

DOCKETED

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February 13, 2023

John Heiser
California Energy Commission
Siting, Transmission & Environmental Protection Division
715 P Street, MS-2000
Sacramento, CA 95814

Re: SEGS IX (89-AFC-01C) Final Decommissioning Plan and Petition to Terminate License - Staff Analysis Comments

Dear Mr. Heiser:

Project Owner Luz Solar Partners, Ltd., IX, an indirect wholly owned subsidiary of Terra-Gen, LLC, herein provides the following comments for consideration to the Solar Energy Generating System (SEGS) IX (89-AFC-01C) Final Decommissioning License Termination Staff Analysis dated February 2, 2023 (TN# 248659).

1. We request that the text in the third paragraph on page 18 of the Staff Analysis be corrected, as outlined below, to accurately reflect conditions D-S&W-1 and D-S&W-2 included on page 93 of the Staff Analysis.

Soil and Water Resources. Decommissioning activities would take place within the existing facility footprint. In addition to the existing COCs in the Decision, the project owner is proposing three additional conditions, **D-S&W-1** through **D-S&W-4**, to ensure that impacts of the decommissioning and closure activities on soil and water resources would be less than significant. Condition of Certification **D-S&W-1** requires the project owner to ~~submit a notice of intent for construction under the~~ implement the Project's existing General National Pollutant Discharge Elimination System (NPDES) Permit for ~~Discharges of Storm Water Associated with Construction Activity to the State Water Resources Control Board (SWRCB)~~ decommissioning and demolition to mitigate potential water resource impacts during demolition activities. According to Condition **D-S&W-2** the project owner would ~~develop and~~ implement ~~a~~ the existing Storm Water Pollution Prevention Plan (SWPPP) for the decommissioning and demolition of SEGS IX. The SWPPP ~~would identify~~ identifies erosion control measures to be implemented and maintained during decommissioning and demolition activities. ~~The SWPPP would be submitted to San Bernardino County for review and comment and to the CPM for approval prior to the start of decommissioning activities.~~ Condition **DS&W-3** requires that any underground utility lines and piping that will be abandoned in place shall be cut, grouted, and capped at or below the ground surface. A map of all abandoned in place utility lines and piping shall be prepared and submitted before decommissioning and closure are finalized.



2. We request that the text in the second paragraph on page 49 of the Staff Analysis be revised, as outlined below. Without the SEGS projects, funding for the endowment would not exist. We take our environmental stewardship and responsibility as well as our commitment to safe work practices very seriously. It is our expectation that all of our employees and contractors maintain the same level of conscientious responsibility.

The decommissioning process would increase the heavy vehicle traffic and use of heavy equipment to enter and exit the facility site. It is expected that truck trips would be approximately 30 per day or 1,814 during the duration of demolition as well as 30 vehicle trips per day by employees [TN 242500 Attachment C]. This increase in traffic increases the risk of the Harper Lake Road fence, or culvert, being damaged by the decommissioning activities. The use of various equipment on site increases the risk of the existing tortoise fencing around the SEGS IX facility being damaged by the decommissioning activities. If damage were to occur to the existing desert tortoise exclusion fence around the site, desert tortoise could enter the SEGS IX site. Additional damage to the Harper Lake Road fence may result in desert tortoise reaching Harper Lake Road. In both cases, increasing the risk of mortality to desert tortoise, including from vehicle strikes. The project owner currently inspects and repairs the existing desert tortoise exclusion fence around the facility site and would continue to do so per **D-BIO-2**. However, the desert tortoise exclusion fence along Harper Lake Road is monitored and maintained by the Desert Tortoise Preserve Committee with funds provided by an endowment [established via the Harper Lake Road Tortoise Monitoring and Fencing Agreement and mitigation payment from the Project owner for construction and operation of the SEGS IX and X Projects](#). The initial funds placed in the endowment did not consider any potential damages caused by the additional truck trips and worker vehicle trips associated with decommissioning. Per the DTPC, there was at least one reported incident of a project related vehicle colliding with the Harper Lake Road fence during Abengoa Mohave Solar Project operations (Lee 2023). [Harper Lake Road is a public use, County road that is also utilized by residents and other travelers for access to the area](#). There were additional collisions that caused damage [to the desert tortoise exclusion fence](#) that drivers did not take responsibility for and were not attributed to a specific project [or person](#).

Luz Solar Partners, Ltd., IX appreciates Staff's attention to and processing of the Final Decommissioning Plan and Petition to Terminate License and respectfully requests CEC incorporate the above requested revisions into the final Staff Analysis.

Respectfully submitted,

Kevin Butler

Kevin Butler
Vice President
Terra-Gen Development Company, LLC