

DOCKETED

Docket Number:	23-AFC-01
Project Title:	Morton Bay Geothermal Project (MBGP)
TN #:	254749
Document Title:	Morton Bay Geothermal Project Status Report No 5
Description:	N/A
Filer:	Amanda Cooley
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Applicant Representative
Submission Date:	2/29/2024 4:33:02 PM
Docketed Date:	2/29/2024

THE STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:)
Application for Certification for the)
Morton Bay Geothermal Project)
)
)
_____)

Docket No. 23-AFC-01

**MORTON BAY GEOTHERMAL PROJECT
STATUS REPORT NO. 5**

Samantha G. Neumyer
Jessica L. Melms
Ellison Schneider Harris & Donlan LLP
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816
sgn@eslawfirm.com
jmelms@eslawfirm.com
(916) 447-2166

Attorneys for Applicant

THE STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:)
)
Application for Certification for the)
Morton Bay Geothermal Project)
)
)

Docket No. 23-AFC-01

MORTON BAY GEOTHERMAL PROJECT
STATUS REPORT NO. 5

Pursuant to the *Presiding Member’s Scheduling Order for the Morton Bay Geothermal Project Proceeding* (“Scheduling Order”),¹ Morton Bay Geothermal LLC (“the Applicant”) provides this *Status Report No. 5* to update the Committee regarding the status of the Application for Certification proceeding for the Morton Bay Geothermal Project (“MBGP”).

I. SUMMARY OF PROGRESS OF DISCOVERY

Since the submission of *Status Report No. 4*, the Applicant continues to diligently respond to data requests from parties and stakeholders in this proceeding. A brief summary of the data requests received from parties and the Applicant’s responses since the submission of *Status Report No. 4* is provided below. Pursuant to the Scheduling Order, discovery ended on January 22, 2024.

- On February 1, 2024, the Applicant docketed its notice of objection to certain data requests contained in the California Energy Commission’s (“CEC”) *Data Requests Set 4*.²
- On February 12, 2024, the Applicant docketed its notice of objection to certain data requests contained in California Unions for Reliable Energy’s (“CURE”) *CURE Data Requests Set 4 – Morton Bay Geothermal Project*.³
- On February 12, 2024, the Applicant also docketed responses to *CEC Data Requests Set 4*, which included a copy of the Applicant’s letter to the U.S. Department of Defense, informing the Department that the Project’s proposed location lies within 1,000 feet of a designated military training flight route and within 1,000 feet of a designated military special use airspace.⁴
- On February 16, 2024, the Applicant docketed its revised response to *CEC Staff’s Data Requests, Set 1, Data Request 31*.⁵
- On February 21, 2024, the Applicant docketed responses to *CURE’s Data Requests Set 4*.⁶

¹ TN#: 252284.
² TN#: 254294.
³ TN#: 254411.
⁴ TN#: 254419.
⁵ TN#: 254531.
⁶ TN#: 254603.

II. DESCRIPTION OF SIGNIFICANT COMMUNICATIONS WITH OTHER FEDERAL, STATE, LOCAL AGENCIES, AND TRIBAL GOVERNMENTS

A brief description of the Applicant’s communications with other federal, state, local agencies, and tribal governments is provided below.

- On January 31, 2024, the Applicant met with the Imperial County Planning and Development Services Department to discuss the conditional use permit application.
- On February 2, 2024, the Imperial County Air Pollution Control District docketed the Preliminary Determination of Compliance for the MBGP.⁷
- On February 9 and 26, 2024, the President and Chief Executive Officer of BHE Renewables, LLC, Alicia Knapp, met with representatives of the Kwaaymii Band of Laguna Indians to discuss tribal concerns.
- On February 13, 2024, the U.S. Army Corps of Engineers contacted the Applicant to request a site visit, which is scheduled for March 12, 2024.

III. OUTCOME OF PUBLIC WORKSHOPS OR MEETINGS

On February 9, 2024 and February 26, 2024 CEC Staff held site visits and intertribal meetings. The Applicant’s representative offered to provide a safety escort and access support, but did not otherwise participate in the February 26, 2024 meeting per direction from CEC Staff.

IV. SCHEDULE

The Applicant continues to work with parties and stakeholders to move this proceeding forward. As stated before, the Applicant does not object to CEC Staff’s proposal for a 45-day comment period on the MBGP Preliminary Staff Assessment (“PSA”). However, the Applicant does have overall schedule concerns, particularly in light of statements from CEC Staff’s *Status Report #4* regarding potential delays in the publication of the PSA. With respect to the subject areas that CEC Staff identified as factors that may impact schedule, the Applicant does not agree that the subject areas should be cause for delay.

For example, the Applicant provided detailed information to address the subject areas of Alternatives, Air Quality, and Water Resources. Further, the CEC already determined that the site is reasonably capable of providing geothermal resources in commercial quantities, and recognized that a simulated forecast “demonstrates that the resource can accommodate both existing geothermal power plants, and the proposed geothermal power plants including Black Rock, Elmore North, and Morton Bay over the horizon of the evaluation through 2065.”⁸ For Air Quality specifically, the Applicant notes that the air quality modeling for which the Applicant requested an extension is not necessary to complete the PSA for the Project because the air quality impact assessment already prepared for the Project is overly conservative. Specifically, in CEC *Data Request Set 4*,⁹ Staff included three air

⁷ TN#: 254307.

⁸ TN#: 250451, p. 3.

⁹ TN#: 253870.

quality data requests specific to the emergency generators and fire water pump engine. These requests included the following:

- Up-to-date manufacturer specification sheets showing engine and emissions control system performance specifications. This information should identify uncontrolled and controlled emissions and the warm-up time for the SCR to reach full effectiveness.
- Please update the NOx emissions estimation and NO2 impacts modeling analysis to account for uncontrolled emissions during the SCR warm-up period and controlled emissions for the rest of the hour.
- Please clarify whether the engines used by the Units would be tested concurrently or only one at a time during a single hour.

The Applicant's consultant, Jacobs, contacted Staff to discuss responses to these data requests, particularly because the Applicant would not operate the emergency generators or fire water pump at the same time during routine maintenance events, but would operate them individually. Jacobs also noted that for the purposes of the air quality impact assessment,¹⁰ all three emergency generators and the fire water pump engine were assumed operate each hour of the year and the results showed that the MBGP project would not cause or contribute to a violation of an applicable ambient air quality standard and did not exceed the Significant Impact Levels for either the hourly or annual oxides of nitrogen standard (the only pollutant affected by the SCR start up period). Jacobs also indicated that it is unlikely that incorporating start up emissions in the air quality impact assessment for the emergency generators would result in higher air emissions when considering the planned operation of one emergency generator or fire water pump engine during a single hour. Jacobs suggested presenting a comparison of the modeled hourly emergency generator/fire water pump engine oxides of nitrogen emissions versus the modified hourly emergency generator/fire water pump engine oxides of nitrogen emissions incorporating the SCR start up period, and that this analysis would show that the existing modeling results represented an overly conservative air quality impact assessment. Staff indicated that they preferred presenting the modified hourly emergency generator/fire water pump engine oxides of nitrogen emissions, which resulted in the Applicant requesting additional time to respond.

The Applicant agrees with CEC Staff that a meet and confer between the parties to discuss schedule would be beneficial. The Applicant urges CEC Staff to schedule a workshop, specifically to discuss Alternatives, to facilitate advancement of Staff's analysis and to move this proceeding forward.

Dated: February 29, 2024

Respectfully submitted,

ELLISON SCHNEIDER HARRIS & DONLAN L.L.P.

By 

Samantha G. Neumyer
Jessica L. Melms
Ellison Schneider Harris & Donlan LLP
2600 Capitol Avenue, Suite 400

¹⁰ See TN#: 253082.

Sacramento, CA 95816
sgn@eslawfirm.com
jmelms@eslawfirm.com
(916) 447-2166
Attorneys for Applicant