

DOCKETED

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Project Title:	Abengoa Mojave Compliance
TN #:	201206
Document Title:	Notice of Determination
Description:	Replacement of gas-fired heaters with electric heaters.
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CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
www.energy.ca.gov



**NOTICE OF DETERMINATION
PETITION TO AMEND THE PROJECT DESCRIPTION
FOR THE ABENGOA MOJAVE SOLAR PROJECT
(09-AFC-5C)**

On July 24, 2013, Mojave Solar, L.L.C., filed a petition with the California Energy Commission requesting to amend the project description of the Abengoa Mojave Solar Project (MSP). The 250-megawatt MSP was certified by the Energy Commission on September 8, 2010, and is approximately 75 percent construction complete. The facility is located near Hinkley, in San Bernardino County, California.

DESCRIPTION OF PROPOSED MODIFICATIONS

The modification proposed in the petition would lower the project emissions by replacing two 21.5 MMBtu/hr natural gas-fired, low-NOx-burner, auxiliary boilers with two heat transfer fluid (HTF) electric heaters. The electric heaters would be used for freeze protection of the HTF. The Petition to Amend is available on the Energy Commission web page at <http://www.energy.ca.gov/sitingcases/abengoa/> in the Compliance Proceeding section.

ENERGY COMMISSION STAFF REVIEW AND DETERMINATION

A Notice of Receipt for this petition was mailed on August 20, 2013 to interested parties and property owners adjacent to the site 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 laws, ordinances, regulations, and standards (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 Biological Resources, Cultural Resources, Facility Design, Land Use, Noise and Vibration, Paleontological Resources, Public Health, Socioeconomics, Soil and Water Resources, Transmission Line Safety and Nuisance, Transmission System Engineering, and Waste Management are not affected by the proposed change, and no revisions or new conditions of certification are needed to ensure the project remains in compliance with all applicable LORS and existing conditions of certification in the Final Decision for these areas.

Air Quality technical staff confirmed with Mojave Desert Air Quality Management District (MDAQMD) that MDAQMD no longer holds valid District permits for the two 21.5 MMBtu/hr natural gas-fired, low-NOx-burner, auxiliary boilers. Air Quality staff concurs that the project modification would lower the project emissions and would have no adverse effect on air quality.

Hazardous Materials Management technical staff determined that the modification would not have a significant effect on the environment and would not result in a change to or deletion of a condition adopted by the Commission in the Final Decision or make changes that would cause MSP noncompliance with any applicable Hazardous Materials LORS.

Traffic and Transportation technical staff determined that the modification would not have a significant effect on traffic resources and the project would remain in compliance with all applicable LORS pertaining to traffic and transportation.

Visual Resources technical staff determined that the modification would not have a significant effect on visual resources and the project would remain in compliance with all applicable LORS pertaining to visual resources.

Worker Safety and Fire Protection technical staff determined that the modification would not have a significant effect on the environment and would not result in a change to or deletion of a condition adopted by the Commission in the Final Decision, or make changes that would cause MSP noncompliance with any applicable LORS.

A summary of staff's conclusions reached in each technical area are summarized in the following table.

Summary of Technical Area Response 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	
Hazardous Materials Management		X
Facility Design	X	
Land Use	X	
Noise and Vibration	X	
Paleontological Resources	X	
Public Health	X	
Socioeconomics	X	
Soil and Water Resources	X	
Traffic and Transportation		X
Transmission Line Safety & Nuisance	X	
Transmission System Engineering	X	
Visual Resources		X
Waste Management	X	
Worker Safety and Fire Protection		X

Pursuant to section 1769(a)(2), Title 20, California Code of Regulations, “(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....”

Energy Commission staff has determined that approval by the full Commission is not required and the proposed modification meets 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 Mojave Solar Project webpage, <http://www.energy.ca.gov/sitingcases/abengoa/> (Compliance Proceeding section) and clicking on the "Submit e-Comment" 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. 09-AFC-5C
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 MSP webpage.

For information on participating in the Energy Commission's review of the MSP, 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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