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BEFORE THE ARIZONA CORPORATION COM

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COMMISSIONERS:

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KRISTIN K. MAYES – Chairman

GARY PIERCE

PAUL NEWMAN

SANDRA KENNEDY

BOB STUMP

DOCKET NO. L-00000NN-09-0541-00151
DOCKET CONTROL**RESPONSE BY INTERVENOR SUSAN A. MOORE-BAYER**

I do not want the stay, placed on the CEC for Hualapai Valley Solar, lifted until the Corporation Commission or the Administrative Judge can explain to the landowners of Mohave County why the General Plan Policy incorporated for Mohave County taxpayers can be ignored. Mohave County Policy 3.5 clearly states “Mohave County will only approve power plants using “dry cooling” technology when the aquifer is threatened by depletion or subsidence”. This policy became effective in 2008.

Mohave County is more interested in money than **public values**. It has been made clear to the public through this intervention process, that the Mohave County Board of Supervisors avoided and/or ignored the water issues that concern the taxpayers of Mohave County. In their own words, (see the videos) the Board of Supervisors and the Planning and Zoning Commissioners have stated that they were not allowed to concern themselves with water issues in the rezoning process. They have left this decision up to the State.

During my intervention, I had to ask Mr. Victor, the Hydrologist representing Hualapai Valley Solar, several times, “In your opinion, is the Hualapai aquifer in depletion?” He kept saying the “Basin” was not in depletion, but he would not commit to the aquifer being in depletion until we walked him through the steps. By this I mean, we got him to admit that all of the basins are fed by the aquifer when they begin to lose water depth. He finally admitted that we were correct and that the Hualapai aquifer shows to be in depletion. He also, finally admitted that there is a material change in the demand for water and no water report has ever been submitted to the ADWR. Therefore, according to the water adequacy analysis issued for the Red Lake Subdivision on November, 2007 by the ADWR, the analysis is invalid.

The witness for Mohave County, Christine Ballard, stated there were several material changes in the application for water supply analysis; therefore, the county concurs the analysis given in November, 2007 is invalid. It is obvious to this intervener that allotting water adequacy for a subdivision containing residences, that would take thirty years to build out, places much less demand on an aquifer than an industrial plant that will draw 3000 acre feet of water a year.

It has been testified to by the Mayor of Kingman, John Salem that the figures of the amount of influent and the availability of the effluent are uncertain to date. Mr. Salem testified he did not know what percentage recharge from the Hilltop Plant was going down into the Hualapai aquifer. He stated

there was a study on that in 1992.

Knowing that many of the newly built homes in Kingman were being placed on septic systems, (i.e.: The Rancho Santa Fe Subdivision, the Vista Bella Subdivision etc., etc.) I asked Mr. Salem how many new septic systems were approved in Kingman every year. He said he did not know. I asked if he knew what percentage of new construction is on septic. He does not know. He did testify that should the septic fail and be required to hook up to a sewer that feeds the Hilltop plant, there is no infrastructure in place. This intervenor noticed that in his testimony, the totals he used for influent included totals from both of the treatment plants being used by Kingman. The southside plant has no infrastructure available to move that influent or treated water to the Hilltop plant. It appears the amount of treated water available might be overstated because of the use of the figures combined by both plants.

This intervenor asked Mr. Greg Bartlett if he knew what affect his company would have on the Cerbat Water District if his company could not use the effluent and he stated he had no idea. Mike Neal, speaking for the Cerbat Water Company stated that as long as HVS uses effluent, it should not affect his water company's ability to service its customers.

Wildlife?

Mr. Mike LaRow testified that the environmental impact study has not been completed. The concerns the people and this intervenor have concerning protection of the wildlife were not met.

For example:

Question: How long does it take these mirrors and oil tubes to cool down so they no longer release particulate matter? Answer: No matter will be released.

ADEQ studies and hearing testimony for the North Star Steel Plant that was shut down because of particulate matter and other environmental concerns states that when the water droplets hit the hot surfaces, it immediately evaporates and produces airborne particulate matter (PM). This PM then becomes airborne thus causing air pollution. The severity of the pollution is measured by the amount of total dissolved solids (TDS) found in the water being used for cooling. The TDS in the Red Lake area and the Hualapai aquifer has recently been tested and it measures 1559/772 parts per million. This figure is almost twice the federal recommendations for ground water. This intervenor does not know how this company will prevent PM from being released when the cooling process is being preformed.

Question: Will this process increase the TDS that is returned to the aquifer? Answer: I don't know.

Question: Has the water been checked for arsenic? Question: Not yet.

Question: Bats fly and harvest by sonar. These particulates that will be released in the area will cause the bats to consume the particulate matter, giving the bats the impression that they have fed on insects. Will the PM contain arsenic as we often find in the Hualapai aquifer? Answer: I don't know.

Question: Is this PM dangerous to the special status species of bats? Answer: No. This intervenor

wonders how, giving consideration to previously asked questions, Mr. LaRow knows that the bats will not be harmed. He continued by answering that he was not aware of any studies done that prove the bats will not be harmed in giving his "no" answer. He has no results from studies.

Fire District?

Neither Mr. Bartlett nor Mr. LaRow knew if the project is in a fire district. Mr. LaRow testified that nothing has been budgeted for fire protection at this stage. This intervenor is concerned that the same blow out that occurred at the SEGS Plant in Daggett, California could occur at HVS. Fire safety should be a serious concern in the planning and permitting consideration given this plant. The SEGS plant burned to the ground causing serious damage to many acres of land.

Existing infrastructure and damage to it?

This intervenor asked the County's witness, Christine Ballard, who would be responsible for maintaining, widening and replacing the "chip seal" roads planned for access to the HVS site. These roads are not asphalt roads, the county used chip seal to prevent dust. They were to rebuild the roads in asphalt as the traffic demanded in the future. Mrs. Ballard said that decision would be up to the county engineers. Supervisor Gary Watson told the taxpayers that there were no plans to improve Stockton Hill Road and in any event, the taxpayers will not pay for infrastructure for HVS. According to Mr. LaRow, HVS has made no plans to improve Stockton Hill Road. This catch twenty-two should be solved and the taxpayers should be informed as to how much it will cost the taxpayers to rebuild and repair this main access to the HVS plant.

Fit and Proper?

This intervenor would prefer to witness a more intensive line of questioning of Mitchell Dong, Don Van Brunt and Jim Rhodes as to what their true plans are for our community. As of this date, I have not seen Jim Rhodes or Mitchell Dong at any of the public meetings where I could have the opportunity to discuss their plans for our community.

Inclusive conditions requested for issuance of CEC.

1. HVS will cause to be produced an Adequate Water Supply Analysis prepared for this project by the ADWR and will supply ADWR the required water reports.

A. If this requirement is not allowed because of state law, then... HVS will be required to set up a trust fund to cover the cost of and to be distributed to any landowner or the Cerbat and Truxton Canyon Water Companies who has a well requiring redrill or repair due to the loss of water caused by the depletion/overdraw of the Hualapai aquifer. This fund shall be maintained for the life of the solar plant activity.

2. HVS will receive a binding commitment from the Kingman City Council for the quality and quantity of effluent necessary to cover no less than half of the HVS water needs prior to the start up of production or 1800 acre feet per year for 5 years. This agreement shall be renewed no later than 5 years from the date of signing. The renewal at signing shall include

a guarantee of 3000 acre feet of effluent per year. (Intervener pleads the legal staff will word this provision to conform to the laws of the State of Arizona.)

3. The CEC approval shall be subject to a timely submitted environmental impact study that explains adequate care has been taken to protect all wildlife in the area, including the bats.
4. The CEC approval shall be subject to HVS submitting a fire protection and emergency plan, including but not limited to hydrants capable of producing an output of water at the rate of 1000 gals a minute. Written consultation from a wildland fire chief is advised.
5. The excessive use of the roads by the semi trucks that will be necessary to build HVS should be addressed. Taxpayers should not be held accountable for the cost of replacing or repairing Stockton Hill Road or Pierce Ferry Road due to semi truck traffic. HVS shall meet with the Engineers of Mohave County and compile a written agreement between the county and HVS as to what extent HVS will pay for damage and necessities required by the roadway usage.
6. The CEC shall be issued subject to the Corporation Commission's decision that shall state that the owners, managers, consultants etc. are all fit and proper in accordance with the policies, rules and laws of the State of Arizona and the United States Federal government.
7. All conditions regarding the labor force and the hiring of Mohave County residents as stated in the original line sitting statement should remain or be improved.
8. All conditions set forth by the line sitting committee regarding plant expansion and the use of only dry cooled methods should remain as stated.

As stated above, this intervener is not a lawyer, so any improvements that can be made by the attorneys in this action that will improve the conditions I have set above would be much appreciated.

RESPECTFULLY SUBMITTED BY:

Susan A Moore - Bayer

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Date 7/27/2010

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