

## DOCKETED

<b>Docket Number:</b>	09-AFC-05C
<b>Project Title:</b>	Abengoa Mojave Compliance
<b>TN #:</b>	200039
<b>Document Title:</b>	Petition to Amend the Commission's Certification of the Abengoa Mojave Solar Project
<b>Description:</b>	N/A
<b>Filer:</b>	Tiffani Winter
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<b>Submitter Role:</b>	Applicant's Representative
<b>Submission Date:</b>	7/25/2013 11:58:08 AM
<b>Docketed Date:</b>	7/25/2013

**Petition to Amend the Commission's Certification of the  
Abengoa Mojave Solar Project**

**09-AFC-5C**

**July 24, 2013**

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## **1.0 Introduction and Overview of Proposed Amendment**

Pursuant to Section 1769 of the Commission’s Siting Regulations,<sup>1</sup> Mojave Solar LLC (“MSLLC”), hereby submits to the California Energy Commission (“Commission” or “CEC”) this petition for modification (“Petition”) of the certification for the Abengoa Mojave Solar Project (“MSP”) (09-AFC-5, approved September 8, 2010), hereinafter “Final Decision.”<sup>2</sup>

MSLLC is proposing to enhance the MSP project design by removing the two 21.5 MMBtu/hr natural gas fired, low-NOx burner auxiliary boilers (the “Natural Gas Boilers”). The Natural Gas Boilers are no longer necessary because MSP will not use natural gas fired boilers of any kind. MSLLC is requesting a Staff Approved Modification pursuant to Section 1769(a)(2) for the removal of the Natural Gas Boilers for the following reasons: (1) there is no possibility that the modification may have a significant effect on the environment; (2) these changes will not result in a change or deletion of the conditions of certification as Air Quality Conditions of Certification (AQ-1 to AQ-8) relating solely to the auxiliary boilers will simply no longer be applicable<sup>3</sup>; and (3) the modification will not interfere with the project’s ability to comply with any applicable laws, ordinances, regulations, or standards.

Sections 2.0 through 8.0 of this Petition contain all of the information required in Section 1769 of the CEC’s Siting Regulations. A complete description of the proposed modification is discussed below.

## **2.0 Description of Proposed Modification**

Section 1769(a)(1)(A) of the Commission’s regulations requires a complete description of the proposed modification, including new language for any conditions that will be affected.

This Petition proposes modification of the project design of the MSP to remove the two 21.5 MMBtu/hr natural gas fired auxiliary boilers with low-NOx burner systems (Natural Gas Boilers) previously approved for the project, which are no longer necessary because MSP will not use natural gas fired boilers. In doing so, MSP also completely avoids the need to construct a natural gas line, thus completely avoiding the potential impacts associated with gas line construction.

Instead of using natural gas fired auxiliary boilers for equipment freeze protection and HTF freeze protection as described in the Final Decision<sup>4</sup>, the MSP will utilize heat transfer fluid (“HTF”) electric heaters. One HTF electric heater will be incorporated into the HTF piping system in each power block. The electric heater is a small vessel, and will not change the

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<sup>1</sup> Cal. Code Regs., tit. 20, § 1769.

<sup>2</sup> Abengoa Mojave Solar Project Commission Decision, Doc. No. 09-AFC-5, CEC-800-2010-008-CMF(Sept. 2010).

<sup>3</sup> While MSLLC believes that there is no need to delete Conditions AQ-1 to AQ-8 as they would simply be inapplicable, MSLLC would not object to filing an amendment in the future asking the Commission to delete these conditions if Staff approves the requested modification to the MSP project description.

<sup>4</sup> See, for example, Abengoa Mojave Solar Project Commission Decision, Doc. No. 09-AFC-5, CEC-800-2010-008-CMF, Introduction p. 3. (Sept. 2010).

physical appearance of the power block when viewed from the outside. The electric heater will be used for freeze protection of the HTF. This electric heater will take the full flow of the recirculation pump (20% of the total flow of the main circulation pumps) from the solar field return junction as the inlet. The heated fluid exiting the electric heater will be sent to the expansion vessel bottoms header. As additional protection, the HTF pumps can be circulated at high flow to add heat to the HTF, preventing freezing. The goal is to maintain the HTF above 120°F at all times to ensure that there are no cold spots in the solar field that might freeze. These are the same basic functions served by the natural gas fired units, but with the all-electric system, MSP avoids the need to burn natural gas for freeze protection.

New condition of certification language is not required as there are no significant effects on the environment requiring mitigation, as discussed below, and other CEC conditions of certification (including, for example, MECH and ELEC) remain intact. In fact, the proposed modification will have potential environmental benefits associated avoiding the need to burn natural gas. Moreover, because the modification will not be subject to new or additional laws, ordinances, regulations, or standards, new or revised condition language is not needed to ensure compliance with any applicable laws, ordinances, regulations, or standards.

### **3.0 Necessity of Proposed Amendment**

This modification is needed to reflect the updated design of the project to eliminate the use of natural gas auxiliary boilers, which will instead be replaced by two HTF electric heaters. The electric heaters are a more reliable means to provide equipment freeze protection and HTF freeze protection than the natural gas fired auxiliary boilers. Use of the electric heaters will also eliminate the use of natural gas by MSP.

### **4.0 The Amendment is not based on information known at the time of the certification proceeding**

Section 1769(a)(1)(C) states that “if the modification is based on information that was known by the petitioner during the certification proceeding, [the petition must contain] an explanation why the issue was not raised at that time.” The proposed modifications are not based on information known by MSLLC during the certification proceeding as the boiler design changed subsequent to approval by the Commission of the project.

### **5.0 The Amendment is not based on new information that changes or undermines the assumptions, rationale, findings, or other bases of the final decision.**

Section 1769 (a)(1)(D) of the Commission’s Siting Regulations requires a discussion of whether the proposed amendment is based on new information that changes or undermines the assumptions, rationale, findings, or other bases of the final decision. This amendment is not based on new information and the amendment does not undermine the assumptions, rational, findings, or other bases of the final decision.

Air Quality conditions AQ-1 through AQ-8 will no longer be applicable, and all Conditions of Certification in the Decision remain unchanged by this proposed amendment.

## **6.0 Environmental Analysis of the Proposed Amendment and Compliance with Applicable Laws, Ordinances, Regulations and Standards**

There are no significant environmental impacts from this modification. Removal of these Natural Gas Boilers and the complete avoidance of construction of the natural gas pipeline will only reduce the potential air quality impacts of the MSP by removing an emissions source from the construction and operation of the MSP. Because the electric heaters will be completely integrated into the HTF piping system already approved for the MSP power blocks, there will be no additional ground disturbance from the change in project design. Therefore, there will be no adverse impacts relating to biological resources, soils and water, cultural resources, and geological and paleontological resources. Furthermore, because the electric heaters do not contain any moving parts, and are completely silent, there will be no adverse noise impacts from the modification. Finally, as stated above, the electric heaters will be completely integrated into the HTF piping system contained in the two MSP power blocks. Because the vessels are small and will fit into the approved piping system, there will be no substantial changes to the physical appearance of the power block. Therefore, there will be no adverse visual impacts as a result of the change.

The MSP will continue to comply with all applicable laws, ordinances, regulations, and standards.

## **7.0 Potential Effects on the Public Related to the Proposed Amendment**

Section 1769(a)(1)(F) requires that a petition discuss how the modification affects the public.

This modification will update the project description to reflect the removal of the two 21.5 MMBtu/hr natural gas fired auxiliary boilers with low-NOx burner systems (Natural Gas Boilers) and replacement with an electric heater. This modification will not adversely affect the public as it will result in decreased emissions from the project, will not result in substantial adverse environmental impacts, and will not otherwise adversely change the environmental analysis of the project contained in the Final Decision.

## **8.0 Potential Effects on Property Owners Related to the Proposed Amendment and List of Property Owners**

Section 1769(a)(1)(H) requires a list of property owners potentially affected by the modification. This proposed modification merely updates the project description, and will have no adverse environmental effects. Therefore, no property owners will be affected by the proposed modifications. Nevertheless, the following table lists property owners within two miles of the Project.

<u>APN</u>	<u>Owner Name</u>	<u>Address</u>	<u>Description of Use</u>
049017111	Leimbach, Walter W.	15635 Lockhart Rd,	Manufactured home on fee land, in subdivision

		Hinkley, CA 92347	
04901711	Cardiel, Maria	15563 Lockhart Rd, Hinkley, CA 92347	Two Single Family Residences
049012116	Holmes, Constance M.	41374 Harper Lake Rd, Hinkley, CA 92347	Manufactured Home, fee land
04901711	Sciortino, Vito and Sciortino, Loretta	15563 Lockhart Ranch Rd, Hinkley, CA 92347	Single Family Residence
049017133	Estate of Barbara Kalk, c/o Michael James Valenzuela	41361 Edie Rd, Hinkley, CA 92347	Single Family Residence
04901713	Ajemundt, Teodoro	15654 Roy St, Hinkley, CA 92347	Manufactured Home, fee land
049012137	Olivas, Ricardo	41234 Harper Lake Rd, Hinkley, CA 92347	Bees, worms, etc.

## 9.0 Conclusion

The modification sought by this Petition will decrease already less than significant air quality impacts from the MSP due to the removal of the Natural Gas Boilers. The modification is proposed in a manner that assures compliance with all applicable LORS and has no adverse impact on the environment or any interested member of the public. Therefore, MSLLC respectfully requests Staff approval within 14 days of the change in project description to remove the natural gas fired boilers, and replace those boilers with an electric heater.