

DOCKETED	
Docket Number:	23-AFC-03
Project Title:	Black Rock Geothermal Project (BRGP)
TN #:	260871
Document Title:	Black Rock Geothermal Project Status Report No 15
Description:	N/A
Filer:	Amanda Cooley
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Applicant Representative
Submission Date:	12/31/2024 3:21:02 PM
Docketed Date:	12/31/2024

THE STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:)
Application for Certification for the)
Black Rock Geothermal Project)
)
)

Docket No. 23-AFC-03

**BLACK ROCK GEOTHERMAL PROJECT
STATUS REPORT NO. 15**

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BLACK ROCK GEOTHERMAL PROJECT
STATUS REPORT NO. 15

Pursuant to the *Presiding Member's Scheduling Order for the Black Rock Geothermal Project Proceeding*,¹ Black Rock Geothermal LLC ("the Applicant") provides this *Status Report No. 15* to update the Committee regarding the status of the Application for Certification ("AFC") proceeding for the Black Rock Geothermal Project ("BRGP" or the "Project").

I. SUMMARY OF PROGRESS OF PROCEEDING

On December 3, 2024, California Energy Commission ("CEC") Staff docketed their fifth set of requests for additional information to address comments raised during the Preliminary Staff Assessment Technical and Mitigation Workshops and the Tribal Mitigation Workshops.² The Applicant is reviewing the request and will provide responses in whole or in part to some or all of the requests for information by January 2, 2025.

On December 4, 2024, the Applicant docketed preliminary figures for the BRGP Revised General Arrangement Refinement 2.³

On December 5, 2024, the Applicant docketed its hydraulic modeling report for the BRGP.⁴ On the same day, the Applicant docketed a letter from the Imperial County Planning and Development Services Department notifying the CEC that the Department has reviewed the Applicant's preliminary flood protection management plan and hydrology report.⁵ Within this letter, the Department noted that they are comfortable with the alternative flood protection plan as presented.

On December 9, 2024, the Committee issued a *Revised Joint Scheduling Order and Request for Information Regarding Cultural and Tribal Resources* ("Revised Joint Scheduling Order")

¹ TN#: 252289.

² TN#: 260395.

³ TN#: 260469.

⁴ TN#: 260507.

⁵ TN#: 260504.

directing parties to consider the adequacy, feasibility, and potential impacts of Mitigation Measure CUL/TRI-8, as proposed in the AFC, and to determine the implementation of related mitigation measures.⁶ CEC Staff docketed its response on December 18, 2024. The Applicant is reviewing CEC Staff's response and will docket a response in accordance with the *Revised Joint Scheduling Order*.

On December 9, 2024, the Applicant requested AERMOD input/output modeling files for use in the updated cumulative impacts analysis requested by CEC Staff from the Imperial County Air Pollution Control District ("ICAPCD"). On December 12, 2024, the ICAPCD responded to the request, and provided the authority to construct application file for a nearby facility.

On December 13, 2024, the Applicant docketed responses to CEC Staff's fourth set of follow up questions in response to comments raised at the Preliminary Staff Assessment Technical and Mitigation Workshops and the Tribal Mitigation Workshops.⁷

The Applicant expects to submit the general arrangement refinement for the BRGP by the middle of January 2025. The general arrangement refinements reflect realignment of the cooling tower to address issues raised with respect to tribal cultural resources and expansion of the freshwater storage pond to address comments made by the Imperial Irrigation District ("IID").

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

Descriptions of the Applicant's significant communications with other federal, state, and local agencies and tribal governments are provided below.

- On December 12, 2024, the Applicant met with the Imperial County Planning and Development Services to continue discussing the status of the Project and conditional use permit application.
- The Applicant continues to consult with IID to discuss the Project's related facilities, interconnection, the proposed conservation easement, and IID infrastructure such as water supply canals, irrigation drains, transmission lines, and power distribution lines. The Applicant also received agricultural drain water outflow information from IID to continue revising the requested assessment of potential impacts to the Salton Sea and downstream biological resources arising from a change in agricultural runoff.
- The Applicant continues to engage with California Native American tribes regarding the BRGP, including the Kwaaymii Laguna Band of Indians, Fort Yuma Quechan Indian Tribe, Torres Martinez Desert Cahuilla Indians, and Agua Caliente Band of Cahuilla Indians, and develop a plan to address concerns related to Obsidian Butte and to listen. The Applicant is working with tribal representatives to schedule a meeting to discuss the proposed conservation easement.

⁶ TN#: 260571.

⁷ TN#: 260640.

- On December 5, 2024, Imperial County’s Planning & Development Services and Public Works departments expressed acceptance of the Applicant’s alternative flood protection measure,⁸ which was docketed on the same day.⁹ The alternative flood protection plan provides a means for the BRGP to conform with Imperial County’s flood protection ordinance. The Applicant is discussing the alternative flood protection plan with its neighbors, IID and the Sonny Bono National Wildlife Refuge (“SBNWR”), to seek their feedback on the measure. Further discussions are anticipated in January 2025. The Applicant may continue to pursue a Letter of Map Revision with the Federal Emergency Management Agency to address the Project’s and Region’s Flood Hazard Zone A classification.
- On December 19, 2024, the Applicant met with the Regional Water Quality Control Board for a Pre-Application meeting for the planned 401 water quality certification application along with the related Clean Water Act Section 404 permit application and biological assessment. A follow-up with the Regional Water Quality Control Board and the United States Army Corps of Engineers is tentatively planned for January 2025.
- On December 30, 2024, the Applicant met with the ICAPCD to discuss construction emissions methodology.

III. OUTCOME OF PUBLIC WORKSHOPS OR MEETINGS

On December 9, 2024, CEC Staff held a Tribal Mitigation Workshop. The Applicant appreciates the participation and engagement from tribal representatives from Fort Yuma Quechan Tribe and Kwaaymii Laguna Band of Indians and thanks CEC Staff for holding the workshop. The Applicant is organizing meetings in early 2025 to continue discussions with tribal representatives and IID on the potential for a conservation easement over Obsidian Butte as a mitigation measure for potential impacts to tribal cultural resources and to provide preservation and protection of the resource.

Parties and other representatives also discussed at the December 9th workshop CEC Staff’s 5th information request on the topic of air quality in which Staff requested the Applicant prepare a revised air quality and public health dispersion model using information from a meteorological monitoring station located at the SBNWR. The Applicant understands that this information has been requested in response to public comments submitted with respect to both the ICAPCD Preliminary Determination of Compliance and Preliminary Staff Assessment for the BRGP.¹⁰

As detailed in the Applicant’s response to ICAPCD, use of the SBNWR meteorological data set is inconsistent with the U.S. Environmental Protection Agency’s (“EPA”) air dispersion modeling guidance due to the substantial amount of missing data. The Applicant also demonstrated that the two meteorological data sets—that from SBNWR and the Imperial County Airport meteorological station—are very similar in their wind speed and direction characteristics,

⁸ TN#: 260504.

⁹ TN#: 260507.

¹⁰ TN#: 255266.

which supports the conclusion that the Imperial County Airport meteorological station data is representative of baseline conditions for the BRGP.¹¹

During the workshop, the Applicant and Staff discussed Staff's *Informal Data Request Set Five*, with the Applicant reiterating its previous position that the SBNRW meteorological data did not meet the U.S. EPA's air dispersion modeling requirements for use in regulatory modeling applications and that the currently used meteorological data set is representative of the project site baseline conditions. CEC Staff's assertion that a "complete picture of the baseline environmental condition is not fully known" or that impacts cannot be fully assessed without use of the meteorological data from SBNRW is simply incorrect.¹² As stated above, the SBNRW meteorological data is incomplete and does not meet U.S. EPA requirements for use. Furthermore, the baseline environmental conditions have been appropriately characterized and established using existing meteorological data from the Imperial County airport that not only meets the U.S. EPA's requirements but has been demonstrated to be representative of conditions at the Project site.¹³

Notwithstanding the Applicant's concerns with the use of the SBNRW meteorological data, the Applicant proposes a compromise. Specifically, the Applicant will utilize the single year of SBNRW meteorological data that is the most complete and treating it as representative of onsite meteorological data for use in its updated modeling. The Applicant intends to submit this revised air quality and public health assessment by the middle of January 2025.

The Applicant also continues to conduct outreach and meet with local community representatives and groups relating to the Project.

IV. SCHEDULE

On December 9, 2024, the Committee docketed the *Revised Joint Scheduling Order*, which provides an updated schedule for this proceeding. The Applicant appreciates the Committee's clear direction.

Throughout this proceeding, the Applicant has endeavored to work cooperatively with CEC Staff to provide the most complete and accurate responses possible to CEC Staff's requests for information. Most recently, the Applicant has been diligently working to not only address the five sets of informal data requests issued by CEC Staff, but to incorporate project design features that address the comments raised by tribal representatives and address comments raised by other parties and members of the public. These efforts have required the Applicant to work with the ICAPCD, IID, and other entities to obtain additional information to respond to CEC Staff's data requests. In some cases, prior models have required updating due to the issuance of a new version of AERMOD by the U.S. EPA on November 20, 2024, which required the Applicant to remodel prior models for incorporation into the cumulative impacts analysis requested by CEC Staff. While the Applicant does not agree with the characterization of several items relating to

¹¹ TN#: 256577.

¹² CEC Staff Status Report #15 (TN#: 260817) at p. 3.

¹³ TN#: 256577.

schedule in CEC Staff's *Status Report # 15*, the Applicant remains committed to working with CEC Staff, tribal representatives, and other parties to advance this proceeding in a timely manner.

Dated: December 31, 2024

Respectfully submitted,

ELLISON SCHNEIDER HARRIS & DONLAN L.L.P.

By _____

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