

DOCKETED

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Project Title:	Compliance - Application for Certification for LUZ Solar Electric Generating Systems Cogeneration Unit VIII
TN #:	201203
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CALIFORNIA ENERGY COMMISSION

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**NOTICE OF DETERMINATION
PETITION TO MODIFY THE PROJECT DESCRIPTION
FOR THE SEGS VIII PROJECT
(88-AFC-1C)**

On June 11, 2013, NextEra Energy Resources filed a petition with the California Energy Commission (Energy Commission) requesting to modify the SEGS VIII facility. An addendum to the petition was filed on June 26, 2013. The 80-megawatt project was certified by the Energy Commission on March 29, 1989, and began commercial operation in December 1989. The facility is located near Hinkley, in San Bernardino County, California.

DESCRIPTION OF PROPOSED MODIFICATION

The petition proposes to construct a 1,600-square-foot, single-story building on the SEGS VIII site, to be used as a combined employee break room and training/conference facility, constructed in compliance with existing laws, ordinances, regulations, and standards (LORS). The petition and addendum are available on the Energy Commission web page at <http://www.energy.ca.gov/dockets/#pre1999>.

ENERGY COMMISSION STAFF REVIEW AND DETERMINATION

A Notice of Receipt for this petition was mailed on June 28, 2013 to interested parties and property owners adjacent to the facility stating a public hearing for the purpose of approving, denying, or modifying the amendment proposal would be held at a regularly scheduled Energy Commission business meeting. Energy Commission technical staff reviewed the petition for potential environmental effects and consistency with applicable LORS and determined a public hearing at a regularly scheduled Energy Commission business meeting would not be needed.

Staff has determined that the technical or environmental areas of Cultural Resources, Efficiency, Hazardous Materials Management, Public Health, Noise and Vibration, Socioeconomics, Soil and Water Resources, Traffic and Transportation, Transmission Line Safety and Nuisance, Transmission System Engineering, Visual Resources, Waste Management, and Worker Safety and Fire Protection are not affected by the proposed changes, and no revised or new conditions of certification are needed to ensure the project remains in compliance with all applicable LORS and existing conditions of certification.

Air Quality staff confirmed with Mojave Desert Air Quality Management District (MDAQMD) that no permit conditions need to be changed nor would any Air Quality Conditions of Certification. MDAQMD has approved the petition, and the slight temporary emissions increase due to construction equipment would not cause significant air quality impacts.

Biological Resources staff finds that if the project owner implements the existing conditions of certification during construction, there would be no impacts to biological resources from the project.

Geological and Paleontological Resources staff finds there is no possibility that the modification would have a significant effect on the environment and would not result in a

change or deletion of a condition adopted by the Commission or make changes that would cause SEGS VIII noncompliance with any applicable LORS.

Land Use staff finds the construction of the new building consistent with the Land Use Condition of Certification in the 1989 Commission Decision for the SEGS VIII project if the project owner secures the Chief Building Official’s approval of plans and permits for the building.

Socioeconomic staff states that the proposed modification would have no significant socioeconomic impacts and would be consistent with Socioeconomics Condition of Certification 1 (**SOCIO-1**) in the 1989 SEGS VIII Commission Decision. Since 1989, two new, potentially applicable LORS (section 17620 of the Education Code, and sections 65996–65997 of the California Government Code) have been passed. Staff contacted a representative from the Barstow Unified School District and was advised that the district does not collect developer fees to offset the cost for school facilities. Since no fees would be collected, the two post-1989, potentially applicable LORS do not affect the proposed modification.

Traffic and Transportation staff finds the proposed amendment would have no significant effect on traffic and transportation, nor would it affect the Traffic and Transportation Conditions of Certification in the 1989 SEGS VIII Commission Decision.

The Visual Resources analyst states that the proposed modification would have no significant impacts as long as the painting and lighting of the building conform to those required by the conditions of certification in the original SEGS VIII Commission Decision.

Staff’s conclusions for each technical area are summarized in the following table.

Summary of Technical Area Responses to Petition

TECHNICAL AREAS REVIEWED	STAFF RESPONSE	
	Technical Area Not Affected	Process As Staff-Approved Project Modification
Air Quality		X
Biological Resources		X
Cultural Resources	X	
Efficiency	X	
Geological and Paleontological Resources		X
Hazardous Materials Management	X	
Land Use		X
Noise and Vibration	X	
Public Health	X	
Socioeconomics		X
Soil and Water Resources	X	
Traffic and Transportation		X

TECHNICAL AREAS REVIEWED	STAFF RESPONSE	
	Technical Area Not Affected	Process As Staff-Approved Project Modification
Transmission Line Safety & Nuisance	X	
Transmission System Engineering	X	
Visual Resources		X
Waste Management	X	
Worker Safety and Fire Protection	X	

Section 1769(a)(2), Title 20, California Code of Regulations states, “(w)here staff determines that there is no possibility that the modifications may have a significant effect on the environment, and if the modifications will not result in a change or deletion of a condition adopted by the commission in the final decision or make changes that would cause the project not to comply with any applicable laws, ordinances, regulations, or standards, no commission approval is required....”

Pursuant to that section, Energy Commission staff has determined that for this petition an approval by the full Commission is not required and the proposed modifications meet the criteria for approval at the staff level because:

- The modification will not have any significant effect on the environment;
- Existing conditions of certification are sufficient to cover the proposed modification without changes to, or deletions of, any conditions of certification; and
- The project as modified will maintain full compliance with applicable LORS.

This Notice of Determination is being provided to interested parties and property owners adjacent to the facility site. Any person may file an objection to staff’s determination within 14 days of the date of this notice on the grounds that the project modification does not meet the criteria set forth in section 1769(a)(2).

An objection to staff’s determination may be e-filed, using the Energy Commission’s e-commenting feature, by going to the Energy Commission’s e-filing and e-commenting webpage, <http://www.energy.ca.gov/e-filing/index.html> and clicking on the “Comment on a Power Plant Proceeding” link. A full name, e-mail address, comment title, and either a comment or an attached document (in the .doc, .docx, or .pdf format) are mandatory. After entering CAPTCHA (a challenge-response test used to ensure that responses are generated by a human user), click on the “Agree & Submit Your Comment” button to submit the objection to the Energy Commission Dockets Unit. Written objections may also be mailed or hand-delivered to:

California Energy Commission
 Dockets Unit, MS-4
 Docket No. 88-AFC-1C
 1516 Ninth Street
 Sacramento, CA 95814-5512

All objections, comments, and materials filed with the Dockets Unit will become part of the public record of the proceeding. Additionally, e-filed objections, comments, and materials will be posted on the Energy Commission's e-filing and e-commenting webpage.

For information on participating in the Energy Commission's review of the SEGS VIII Project, please contact the Energy Commission's Public Adviser at (916) 654-4489, or at (800) 822-6228 (toll-free in California). The Public Adviser's Office can also be contacted via e-mail at publicadviser@energy.ca.gov. News media inquiries should be directed to the Energy Commission Media Office at (916) 654-4989, or by e-mail at mediaoffice@energy.ca.gov.

If you have questions about this notice, please contact Dale Rundquist, Compliance Project Manager, at (916) 651-2072, or by fax to (916) 654-3882, or via e-mail at Dale.Rundquist@energy.ca.gov.

Date: _____

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