AFCs as well as other project information can be found on the CEC's websites, as follows:

- <https://www.energy.ca.gov/powerplant/steam-turbine/morton-bay-geothermal-project-mbgp>
- <https://www.energy.ca.gov/powerplant/steam-turbine/elmore-north-geothermal-project-engp>
- <https://www.energy.ca.gov/powerplant/steam-turbine/black-rock-geothermal-project-brgp>

CEC Jurisdiction and AFC Process

The CEC has exclusive authority to certify, or license, all thermal power plants of 50 MW and greater and related facilities proposed for construction and operation in California. These related facilities include any equipment, structure or accessory dedicated and essential to the operation of the thermal power plant including the electric transmission line. However, by statute, geothermal wells and associated pipelines, except those running from the production well to the facility and from the facility to the injection well, are not related facilities and remain under the authority of the California Geologic Energy Management Division (CalGEM) of the Department of Conservation. The issuance of a certificate by the CEC is in lieu of any local or state permit (except for the CalGEM permit), and federal permit to the extent permitted by federal law. The CEC's facility licensing process carefully examines public health and safety, environmental impacts, and engineering aspects of proposed power plants and all related facilities. As a certified program under the California Environmental Quality Act Guidelines (California Code of Regulations, title 14, section 15251(j)), the CEC produces several environmental and decision documents rather than an environmental impact report. The CEC's environmental documents will analyze the "whole of the action", including the geothermal wells and pipelines.

Public Resources Code sections 25502 and 25519 require a two-step process for an applicant to receive a certification from the CEC to construct and operate a

thermal power plant. The first step is to file a Notice of Intent (NOI) and the second step is to file an AFC. For geothermal plants, the NOI step may be bypassed if an applicant can reasonably demonstrate the proposed site can provide geothermal resources in commercial quantities (Public Resources Code section 25540.2(a)). At the CEC's May 31, 2023, Business Meeting, the CEC determined, based on expert testimony and quantitative studies, that the applicant met this requirement¹. Therefore, the CEC found that an NOI is not required, and a final decision on the applications will be issued by the CEC within 12 months of accepting the AFCs as complete, or later as mutually agreed to by the CEC and the applicant.

Furthermore, the CEC staff completed its initial review of the AFCs to determine if they contain all the information required by California Code of Regulations, title 20, division 2, chapter 5, article 6, Appendix B. At the CEC's May 31, 2023, Business Meeting, the CEC adopted staff's recommendation that the AFCs were incomplete and should not be accepted until the applicant provided supplemental information to address the list of deficiencies identified in the executive director's recommendations². The applicant filed supplemental information to satisfy the data deficiencies, and a determination of completeness was made by the CEC at the CEC's July 26, 2023, Business Meeting³, starting the 12-month clock to reach a decision on the AFCs. The CEC staff has now begun the discovery phase of the proceedings, during which a detailed examination of the application will occur. The assigned committees of two energy commissioners will file Scheduling Orders for the proceedings.

1 TN 241291, TN 250452, TN 250454

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=250451&DocumentContentId=85206>

2 TN 250066,

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=250066&DocumentContentId=84784>

TN 250067,

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=250067&DocumentContentId=84785>

TN 250071,

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=250071&DocumentContentId=84789>

3 TN 251027,

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=251027&DocumentContentId=85965>

TN 251026

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=251026&DocumentContentId=85964>

TN 251028

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=251028&DocumentContentId=85966>

The CEC staff will prepare and publish a Preliminary Staff Assessment (PSA) and a Final Staff Assessment (FSA) for each project. After allowing for a public comment period on the PSAs (minimum of 45 days) and conducting a public workshop(s), the CEC staff will prepare and publish the FSAs, which will serve as their formal testimony in evidentiary hearing(s) to be held by the committees. The committees will consider testimony presented by staff, the applicant, and any formal intervenors, as well as comments from interested agencies, California Native American tribes, and the public, prior to publishing their proposed decisions. The CEC will consider the committees' proposed decisions and issue the final decisions. The CEC will issue notices for workshops and hearings at least 10 days prior to each meeting.

As part of the review process, the CEC staff works closely with local, state, and federal agencies to ensure that all laws, ordinances, regulations, and standards applicable to the proposed project are considered in the CEC's final decision.

Agency Participation

To ensure that the CEC has the information needed to make a final decision, the CEC's regulations identify a special role for federal, state, and local agencies (see California Code of Regulations, title 20, sections 1714, 1714.5, 1742, and 1744). As a result, we request that you conduct a review of the AFCs and provide us with the following information:

- 1) A discussion of those aspects of the proposed sites and related facilities for which your agency would have jurisdiction, but for the exclusive jurisdiction of the CEC to certify those sites and related facilities.
- 2) A determination of the completeness of the list in the AFCs of the laws, regulations, ordinances, or standards that your agency administers or enforces and would be applicable to the proposed sites and related facilities but for the CEC's exclusive jurisdiction.
- 3) A description of the nature and scope of the requirements that the applicant would need to meet to satisfy the substantive requirements of your agency, but for the CEC's exclusive jurisdiction, and an identification of any analyses that the CEC should perform to determine whether these substantive requirements can be met.
- 4) An analysis of whether there is a reasonable likelihood that the proposed projects will be able to comply with your agency's applicable substantive requirements.

The scope of your agency's comments on the AFCs should encompass *significant* concerns and substantive requirements that would be required for permitting by your agency, but for the CEC's exclusive jurisdiction or certification (California

Code of Regulations, title 20, section 1714.5(a)(2); emphasis added). Please let us know if you need additional information or need to perform analyses or studies to resolve any concerns of your agency (California Code of Regulations, title 20, section 1714.5).

Unless otherwise specified by law or by order of the committee, all such comments shall be filed prior to the conclusion of the evidentiary hearings held pursuant to California Code of Regulations, title 20, section 1745 on the applications. As required by California Code of Regulations, title 20, section 1744.5, the local air district is required to submit to the CEC the determination of compliance within 180 days of the CEC's acceptance of an AFC. The local air district is required to provide a witness at the evidentiary hearings to present and explain the determination of compliance (see California Code of Regulations, title 20, section 1744.5(c)). Other agencies may be asked to present and explain their conclusions at the evidentiary hearings on the projects.

Local agencies may seek reimbursement for reasonable costs incurred in responding to these requests (California Code of Regulations, title 20, section 1715).

To stay informed about the projects and receive notice of upcoming meetings and workshops, please subscribe to each project's subscription list. The subscription list is an automated CEC system that sends out email notifications when documents and notices are posted to a project's docket. To subscribe, go to the CEC's webpage for each project, scroll down the right side of the webpage to the box labeled "Subscribe," and provide the requested contact information. Web pages for Morton Bay, Elmore North, and Black Rock are:

- <https://www.energy.ca.gov/powerplant/steam-turbine/morton-bay-geothermal-project-mbgp>
- <https://www.energy.ca.gov/powerplant/steam-turbine/elmore-north-geothermal-project-engp>
- <https://www.energy.ca.gov/powerplant/steam-turbine/black-rock-geothermal-project-brgp>

Any person may comment on the applications. The CEC encourages the use of its electronic commenting system. To use the CEC's electronic commenting feature, go to the CEC's webpage for each project, cited above, click on the "Submit e-Comment" link on the right side of the webpage, and follow the instructions in the online form. Be sure to include the project name in your comments.

Written and oral comments, attachments, and associated contact information (for example, address, phone number, email address) become part of the

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viewable public record. This information may also become available via any internet search engine.

Written comments may also be mailed to:

California Energy Commission
Docket Unit, MS-4
Docket No. **23-AFC-01, 23-AFC-02, 23-AFC-03**
715 P Street
Sacramento, California 95814-6408

For questions about this letter or the projects, please contact Eric Veerkamp, project manager, at (916) 661-8458, or by email at eric.veerkamp@energy.ca.gov.

Date: July 28, 2023

Sincerely,



Drew Bohan
Executive Director

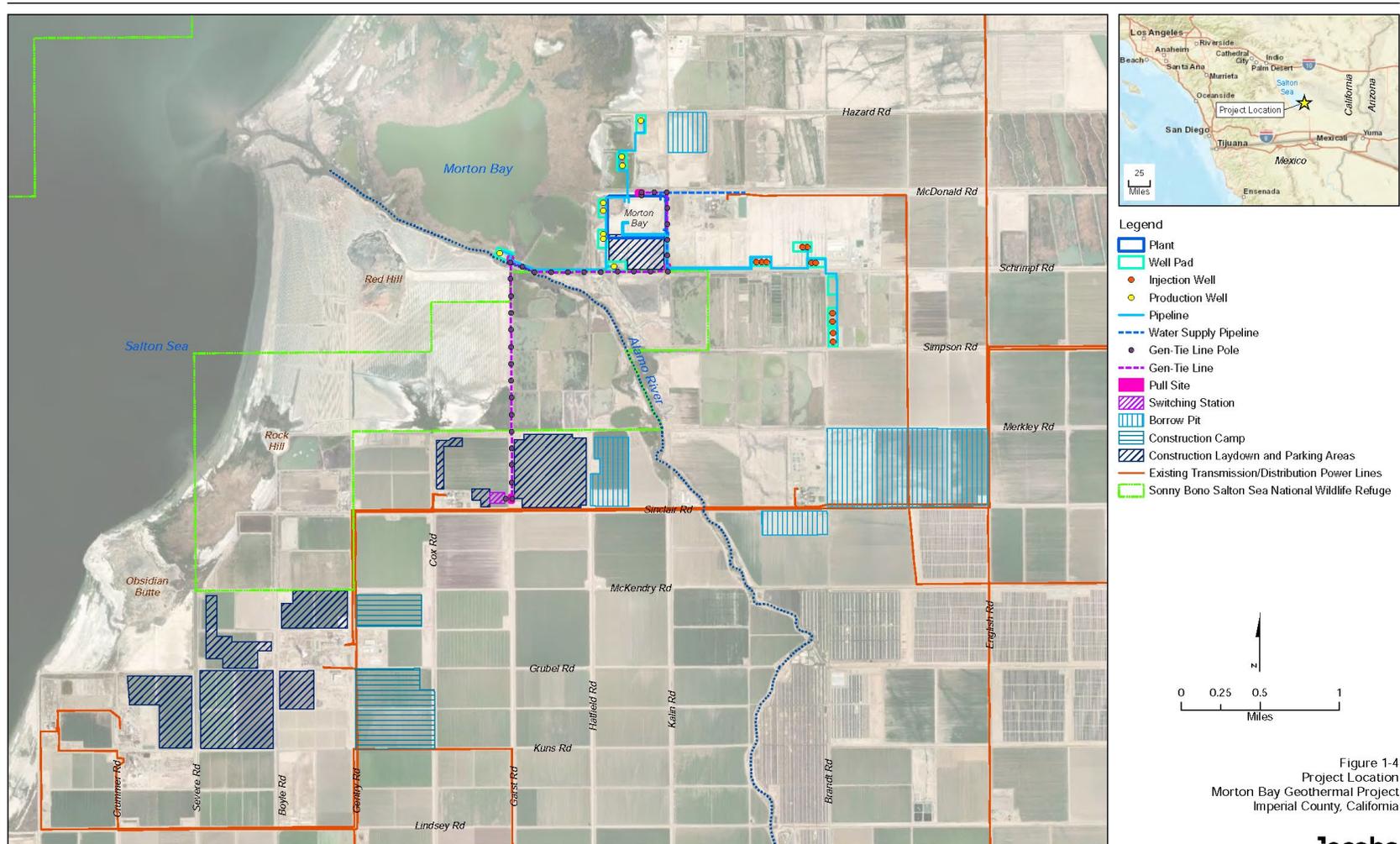
Enclosures (from the application):
Project Site and Facilities Map (Figure 1-4, 1-4a, 1-4b)
Project Rendering (Figure 1-3, 1-3a, 1-3b))

Mailed to: Agency list (23-AFC-01, 02, and 03)

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23-AFC-01, 02, and 03

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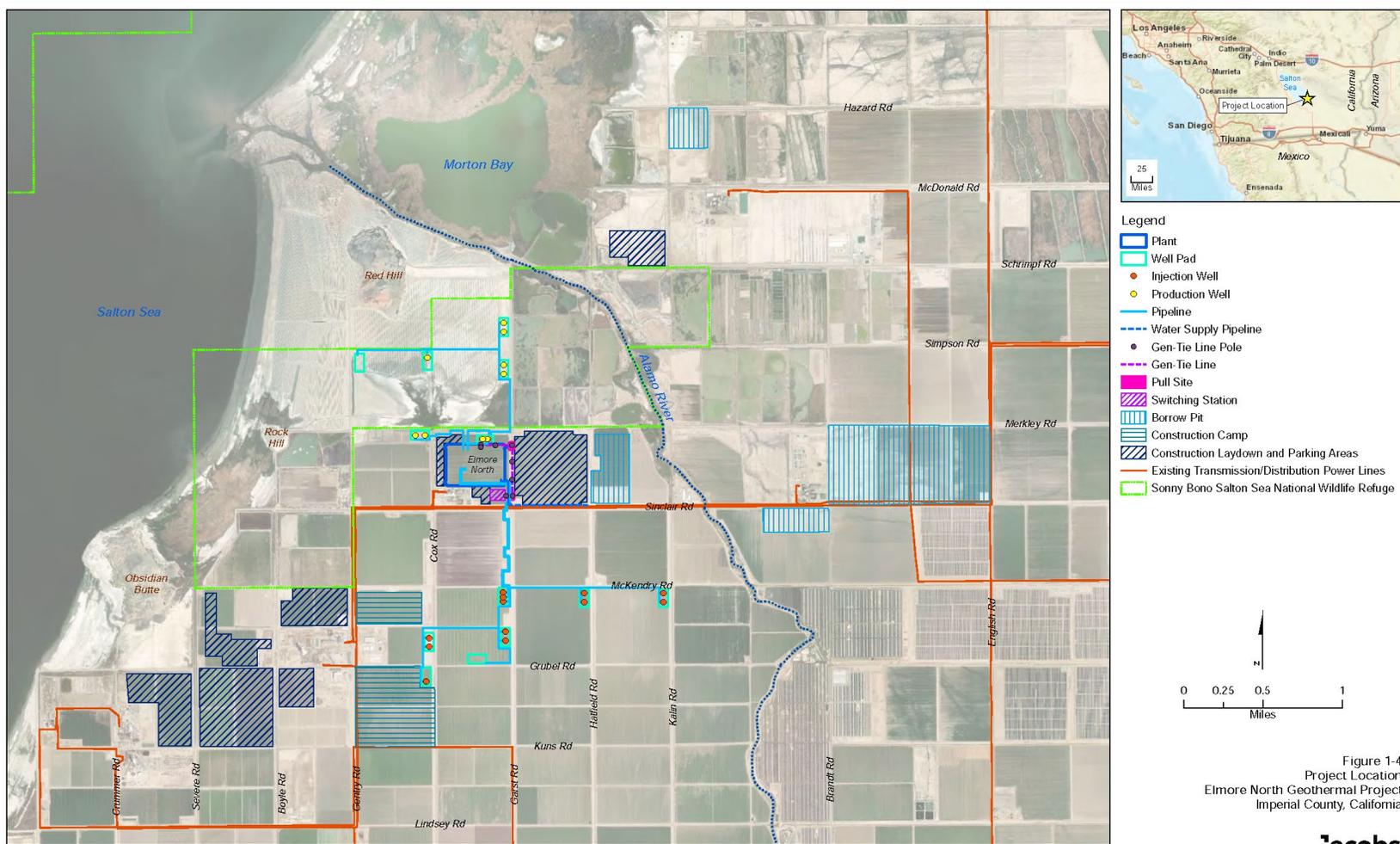


Figure 1-4a
 Project Location
 Elmore North Geothermal Project
 Imperial County, California

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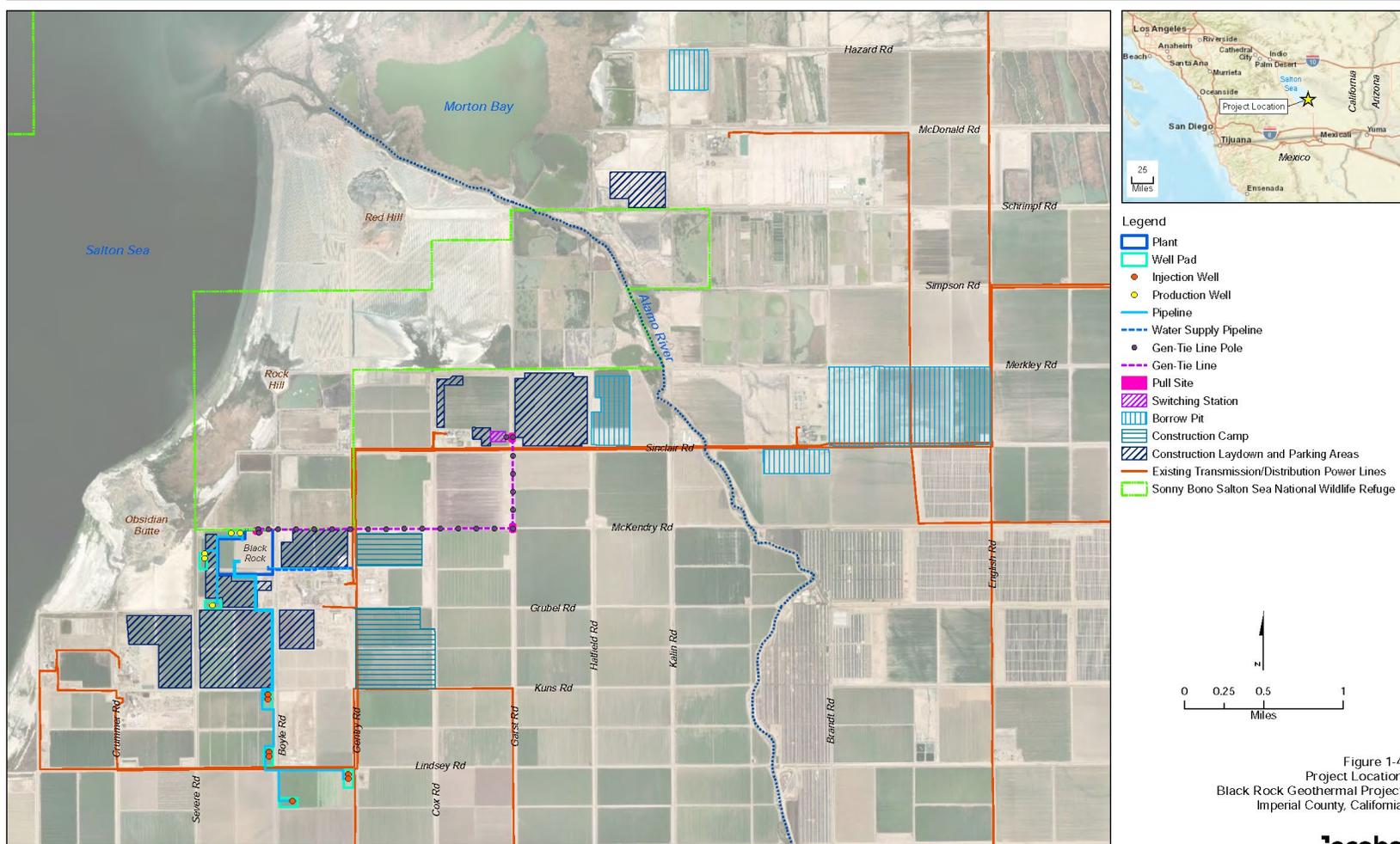


Figure 1-4b
 Project Location
 Black Rock Geothermal Project
 Imperial County, California



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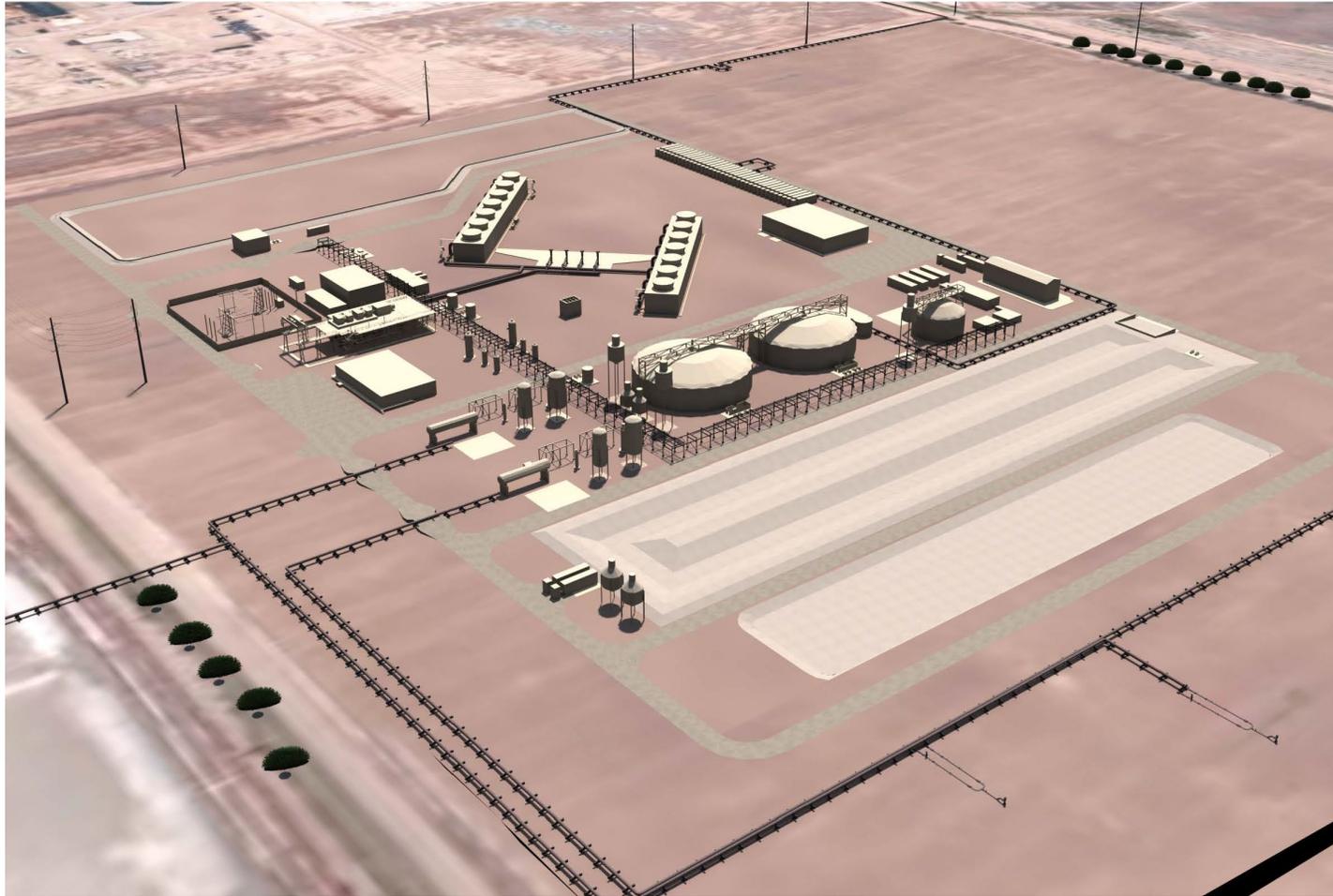


Figure 1-3
Architectural Rendering,
Morton Bay Geothermal Project
Imperial County, California

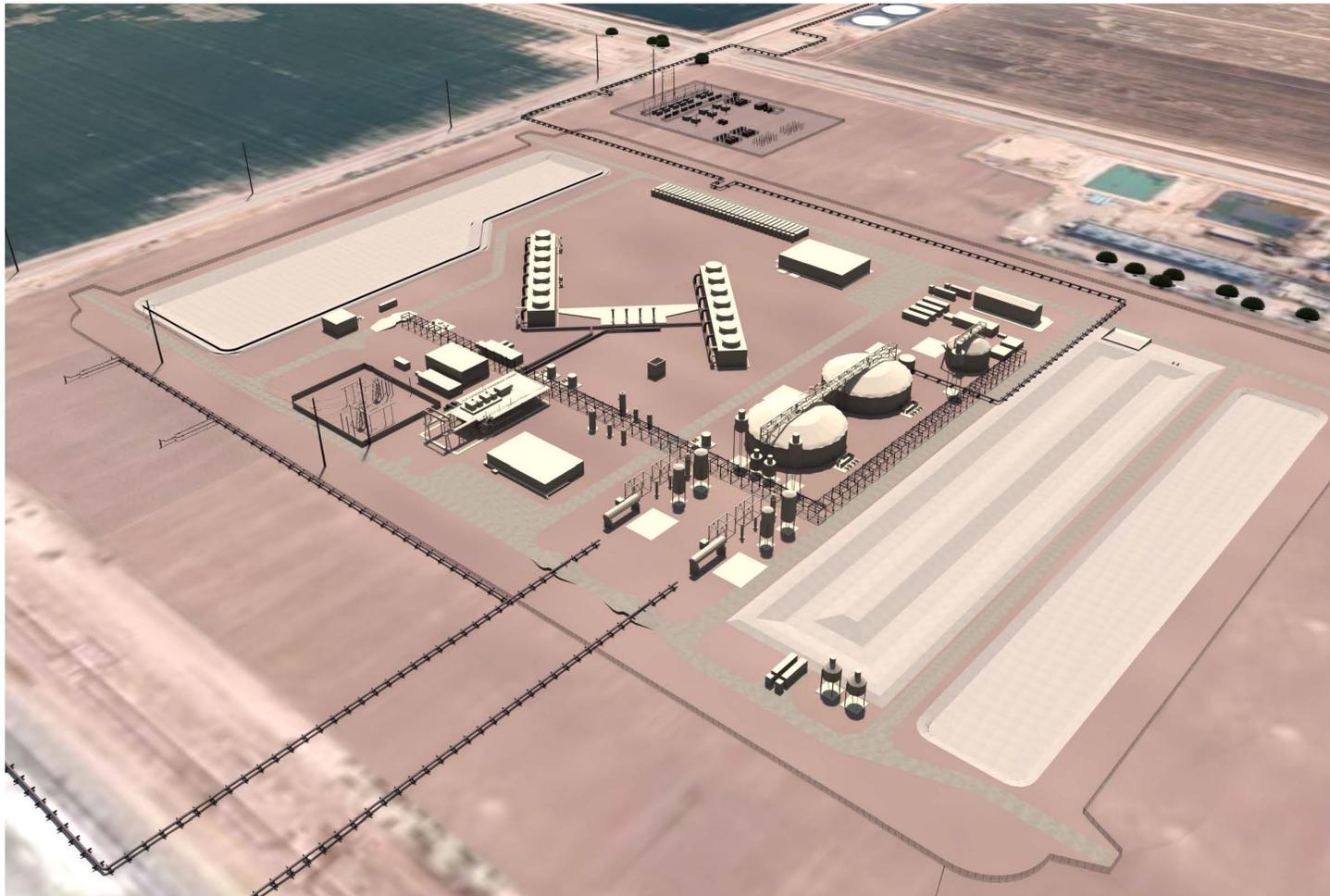


Figure 1-3.
Architectural Rendering,
Elmore North Geothermal Project
Imperial County, California

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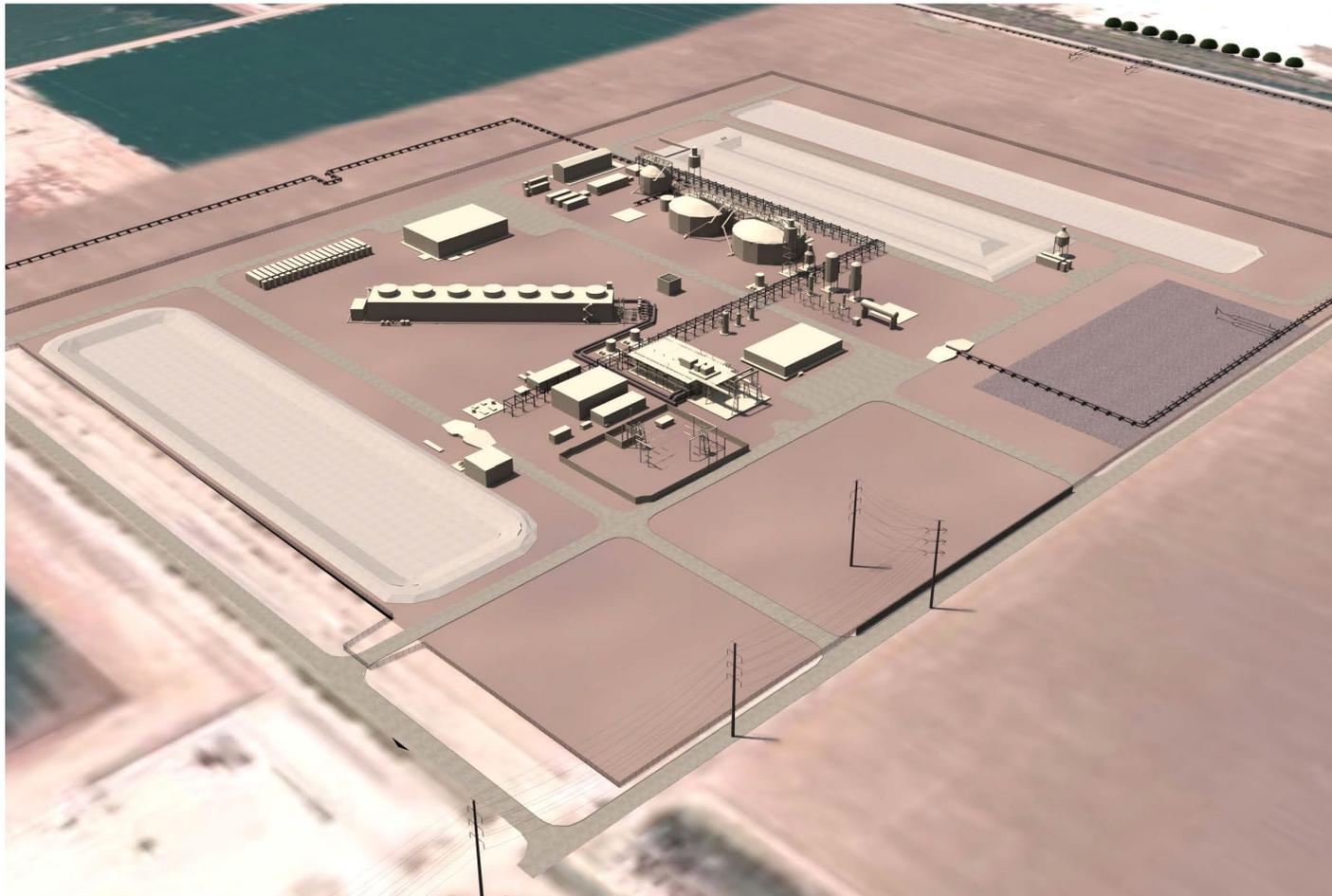


Figure 1-3
Architectural Rendering,
Black Rock Geothermal Project
Imperial County, California