

DOCKETED

Docket Number:	23-AFC-03
Project Title:	Black Rock Geothermal Project (BRGP)
TN #:	250369
Document Title:	Black Rock Geothermal Project Data Adequacy Response Set 1
Description:	N/A
Filer:	Jerry Salamy
Organization:	Jacobs
Submitter Role:	Applicant Consultant
Submission Date:	5/29/2023 8:46:30 AM
Docketed Date:	5/29/2023

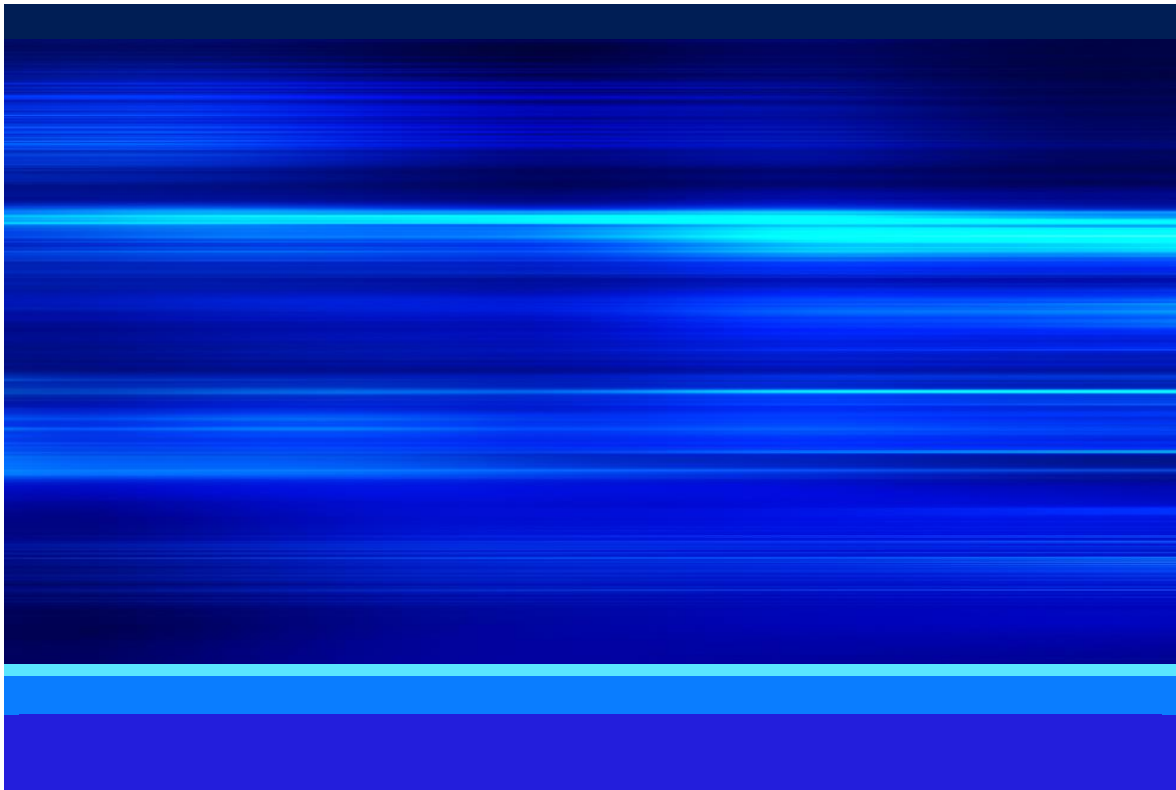
Data Adequacy Supplement

Submitted to
California Energy Commission

Prepared by
Black Rock Geothermal LLC

With assistance from
Jacobs

Black Rock Geothermal Project
(23-AFC-03)
May 26, 2023



Introduction

This Data Adequacy Supplement ("Supplement") to Black Rock Geothermal LLC's, an indirect, wholly owned subsidiary of BHE Renewables, LLC ("BHER"), Application for Certification (AFC) for the Black Rock Geothermal Project (23-AFC-03) provides information in response to the California Energy Commission ("CEC" or "Commission") Staff data adequacy review of the AFC. This Supplement provides additional information to support a determination by the Commission that the AFC contains adequate data to begin a power plant site certification proceeding under Title 20 of the California Code of Regulations and the Warren-Alquist Energy Resources Conservation and Development Act.

The format for this Supplement follows the order of the AFC and provides additional information and responses to CEC Staff's information requests for several disciplines. Only sections for which CEC Staff requested additional information related to data adequacy are addressed in this Supplement. If the response calls for additional appended material, it is included at the end of each subsection. Appended material is identified by the prefix "DA" indicating an item submitted in response to a Staff Data Adequacy comment, a number referring to the applicable AFC chapter, and a sequential identifying number. For example, the appendix in response to a Transmission System Engineering comment would be Appendix DA3.0-1, because the AFC section describing electrical transmission is Section 3.0. Tables are also numbered in this way. Appended material is paginated separately from the remainder of the document.

Each subsection contains data adequacy comments or information requests, with numbers and summary titles and, in parentheses, the citation from Appendix B (Information Requirements for an Application) of Title 20, California Code of Regulations indicating a particular information requirement for the AFC. Each item follows with the CEC Staff comment on data adequacy for this item, under the heading "Information required to make AFC conform with regulations" followed by Black Rock Geothermal LLC's response to the information request and the information requested.

Contents

Introduction	i
Acronyms and Abbreviations.....	1
1. Introduction/Project Overview.....	2
1. Ownership Information - Appendix B (a) (3) (A)	2
2. Legal Relationships - Appendix B (a) (3) (C).....	2
3. T-Line Section Figure - Appendix B (b) (2) (B).....	2
4. Well Descriptions - Appendix B (b) (3) (3).....	2
2. Transmission Line Safety & Nuisance.....	7
5. TLS&N Laws, Ordinances, Regulations, and Standards (LORS) Applicability - Appendix B (i) (1) (A)	7
5.1 Air Quality.....	10
5.2 Biological Resources	11
5.3 Cultural Resources	12
21. Copies of Reports - Appendix B (g) (2) (B)	12
22. ARMR Clarifications - Appendix B (g) (2) (C)	12
23. Revised Figures - Appendix B (g) (2) (C) (iv).....	14
24. Laws, Ordinances, and Regulations Updates - Appendix B (i) (1) (A)	14
25. Agency Contact Information – Appendix B (i) (1) (B).....	15
26. Agency Contact Information - Appendix B (i) (2).....	16
5.7 Noise and Vibration.....	17
27. Operational Noise at Site Boundary - Appendix B (g) (4) (D)	17
5.9 Public Health	18
28. Sensitive Receptors Map - Appendix B (g) (9) (D)	18
29. Chronic Exposure Definition - Appendix B (g) (9) (E) (iii)	18
5.14 Waste Management.....	19
30. Phase I ESA Date - Appendix B (g) (12) (A).....	19

Appendices

DA 5.3-1	Archaeological Technical Reports – CONFIDENTIAL
DA 5.3-2	Revised Cultural Maps - CONFIDENTIAL

Tables

Table DA 5.0-1	Design and Construction LORS for the Proposed Transmission Line and Switchyard
Table DA 5.0-2	National, State, and Local Agencies with Jurisdiction over Applicable LORS
Table DA 24.0-1	Summary of Laws, Ordinances, Regulations, and Standards for Cultural Resources
Table DA 25.0-1	Agency Contacts for Cultural Resources

Figures

Figure DA3.0-1 Visual Representation of Transmission Line Section

Figure DA4.0-1a Production Wells

Figure DA4.0-1b Injection Wells

Acronyms and Abbreviations

AFC	Application for Certification
ANSI	American National Standards Institute
ARMR	Archaeological Resource Management Report
BHER	BHE Renewables
CEC	California Energy Commission
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CNEL	Community Noise Equivalent Level
CPUC	California Public Utilities Commission
DA	Data Adequacy
EMF	Electric and Magnetic Fields
ENGP	Elmore North Geothermal Project
ESA	Environmental Site Assessment
FAA	Federal Aviation Administration
IEEE	Institute of Electrical and Electronics Engineers
LORS	laws, ordinances, regulations, and standards
NESC	National Electrical Safety Code
NFPA	National Fire Protection Association
NAHC	Native American Heritage Commission
NPCA	Notice of Proposed Construction or Alteration
PRC	Public Resource Code
TLS&N	Transmission Line Safety and Nuisance
USACE	US Army Corps of Engineers
USFWS	US Fish and Wildlife Service

1. Introduction/Project Overview

1. Ownership Information - Appendix B (a) (3) (A)

A list of all owners and operators of the site(s), the power plant facilities, and, if applicable, thermal host, the geothermal leasehold, the geothermal resource conveyance lines, and the geothermal re-injection system, and a description of their legal interest in these facilities.

Information required to make AFC conform with regulations:

Ownership interest of the project and the geothermal leasehold only is provided. More detailed ownership information specifying all additional aspects of the project is requested.

Response: All project features including the power plant site, generation tie line, well pads, pipelines, wells, and water pipelines will be owned and operated by Black Rock Geothermal LLC.

2. Legal Relationships - Appendix B (a) (3) (C)

A description of the legal relationship between the applicant and each of the persons or entities specified in (a)(3)(A) and (B).

Information required to make AFC conform with regulations:

A more full and detailed description of the relationships between the site, wells, linears (including transmission) or a statement that they are one and the same.

Response: Please see the response to Data Adequacy (DA)1.0-1.

3. T-Line Section Figure - Appendix B (b) (2) (B)

A full-page color photographic reproduction depicting a representative above ground section of the transmission line route prior to construction and a full-page color photographic simulation of that section of the transmission line route after construction.

Information required to make AFC conform with regulations:

There are one-line drawings on an aerial photo showing the alignment of all T-line alignments, Figure 5.13-2f includes a visual simulation of the T-line, and Appendix 3 contains a rendering of individual towers, but not a section. A visual representation of a section is requested.

Response: Figure DA3.0-1 presents a visual representation of a generation tie line section showing two transmission poles and conductors.

4. Well Descriptions - Appendix B (b) (3) (3)

...(E) Proposed locations of production and re-injection wells for the project. Include the applicant's assessment of geothermal resource adequacy, including the production history of those wells within the leaseholds dedicated to the project, including pressure decline curves as available...

Information required to make AFC conform with regulations:

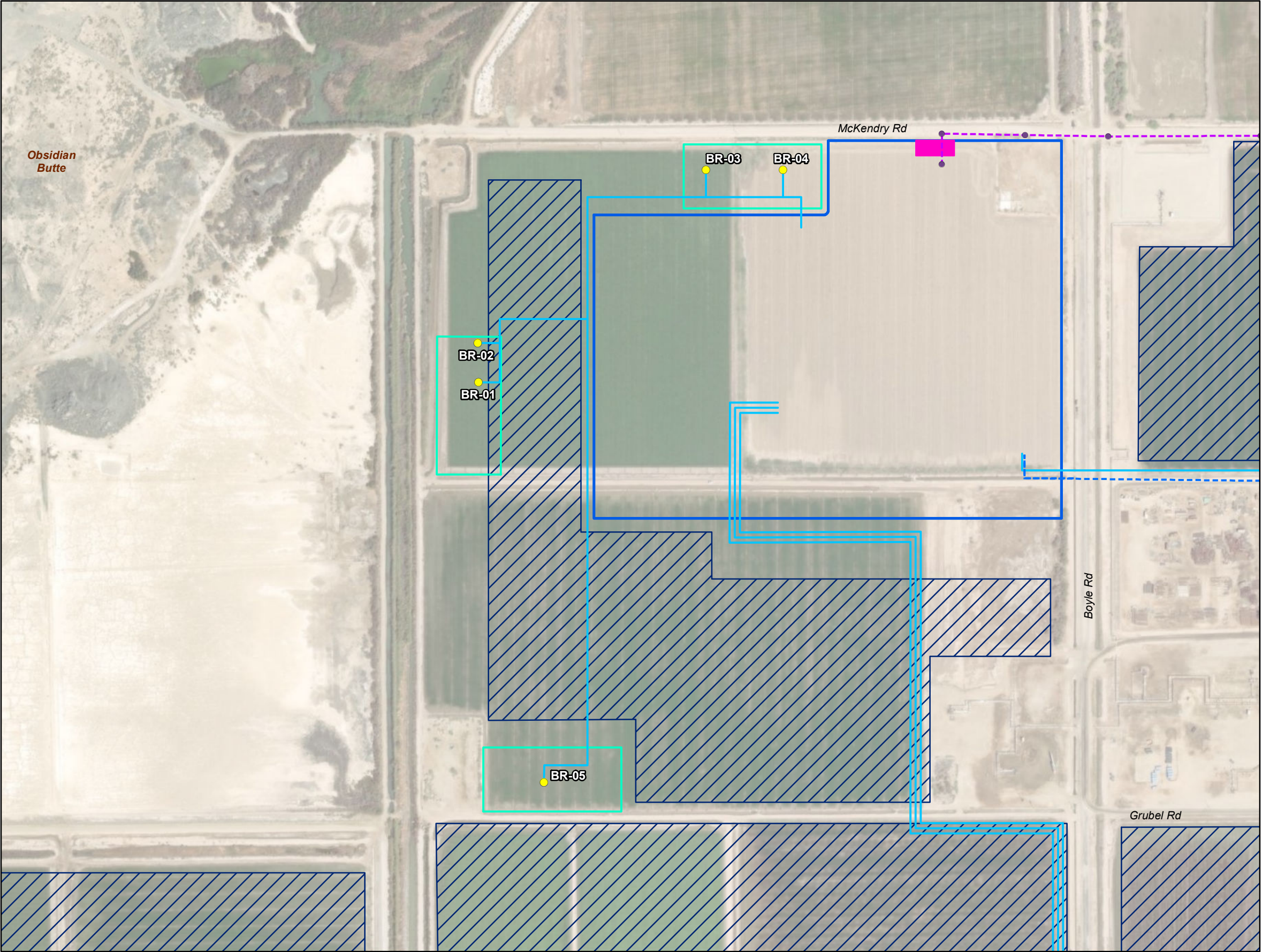


Figure DA3.0-1
Visual Representation of Transmission Line Section,
Black Rock Geothermal Project
Imperial County, California

Detailed discussion with well numbers, of all wells and well pads, including production, injection, and make-up wells, along with diagrams at a suitable scale, should be included in the AFC, as part of the larger discussion of the geothermal leases and site selection, suggest 2.3.3 with discussion headings for each well type.

Response: Figure DA4.0-1a shows the three production well pads and wells BR-01 to BR-05, at a suitable scale. The well pad with well BR-05 has sufficient space for additional wells to be added.

Figure DA4.0-1b shows the injection well pads and wells BR-CD-101/BR-AB-102, BR-IW-10/BR-IW-11, BR-IW-12, and BR-IW-13/BR-IW-14, at a suitable scale. Wells BR-CD-101 will receive condensate blowdown from the cooling tower. Well BR-AB-102 will receive aerated brine from the Class II surface impoundment. Wells BR-IW-10 to BR-IW-14 will receive spent geothermal fluid from the clarifier process. As shown, space has been allocated for an additional well to be added to the well pads.



- Legend**
- Plant
 - Well Pad
 - Production Well
 - Pipeline
 - Water Supply Pipeline
 - Gen-Tie Line Pole
 - Gen-Tie Line
 - Pull Site
 - Construction Laydown and Parking Areas

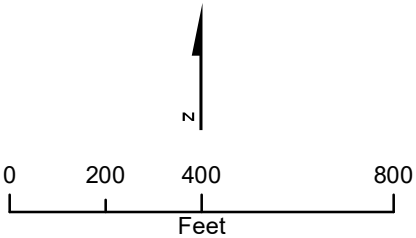
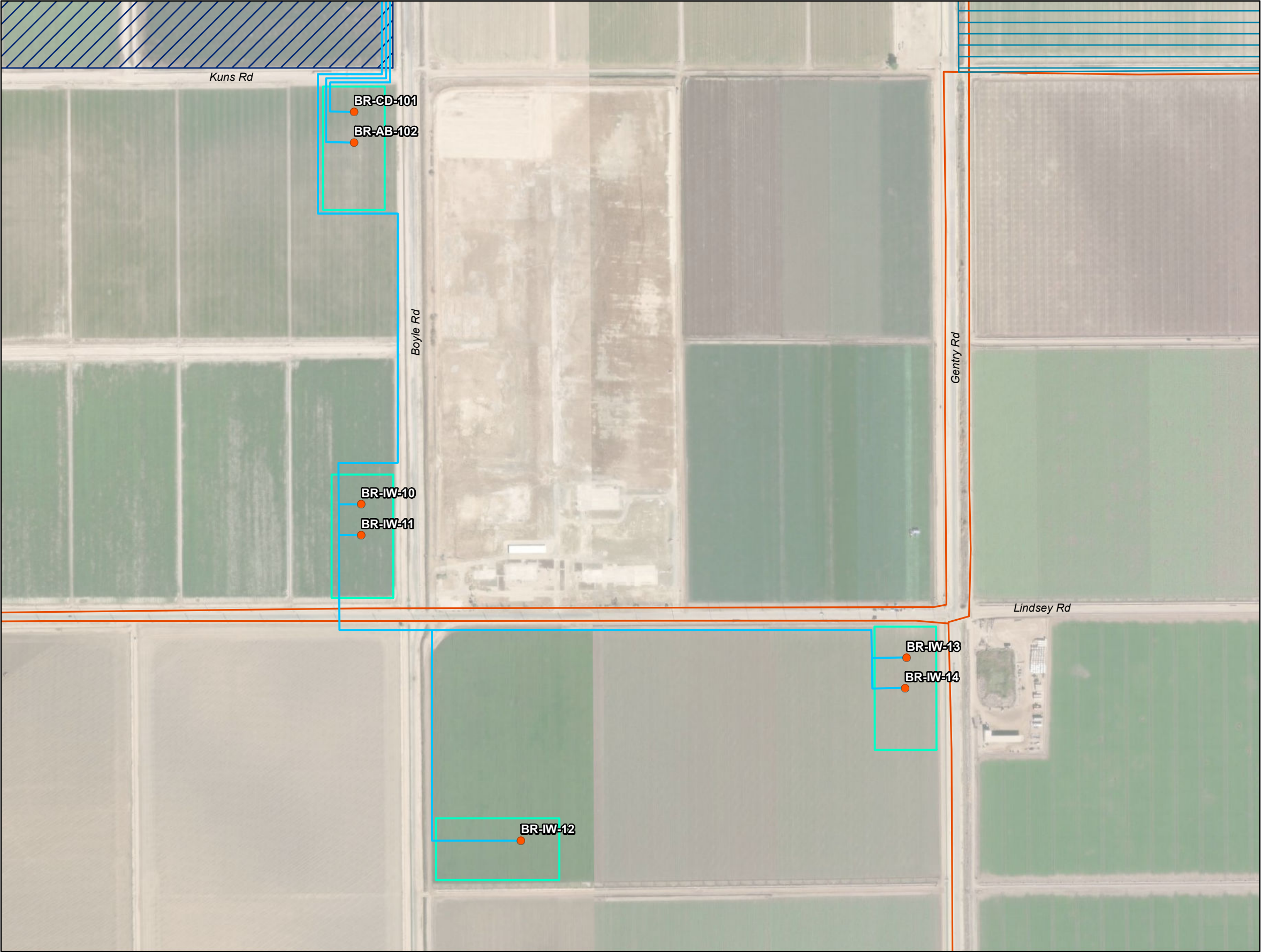


Figure DA4.0-1a
Production Wells
Black Rock Geothermal Project
Imperial County, California



- Legend**
- Well Pad
 - Injection Well
 - Pipeline
 - Construction Camp
 - Construction Laydown and Parking Areas
 - Existing Transmission/Distribution Power Lines

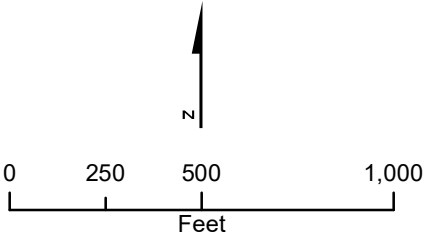


Figure DA4.0-1b
Injection Wells
Black Rock Geothermal Project
Imperial County, California

2. Transmission Line Safety & Nuisance

5. TLS&N Laws, Ordinances, Regulations, and Standards (LORS) Applicability - Appendix B (i) (1) (A)

Tables that identify laws, regulations, ordinances, standards, adopted local, regional, state, and federal land use plans, leases, and permits applicable to the proposed project, and a discussion of the applicability of, and conformance with each. The table or matrix shall explicitly reference pages in the application wherein conformance, with each law or standard during both construction and operation of the facility is discussed...

Information required to make AFC conform with regulations:

Provide a table including LORS relevant to TLS&N.

Response: Table DA5.0-1 provides the adopted local, regional, state, and federal laws ordinances, regulations, and standards applicable to the project's proposed transmission line, substations, and engineering.

Table DA5.0-1. Design and Construction LORS for the Proposed Transmission Line and Switchyard

LORS	Applicability
Title 8 CCR, Section 2700 et seq. "High Voltage Electrical Safety Orders"	Establishes essential requirements and minimum standards for installation, operation, and maintenance of electrical installation and equipment to provide practical safety and freedom from danger.
General Order-52, CPUC, "Construction and Operation of Power and Communication Lines"	Applies to the design of facilities subject to California Public Utility Commission's (CPUC) jurisdiction to provide or mitigate inductive interference.
ANSI/IEEE 593, "IEEE Recommended Practices for Seismic Design of Substations"	Recommends design and construction practices.
IEEE 1119, "IEEE Guide for Fence Safety Clearances in Electric-Supply Stations"	Recommends clearance practices to protect persons outside the facility from electric shock. Applies to the design of facilities subject to CPUC's jurisdiction to provide or mitigate inductive interference.
IEEE 980, "Containment of Oil Spills for Substations"	Recommends preventions for release of fluids into the environment.
Decision 93-11-013, CPUC	CPUC position on EMF reduction.
General Order-131-D, CPUC, "Rules for Planning and Construction of Electric Generation, Line, and Substation Facilities in California"	CPUC construction application requirements, including requirements related to EMF reduction.

LORS	Applicability
ANSI/IEEE 544-1994, "Standard Procedures for Measurement of Power Frequency Electric and Magnetic Fields from AC Power Lines"	Standard procedure for measuring EMF from an electric line that is in service.
8 CCR 2700 et seq. "High Voltage Electrical Safety Orders"	Establishes essential requirements and minimum standards for installation, operation, and maintenance of electrical equipment to provide practical safety and freedom from danger.
ANSI/IEEE 80, "IEEE Guide for Safety in AC Substation Grounding"	Presents guidelines for assuring safety through proper grounding of alternating current outdoor substations.
NESC, ANSI C2, Section 9, Article 92, Paragraph E; Article 93, Paragraph C	Covers grounding methods for electrical supply and communications facilities.
47 CFR 15.25, "Operating Requirements, Incidental Radiation"	Prohibits operations of any device emitting incidental radiation that causes interference to communications; the regulation also requires mitigation for any device that causes interference.
General Order-52, CPUC	Covers all aspects of the construction, operation, and maintenance of power and communication lines, and specifically applies to the prevention or mitigation of inductive interference.
Title 14 CFR, Part 77, "Objects Affecting Navigable Airspace"	Describes the criteria used to determine whether a "Notice of Proposed Construction or Alteration" (FAA Form 7450-1) is required for potential obstruction hazards.
Federal Aviation Administration (FAA) Advisory Circular No. 70/7450-1G, "Obstruction Marking and Lighting"	Describes the FAA standards for marking and lighting of obstructions as identified by FAA Regulations Part 77.
14 CCR Sections 1250-1258, "Fire Prevention Standards for Electric Utilities"	Provides specific exemptions from electric pole and tower firebreak and electric conductor clearance standards, and specifies when and where standards apply.
ANSI/IEEE 80, "IEEE Guide for Safety in AC Substation Grounding"	Presents guidelines for assuring safety through proper grounding of AC outdoor substations.
General Order-95, CPUC, "Rules for Overhead Electric Line Construction," Section 35	CPUC rule covers all aspects of design, construction, operation, and maintenance of electric transmission line and fire safety (hazards).

Notes:

ANSI = American National Standards Institute

IEEE = Institute of Electrical and Electronics Engineers

NESC = National Electrical Safety Code

NPCA = Notice of Proposed Construction or Alteration

Table DA5.0-2 identifies national, state, and local agencies with jurisdiction to issue permits or approvals, conduct inspections, or enforce the above-referenced LORS. Table 2 also identifies the responsibilities of these agencies as they relate to the Project construction, operation, and maintenance.

Table DA5.0-2. National, State, and Local Agencies with Jurisdiction over Applicable LORS

Agency or Jurisdiction	Responsibility
FAA	Establishes regulations for marking and lighting of obstructions in navigable airspace (AC No. 70/7450-1G).
CEC	Jurisdiction over new transmission lines from thermal power plants that are 50 MW or more to the first point of interconnection with the grid (PRC 25500).
CPUC	Regulates construction and operation of overhead transmission lines (GO-95).
CPUC	Regulates construction and operation of power and communications lines for the prevention of inductive interference (GO-52).
Local Electrical Inspector	Jurisdiction over safety inspection of electrical installations that connect to the supply of electricity (NFPA 70).
Imperial County	Establishes and enforces zoning regulations for specific land uses. Issues variances in accordance with zoning ordinances. Issues and enforces certain ordinances and regulations concerning fire prevention and electrical inspection.

Note:

PRC = Public Resources Code

5.1 Air Quality

Response to Air Quality DA #6 is underway and will be provided in June 2023.

5.2 Biological Resources

Responses to Biological Resources DA #7 - #20 are underway and will be provided in June 2023.

5.3 Cultural Resources

21. Copies of Reports - Appendix B (g) (2) (B)

...Copies also shall be provided of all technical reports whose survey coverage is wholly or partly within .25 mile of the area surveyed for the project under section (g)(2)(C), or which report on any archaeological excavations or architectural surveys within the literature search area...

Information required to make AFC conform with regulations:

a) Provide a copy of P-13-003258 (see Section 5.3.2.3.1, Table 5.3-2).

Response: P-13-003258 has been filed as Appendix DA 5.3-1 under a request for confidential designation.

b) Provide a copy of appendices B–C in IM-01385.

Response: Appendices B-C of IM-01385 are not on file with the South Coast Information Center. Therefore, we are unable to provide a copy to incorporate into the data adequacy supplement.

22. ARMR Clarifications - Appendix B (g) (2) (C)

...A technical report of the results of the new surveys, conforming to the Archaeological Resource Management Report format (CA Office of Historic Preservation Feb 1990), which is incorporated by reference in its entirety, shall be separately provided and submitted (under confidential cover if archaeological site locations are included)...

Information required to make AFC conform with regulations:

Describe the disposition of field notes and photographs per ARMR, p. 6; describe the depth and type of excavation required for each type of project component, per ARMR, p. 7; provide a schedule for project construction and implementation, per ARMR, p. 7; research design needs to address potential to encounter Native American archaeological resources (including buried archaeological resources) and tribal cultural resources, as the proposed project is adjacent to such, per ARMR, pp. 9–10; provide a bibliographic entry for Bee (1982) and Cleland and Apple (2003)

Response: Text to address each point has been added below in accordance with ARMR page reference.

ARMR, p. 6: Field notes and photographs, all of which are digital, are stored on PaleoWest's cloud-based database.

ARMR, p. 7: As shown in Figure 2.7a-d of the Application for Certification, all work will consist of standard construction/excavation techniques. Anticipated depths are as follows:

- Power Plant – Estimated excavation to a maximum depth of 5 feet.
- Gen Tie – Pier drilling to a maximum depth of 30 feet.
- Piping Corridor – Pier drilling to a maximum depth of 20 feet.
- Borrow Site/Construction Laydown/Construction Camp - Estimated excavation depth of 5 feet.
- Buried Pipe Corridor – Estimated excavation depth of 5 feet.
- Well Pad - Estimated excavation depth of 5 feet.
- IID Switching Station - Estimated excavation depth of 5 feet.

ARMR, p. 7: Construction of the Project is expected to begin no later than second quarter 2024 and full-scale commercial operation is expected to begin by the second quarter of 2026.

ARMR, p. 9-10

A research design has been developed to address potential Native American archaeological resources (including buried archaeological resources) and tribal cultural resources that may be encountered during Project implementation. Research-driven archaeological investigation typically focuses on broad research themes of local relevance. It is important that all of the themes be broadly defined, since the nature of the specific data used to address them is generally not known in advance, and it is, therefore, not possible or practical to predict all of the questions that may be relevant. This will ensure that fewer restrictions will be placed on the use of the data recovered from a site.

The research context presented herein focuses on the way that past human populations in Imperial County adapted to their environment, ascertaining when and how the environment and cultural behavior changed, and explaining why particular adaptations occurred. Among the many interrelated elements of human adaptation are technology, subsistence, land use, and settlement strategies, as well as external relations, including exchange systems, trade, and material conveyance. These aspects of adaptation can be studied archaeologically and, thus, have been the focus of regional studies. The existing research themes will be used to establish the context within which the significance of unanticipated discoveries can be evaluated. The major prehistoric themes and associated questions relevant to an assessment of Native American archaeological resources and tribal cultural resources that may be encountered during Project implementation include:

- **Chronology** – When was the site occupied? How do artifacts conform to patterns observed for the temporal components defined in the region?
- **Technology of Tool Manufacture and Use** – What kinds of tools were manufactured on site? Were lithic raw materials obtained exclusively from Obsidian Butte or are multiple raw material sources represented in the flaked stone assemblage? Do lithic artifacts and technologies reflect expedient manufacture and use or a more curated pattern of technology? What does this tell us about land use and mobility?
- **Settlement Organization and Land Use** – What does the artifact assemblage suggest about the range of activities conducted at the site? Are there artifact types with morphological and stylistic attributes that have specific regional or geographic affinities? Does the assemblage allow for investigations into trade and exchange?
- **Subsistence Behavior** – Are plant or animal remains available at the site to inform on subsistence behavior? Are there indications that certain resource types were preferentially exploited? What does this tell us about the seasonality of site use?

Bee, Robert L.

1982 The Quechan. In *The APS/SDG&E Interconnection Project, Miguel to the Colorado River and Miguel to Mission Tap: Identification and Evaluation of Native American Cultural Resources*, edited by Clyde Woods, pp. 34-55. Document on file with San Diego Gas & Electric Company.

Cleland, James H., and Rebecca McCorkle Apple

2003 A View Across the Cultural Landscape of the Lower Colorado Desert: Cultural Resource Investigations for the North Baja Pipeline Project. Prepared by EDAW, San Diego.

23. Revised Figures - Appendix B (g) (2) (C) (iv)

A map at a scale of 1:24,000 U.S. Geological Survey quadrangle depicting the locations of all previously known and newly identified cultural resources compiled through the research required by Appendix B (g)(2)(B) and Appendix B (g)(2)(C) (ii); and

Information required to make AFC conform with regulations:

Confidential Appendix 5.3A-D (results of survey) depicts the locations of newly identified cultural resources but does not map them at a scale of 1:24,000 on a USGS quadrangle; provide one or more maps of newly identified resources at the required scale and on specified base map.

Response: Revised maps at 1:24,000 scale on USGS quadrangle background have been filed as Appendix DA 5.3-2 under a request for confidential designation..

24. Laws, Ordinances, and Regulations Updates - Appendix B (i) (1) (A)

Tables that identify laws, regulations, ordinances, standards, adopted local, regional, state, and federal land use plans, leases, and permits applicable to the proposed project, and a discussion of the applicability of, and conformance with each. The table or matrix shall explicitly reference pages in the application wherein conformance, with each law or standard during both construction and operation of the facility is discussed; and...

Information required to make AFC conform with regulations:

CEQA Guidelines are discussed in section 5.3.5.1, not in section 5.3.2.1, as identified in Table 5.3-5.

Calif. HSC Sect. 7050.5 is not discussed in the application and not in the section identified in Table 5.3-5.

Calif. PRC Sect. 5097.98 is not discussed in the application and not in the section identified in Table 5.3-5.

Response: Conformance discussion regarding CA HSC 7050.5 and CA PRC 5097.8 is provided below:

CA Health and Safety Code 7050.5: The disposition of Native American burials is governed by Section 7050.5 of the California Health and Safety Code and by Sections 5097.94 and 5097.98 of the PRC and falls within the jurisdiction of the NAHC.

CA Public Resource Code 5097.98: If human remains are discovered, the county coroner must be notified within 48 hours and there should be no further disturbance to the site where the remains were found. If the coroner determines the remains to be Native American, the coroner is responsible for contacting the NAHC within 24 hours. The NAHC, pursuant to Section 5097.98, will immediately notify those persons it believes to be most likely descended from the deceased Native American so they can inspect the burial site and make recommendations for treatment or disposal. ENGP will comply with these requirements related to cultural resources as part of the anticipated mitigation measures for this Project.

Table 5.3-5 of the AFC has been corrected and provided as Table DA24.0-1.

Table DA24.0-1. Summary of Laws, Ordinances, Regulations, and Standards for Cultural Resource

LORS	Requirements Applicability	Administering Agency	Application for Certification Section Explaining Conformance
Federal			
Section 106, NHPA	Applies if the project would require a federal permit (such as a PSD permit). The lead federal agency must take into account the effect of issuing the permit on significant cultural resources.	California Office of Historic Preservation	N/A
State			
Warren-Alquist Act	Requires cultural resources be considered in consideration of an AFC.	CEC	Section 5.3.5.6
Health and Safety Code Section 7050.5	Construction may encounter Native American graves; coroner calls the NAHC.	State of California	Section 5.3.5
PRC Section 5097.98	Would apply only if some project lands were acquired by the state (currently no state land).	State of California	Section 5.3.5
CEQA Guidelines	Project construction may encounter archaeological and/or historical resources.	CEC	Section 5.3.5.1
Local			
Imperial County General Plan	Does not set requirements for cultural resources.	County of Imperial	N/A

25. Agency Contact Information – Appendix B (i) (1) (B)

Tables that identify each agency with jurisdiction to issue applicable permits, leases, and approvals or to enforce identified laws, regulations, standards, and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.

Information required to make AFC conform with regulations:

Provide local agency information (County of Imperial, Department of Planning and Development Services).

Response: Table 5.3-6 has been updated to include the requested contact and is provided as Table DA25.0-1.

Table DA25.0-1 Agency Contacts for Cultural Resources

Issue	Agency	Contact
Native American traditional cultural properties	Native American Heritage Commission	Cynthia Gomez, Executive Secretary Native American Heritage Commission 1550 Harbor Boulevard, Suite 100 West Sacramento, CA 95691 (916) 373-3710
Inadvertent Discovery of Human Remains	Imperial County Coroner	328 Applestill Road El Centro, CA 92243 (442) 265-2105
Inadvertent Discovery of Cultural Resources	CEC	Compliance Project Manager
Federal agency NHPA Section 106 compliance	California Office of Historic Preservation	Julian Polanco State Historic Preservation Officer 1423 23rd Street, Suite 100 Sacramento, CA 95816 (916) 445-7000
Imperial County permitting; Imperial County zoning and land use data; Imperial County engineering data	Imperial County Planning Division	Jim Minnick Planning & Development Services Director Email: jimminnick@co.imperial.ca.us

NHPA = National Historic Preservation Act

26. Agency Contact Information - Appendix B (i) (2)

The name, title, phone number, address (required), and email address (if known), of an official who was contacted within each agency, and provide the name of the official who will serve as a contact person for Commission staff.

Information required to make AFC conform with regulations:

Provide local agency information (County of Imperial, Department of Planning and Development Services)

Response: Please see the response to DA 25.

5.7 Noise and Vibration

27. Operational Noise at Site Boundary - Appendix B (g) (4) (D)

An estimate of the project noise levels, during both construction and operation, at residences, hospitals, libraries, schools, places of worship or other facilities where quiet is an important attribute of the environment, within the area impacted by the proposed project.

Information required to make AFC conform with regulations:

Only cooling tower noise level was provided (Section 5.7.3.3.3 p. 5.7-9 to 5.7-10); however, the aggregate noise level from all operational equipment was not provided. Please provide the project's total operational noise level at one of the project site boundaries.

Response: Title 9, Division 17, Renewable Energy Resources, of the Imperial County Code establishes an operational noise limit for renewable and geothermal power projects of 70 dBA CNEL limit at the "nearest human receptor site outside the parcel boundary, or one-half mile from the sound, whichever is greater." The CNEL limit of 70 dBA equates 63 dBA and the nearest human receptor site to the project is located over one mile away from the project site. BRGP's predicted noise impacts, including all steady-state operating equipment, at the nearest human receptor site is predicted to be less than 63 dBA.

5.9 Public Health

28. Sensitive Receptors Map - Appendix B (g) (9) (D)

A map showing sensitive receptors within the area exposed to the substances identified in subsection (g)(9)(A).

Information required to make AFC conform with regulations:

There is no map showing complete sensitive receptors. Figure 5.9-1 only shows PMI, MEIW, MEIR and maximally exposed sensitive receptor. Figure 5.9-2 only shows nearby residential receptors.

Response: No sensitive receptors were identified within 5 kilometers (km) of the Project with the nearest sensitive receptor (Calipatria High School School) located more than 10.5 km to the Southeast. As a result, no discrete sensitive receptors were included in the health risk assessment and each residential receptor was additionally analyzed as a sensitive receptor for a conservative assessment of risk. A map of these residential receptors assumed to be sensitive receptors is included in Figure 5.9-2 of the AFC.

29. Chronic Exposure Definition - Appendix B (g) (9) (E) (iii)

A chronic exposure is one that is greater than twelve (12) percent of a lifetime of seventy (70) years.

Information required to make AFC conform with regulations:

The applicant did define chronic toxicity but there is no definition regarding "a chronic exposure is one that is greater than twelve (12) percent of a lifetime of seventy (70) years."

Response: The second paragraph under the *Non-Cancer Risk* discussion of Section 5.9.3.1 "Risk Types" has been revised to clarify a chronic exposure with the following language: "A chronic exposure is defined by OEHHA as 24 hour per day exposures for at least a significant fraction of a lifetime, which is considered to be about 8 years (≥ 12 percent of a 70-year lifespan) (OEHHA 2015¹)."

¹ Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA). 2015. *Air Toxics Hot Spots Program Risk Assessment Guidelines*, Cal-EPA. February.

5.14 Waste Management

30. Phase I ESA Date - Appendix B (g) (12) (A)

A Phase I Environmental Site Assessment (ESA) for the proposed power plant site using methods prescribed by the American Society for Testing and Materials (ASTM) document entitled "Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process" (Designation: E 1527-93, May 1993), which is incorporated by reference in its entirety; or an equivalent method agreed upon by the applicant and Commission staff that provides similar documentation of the potential level and extent of site contamination. The Phase I ESA shall have been completed no earlier than one year prior to the filing of the AFC.

Information required to make AFC conform with regulations:

Evidence of the ESA being completed no more than one year ago shall be provided

Response: A copy of Phase I Environmental Site Assessment was filed on May 10, 2023 (TN#: 250087). The Phase I Environmental Site Assessment was completed on November 1, 2022.

Appendix DA 5.3-1
Archaeological Technical Reports –
CONFIDENTIAL



Appendix DA 5.3-2

Revised Cultural Maps - CONFIDENTIAL

