

**State of California
Energy Resources Conservation and Development Commission**

In the Matter of:)	Docket No. 08-AFC-2
)	
Application for Certification)	STAFF'S SUPPLEMENTAL
for the Beacon Solar Energy Project)	BRIEF AND TESTIMONY
)	ASSESSING IMPACTS AT THE
_____)	WASTEWATER FACILITIES

Following the evidentiary hearing, CURE raised several questions about the Rosamond and California City recycled water options. To address CURE's questions, staff recommended in its reply brief that the hearing record be reopened to admit clarifying information on the two wastewater expansions. The following is staff's supplemental evidence and testimony.

I. STAFF'S SUPPLEMENTAL TESTIMONY CLARIFIES THAT CALIFORNIA CITY AND ROSAMOND WILL BE THE LEAD AGENCIES FOR ENVIRONMENTAL REVIEW OF EACH CITY'S WASTEWATER TREATMENT PLANT EXPANSIONS.

Attached are the declarations from Dennis LaMoreaux and Michael Bevins stating that each city will be performing California Environmental Quality Act, (CEQA) review of the wastewater treatment plant upgrades. (Declaration of Dennis LaMoreaux attached as **Exhibit 507**. Declaration of Michael Bevins attached as **Exhibit 508**.)

II. THE SUPPLEMENTAL TESTIMONY CLARIFIES WHAT CHANGES WILL BE OCCURING AT EACH WASTEWATER TREATMENT FACILITY.

A. ROSAMOND FACILITY

The Rosamond Community Services District has been planning for the conversion of secondary treated waste water into tertiary treated waste since the late 1990s. The first phase of this process started in 1999 which resulted in the conversion of 500,000 gallons a day of secondary treated waste water into tertiary treated. (Declaration of

Dennis LaMoreaux, paragraph 2.) Phase I was designed with the current Phase II upgrades in mind. (LaMoreaux declaration, paragraph 3.)

Attached as **Exhibit B** to the LaMoreaux declaration are two maps, one showing the location of the proposed phase II upgrades at the facility and the other, a drawing of the proposed upgrades. As can be seen, the upgrades occur mainly within an existing pond, a highly degraded and controlled environment. Pond expansion is proposed to extend onto an existing fenced 20-acre section of degraded land within the existing wastewater treatment facility. (LaMoreaux declaration, paragraph 4)

The upgrades and retrofits consist of converting the existing pond secondary treatment to multiple specialized ponds for tertiary treatment, including Advanced Facultative Ponds, High Rate Ponds, Algae Settling Ponds and Maturation Ponds. In addition, some existing equipment installed during phase I will be retrofitted. (LaMoreaux declaration, paragraph 5)

As part of the phase II expansion, a 20-acre section of facility property will be converted into a wastewater pond as anticipated in the phase I negative declaration. As can be seen from the map, the phase II expansion takes place on fenced property already part of the wastewater treatment facility and is adjacent to facility equipment and other wastewater ponds. (LaMoreaux declaration, paragraph 5)

The seasonal storage pond utilized by the BEACON project will be placed completely within one of the existing ponds that will be abandoned after the additional tertiary treatment facility is built. (LaMoreaux declaration, paragraph 10)

B. CALIFORNIA CITY FACILITY

CALIFORNIA City plans to expand the wastewater treatment facility's recycled water production capacity from 1.5 million gallons per day (mgd) to 3.0 mgd (the "WWTF expansion"). The WWTF expansion and the addition of sewer mains and connections to

residences and businesses currently on a septic system has been in the planning stages for eight years. (Bevins declaration paragraph 4)

The WWTF expansion and addition of sewer mains and connections would involve: the installation of new sewer mains and connections to be located within City streets on City-owned land or within City-owned easements as shown in the City's proposal to provide recycled water to the Project. The proposal involves installation of a recycled water pipeline from the WWTF to the Project, upgrade of the head works, aerator, clarifier, and tertiary filter, and replacement of the chlorination equipment with UV disinfection at the WWTF. (Bevins declaration paragraph 4)

III. BOTH ROSAMOND AND CALIFORNIA ANTICIPATE THE WASTEWATER TREATMENT PLANT UPGRADES WILL REQUIRE A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

Rosamond anticipate phase II of its plan will require only a negative declaration or mitigated negative declaration because the majority of the upgrades will occur within an existing waste water pond and many upgrades are retrofits on existing equipment. (LaMoreaux declaration, paragraph 4)

The findings and conclusions of the phase I negative declaration are highly relevant to the phase II project, given the location of phase II and overlapping use of phase I components. Therefore, a review of the Phase I negative declaration provides a good estimate of what the phase II environmental document will likely resemble. (LaMoreaux declaration, paragraph 7)

A past expansion to the California City WWTF was addressed in a mitigated negative declaration. Given that the proposed WWTF expansion is not anticipated to cause any significant environmental impacts and the new sewer mains and connections will occur in existing streets within the city, California City is expecting to prepare another mitigated negative declaration for the proposed WWTF expansion. (Bevins declaration paragraph 21)

IV. SUPPLEMENTAL TESTIMONY CLARIFIES WHY STAFF DID NOT EVALUATE A POTENTIAL PIPELINE TRANSVERSING EDWARDS AIR FORCE BASE.

As part of Rosamond's proposal to provide recycled water to the BEACON project, two pipeline routes were noted. One of these routes transverses lands owned by Edwards Air Force Base. This route would only become part of the longer pipeline to the BEACON project if the Air Force Base were to build the line to service its own proposed solar power plant facility or other base use. Because it is unknown whether Edwards will build the line, especially in time for connection with the Beacon project, it is reasonable to anticipate the likely route would be the alternative alignment west of the base. (LaMoreaux declaration, paragraph 9)

V. AS STATED IN STAFF'S REPLY BRIEF, THE UPGRADES AT BOTH WASTEWATER TREATMENT PLANTS ARE EXPECTED TO OCCUR REGARDLESS OF THE BEACON PROJECT. BUT TO SUPPLEMENT THE RECORD, STAFF PROVIDES THE FOLLOWING ENVIRONMENTAL ASSESSMENT OF THE WASTEWATER FACILITY UPGRADES.

To provide the Committee with additional information that addresses CURE's questions, staff proposes entering the attached testimony into the record through declaration. For those technical areas in which parties desire to cross examine witnesses, staff will make those witnesses available at the evidentiary hearing.

1. For Air Quality, see the supplemental testimony and declaration of Matthew Layton attached as **Exhibit 509**.
2. For Biological Resources, see the supplemental testimony and declaration of Susan Sanders attached as **Exhibit 510**.
3. For Cultural Resources, see the supplemental testimony and declaration of Kathleen Forrest and Beverly Bastian attached as **Exhibit 511**
4. For Land Use, see the supplemental testimony and declaration of Shaelyn Strattan attached as **Exhibit 512**.

5. For Noise, see the supplemental testimony and declaration of Erin Bright attached as **Exhibit 513**.
6. For Paleontology and Geology, see the declaration of Dal Hunter attached as **Exhibit 514**.
7. For Soil & Water, see the supplemental testimony and declaration of Casey Weaver attached as **Exhibit 515**.
8. For Traffic and Transportation, see the supplemental testimony and declaration of David Flores attached as **Exhibit 516**.
9. For Visual Resources, see the supplemental testimony and declaration of Mark Hamblin attached as **Exhibit 517**.
10. For Waste Management, see the supplemental testimony and declaration of Casey Weaver attached as **Exhibit 518**.
11. Attached as **Exhibit 519** is a fact sheet describing the current physical characteristics of the Rosamond Treatment facility and expected impacts from phase II construction.
12. Attached as **Exhibit 520** is an aerial view of the California City Wastewater Treatment Plant.

VI. AFTER REVIEWING ADDITIONAL INFORMATION FROM KERN COUNTY REGARDING FIRE PROTECTION AND EMERGENCY SERVICES, STAFF BELIEVES MITIGATION IS WARRANTED.

Attached as **Exhibit 521** is staff's supplemental testimony and proposed Condition of Certification requiring the applicant to pay Kern County \$400,000.00 a year as mitigation for impacts to fire protection and emergency services. Staff has determined that the revised mitigation being requested by Kern County is generally consistent with

and falls within the range of that requested for other power plants in other counties. (Supplemental testimony and declarations of Geoff Lesh and Rick Tyler, Exhibit 520)

Staff is now aware that the level of fire protection that was initially determined to be adequate will not be sustainable due to proposed Kern County budgetary shortfalls that will impact its fire services. Staff is now aware of other large power plants proposed for Kern County (e.g., Ridgecrest, Hydrogen Energy CA) that will make similar demands on local fire and emergency services, thereby resulting in increasing demands on county fire and emergency services. Historical solar thermal power plant emergency response requests have averaged between 2-3 incidents per five years.

Staff understands that Kern County and the Applicant are in the process of negotiating an impact fee. While it is preferable for the parties to resolve this issue, if agreement can not be reached by the time of the Presiding Member's Proposed Decision, staff would recommend implementation of its Condition of Certification.

VII. THE SUPPLEMENTAL TESTIMONY CREATES AN EVIDENTIARY RECORD THAT EXCEEDS THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

An Environmental Impact Report, (EIR) must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project. (*Laurel Heights Improvement Association v Regents of University of California* (1988) 47 Cal.3d 376, 404-405) Staff believes the record accomplishes this in each of the over twenty technical areas covered in the FSA. Regardless of how the upgrades at the two wastewater facilities are characterized, the BEACON record is extensive, complete and goes beyond the requirements of CEQA and Energy Commission regulations. In addition to the 1100-page Final Staff Assessment, staff has now provided an environmental assessment of the upgrades to be implemented at the two wastewater treatment facilities even though both projects will be subject to separate environmental assessments by the respective lead agencies.

An evaluation of environmental effects of a proposed project need not be exhaustive, and the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. The courts have looked not for perfection but for adequacy, completeness and a good faith effort at full disclosure. (Cal. Code Regs., tit. 14, §15151) The FSA and supplemental testimony present a level of information well above mere adequacy and ensures an ample record for the Commission's decision.

Date: June 1, 2010

Respectfully submitted,

JARED J. BABULA
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