

DOCKET
09-AFC-7

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November 29, 2010

California Energy Commission
Docket Unit
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: **PALEN SOLAR I, LLC'S COMMENTS ON THE PRESIDING
MEMBER'S PROPOSED DECISION
PALEN SOLAR POWER PROJECT
DOCKET NO. (09-AFC-7)**

Enclosed for filing with the California Energy Commission is the original of
**PALEN SOLAR I, LLC'S COMMENTS ON THE PRESIDING MEMBER'S PROPOSED
DECISION**, for the Palen Solar Power Project (09-AFC-7).

Sincerely,



Marie Mills

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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application for Certification for the
PALEN SOLAR POWER PROJECT

DOCKET NO: 09-AFC-7

**PALEN SOLAR I, LLC'S COMMENTS
ON THE PRESIDING MEMBER'S
PROPOSED DECISION**

INTRODUCTION

In accordance with the Committee Order dated November 12, 2010 Palen Solar I, LLC (PSI), a wholly owned subsidiary of Solar Millennium LLC, hereby files its comments on the Presiding Member's Proposed Decision (PMPD) for its Palen Solar Power Project (PSPP). PSI appreciates the Committee's commitment to expediting the AFC process for the PSPP and especially thanks the Hearing Office for producing the PMPD so quickly. Our comments are organized by Section below.

PROJECT DESCRIPTION

Page 2, Second Paragraph

The reference to 200 acres of private land should be changed to 240 acres.

Page 11, Second Paragraph, Fourth Line

PSI recommends the following modification to this sentence to more accurately reflect the placement of fire hydrants within the site.

Fire hydrants would be place at intervals throughout the project **power block area of the** site that **and** would be supplied with water from the supply loop.

Page 12, Item 15, Second Line

The reference to a 120,000-gallon Demineralized Water Storage Tank should be changed to 340,000 gallons.

Page 15, Item c., Fourth Line

The reference to a 500-gallon gasoline tank should be modified to 250 gallons.

ALTERNATIVES

Page 12 Figure 2 and Page 15 Figure 3

The figures contained in the PMPD reflect earlier drawings for both Reconfigured Alternatives. PSI requests that these be replaced with Figures 2-2 and 2-3 attached to PSI's Opening Testimony, Project Description (Exhibit 57).

GENERAL CONDITIONS OF CERTIFICATION

Page 4, Compliance Project Manager Responsibilities, Last Line

In order to specify the CPM's flexibility in approving compliance submittals PSI requests the following be added to the end of this section.

The CPM may accept and approve compliance submittals that provide sufficient detail to allow construction activities to commence without the submittal containing detailed information on construction activities that will be commenced later in time.

TRANSMISSION SYSTEM ENGINEERING

Page 1, Fourth Paragraph, Third Line

The reference to double circuit 230-kV transmission line should be changed to single circuit.

Page 7, Condition of Certification TSE-1

Consistent with the Commission Decision for the Blythe Solar Power Plant (BSPP) PSI requests the Verification include the phrase "of the transmission facilities" after the "Prior to the start of construction" in the first line of the Verification.

WORKER SAFETY

Page 13, Condition of Certification WORKER SAFETY-6

Staff and PSI agreed to modify Condition of Certification **WORKER SAFETY-6** as follows to reflect that Caltrans has ultimate approval of any gate located within its I-10 Right of Way and the PMPD should be modified accordingly.

WORKER SAFETY-6 The project owner shall:

- a. Provide a **secondary site** access gate for emergency personnel to enter the site. This secondary **site** access gate shall be at least one-quarter mile from the main gate.
- b. Provide a second access road that comes to the site. This road shall be at a minimum an all-weather gravel road, at least 20 feet wide, and shall come from the Interstate-10 right-of-way to the project site at the location of where the fence line of the eastern solar field comes the nearest to the I-10 right-of-way. **If approved by Caltrans, Aa** locked gate shall be placed in the I-10 right-of-way fence. The RCFD, the California Highway Patrol, and the Riverside County Sheriff's Department shall be given access to the gate.
- c. Maintain the main access road and the second road and provide a plan for implementation.

Plans for the secondary **site** access gate, the method of gate operation, secondary gravel road, **the gate at the I-10 right-of-way if approved by Caltrans**, and to maintain the roads shall be submitted to the Riverside County Fire Department for review and comment and to the CPM for review and approval.

Verification: At least sixty (60) days prior to the start of site mobilization, the project owner shall submit to the Riverside County Fire Department and the CPM preliminary plans showing the location of a **secondary site** access gate to the site, a description of how the **secondary site access** gate will be opened by the fire department, and a description and map showing the location, dimensions, and composition of the main road, and the gravel road to the **secondary site access gate**.

At least thirty (30) days prior to the start of site mobilization, the project owner shall submit **the secondary site access gate** final plans plus the road maintenance plan to the CPM for review and approval. The final plan submittal shall also include a letter containing comments from the Riverside County Fire Department or a statement that no comments were received.

At least thirty (30) days after approval by Caltrans, the project owner shall submit final plans for the gate in the I-10 right-of-way to the Riverside County Fire Department for review and comment and to the CPM for review and approval.

Page 15, Condition of Certification WORKER SAFETY-9

Item iii of this condition should be replaced with the following to reflect the agreement between Staff and PSI.

- iii. Implementation of enhanced dust control methods (increased frequency of watering, use of dust suppression chemicals, etc. consistent with **AQ-SC4**) immediately whenever visible dust persists in the breathing zone of the workers, or when PM10 measurements obtained when implementing ii (above) indicate an increase in PM10 concentrations due to project activities of 50 µg/m³ or more.

WASTE MANAGEMENT

Page 15, Condition of Certification WASTE-9

As recommended in PSI's Opening Testimony, the following definition of release should be added as the last line to this condition consistent with the BSPP Final Decision.

For the purpose of this Condition of Certification, "release" shall have the definition in Title 40 of the Code of Federal Regulations, Part 302.3.

BIOLOGICAL RESOURCES

Page 86, Condition of Certification BIO-14

It appears that the following was omitted from the end of Item 1 of this condition.

weeds or the spread of highly invasive species, such as Sahara mustard. Non-native species with low ecological risk, or that are very widespread, such as Mediterranean grass, shall be noted but control shall not be required. When detected, infestations of high priority species shall be eradicated immediately.

Page 93, Condition of Certification BIO-18

Staff and PSI agreed that it would be best to include all habitat compensation acreages in the Tables included as part of Condition of Certification **BIO-29**. Item 4 of this condition was inadvertently not modified in our Opening Testimony. For consistency PSI requests that the reference to 78 acres be deleted from the five areas it is referenced. Since Section "A" of this condition already references Table 2 of **BIO-29**, no other changes are necessary.

PSI will be prepared to discuss these comments at the PMPD Conference and will, if requested by Committee, assist the Hearing Office in preparing errata to the PMPD.

Dated: November 29, 2010

Respectfully Submitted,

Original Signed
Scott A. Galati
Counsel to Palen Solar I, LLC



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**APPLICATION FOR CERTIFICATION
FOR THE PALEN SOLAR POWER
PLANT PROJECT**

Docket No. 09-AFC-7

**PROOF OF SERVICE
(Revised 8/27/10)**

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DECLARATION OF SERVICE

I, Marie Mills, declare that on November 29, 2010, I served and filed copies of the attached **PALEN SOLAR I, LLC's COMMENTS ON THE PRESIDING MEMBER'S PROPOSED DECISION**, dated November 29, 2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[\[http://www.energy.ca.gov/sitingcases/solar_millennium_palen\]](http://www.energy.ca.gov/sitingcases/solar_millennium_palen)

The documents have 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)

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- sent electronically to all email addresses on the Proof of Service list;
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CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-7
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
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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.



Marie Mills