

DOCKETED

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CALIFORNIA ENERGY COMMISSION

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**NOTICE OF DETERMINATION
PETITION TO INSTALL A SECOND BRINE CRYSTALLIZER TO THE
ZERO LIQUID DISCHARGE SYSTEM
FOR THE PASTORIA ENERGY FACILITY PROJECT
(99-AFC-7C)**

A petition has been filed with the California Energy Commission by Pastoria Energy Facility, LLC, requesting to modify the Pastoria Energy Facility project. The 750-megawatt project was certified by the Energy Commission in December 2000, and began commercial operation in January 2003. The facility is located approximately 30 miles south of the City of Bakersfield, in Kern County.

DESCRIPTION OF PROPOSED MODIFICATIONS

The modifications proposed in the petition would be to install a second brine crystallizer to Pastoria's Zero Liquid Discharge system (ZLD). The addition of a second crystallizer will allow the plant to process water more efficiently and will not result in any significant adverse effect on the environment. The Petition to Amend is available on the Energy Commission web page at http://docketpublic.energy.ca.gov/PublicDocuments/99-AFC-07C/TN200113_20130802T170206_Pastoria_Energy_Facility_Brine_Crystallizer_Amendment_No_10.pdf

ENERGY COMMISSION STAFF REVIEW AND DETERMINATION

Energy Commission technical staff reviewed the petition to amend for potential environmental effects and consistency with applicable laws, ordinances, regulations, and standards (LORS). Staff has determined that the technical or environmental areas of Air Quality, Facility Design, Hazardous Materials Management, Land Use, Noise and Vibration, Public Health, Socioeconomics, Transmission Line Safety and Nuisance, Transmission System Engineering, Visual Resources, and Worker Safety and Fire Protection are not affected by the proposed changes, 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 Decision.

For the technical area of Cultural Resources, Geology and Paleontology, Soil and Water Resources, and Waste Management, staff has determined that the project would continue to comply with applicable LORS and will not change any conditions of certification. Staff also notes the following for these technical areas:

- Cultural Resources – with the implementation of existing conditions of certification, the proposed modification would not have a significant effect on cultural resources.
- Geology and Paleontology - construction must conform to the latest edition of the California Building Codes, and all conditions of certification.

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- Soil and Water Resources - the project owner must submit an updated schematic of the ZLD system in compliance with Condition of Certification SOIL&WATER-6.
- Waste Management - the project owner must continue to comply with Condition of Certification WASTE-8. This condition of certification concerns the testing of crystallizer salt cake for the presence of hazardous levels of metals.

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	No Significant Environmental Impact*	Process As Staff Approved Project Modification	Revised Conditions of Certification Recommended
Alternatives	X			
Air Quality	X			
Biological Resources	X			
Cultural Resources		X	X	
Efficiency	X			
Facility Design	X			
Geology and Paleontology		X	X	
Hazardous Materials Management	X			
Land Use	X			
Noise and Vibration	X			
Public Health	X			
Socioeconomics	X			
Soil and Water Resources		X	X	
Traffic and Transportation	X			
Transmission Line Safety & Nuisance	X			
Transmission System Engineering	X			
Visual Resources	X			
Waste Management		X	X	
Worker Safety and Fire Protection	X			

*There is no possibility that the proposed modifications would have a significant effect on the environment, and the modifications would not result in a change in or deletion of a condition adopted by the Commission in the Final Decision, or make changes that would cause project noncompliance with any applicable laws, ordinances, regulations, or standards (20 Cal. Code Regs., § 1769(a)(2)).

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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 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.

Any person may file a written 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). Absent any relevant objections, the amendment petition will be approved 14-days after this notice is docketed. An objection to staff’s determination may be submitted using the Energy Commission’s e-commenting feature, as follows: Go to the Energy Commission’s Pastoria Energy Facility webpage and click on the “Submit e-Comment” link. Provide contact information – a full name, e-mail address, comment Title, and either a comment or an attached document are required. Type your comments into the “comment Text” field, or upload a document with your comments. The maximum upload file size is 10MB, and only .doc, .docx, or .pdf attachments will be accepted. Enter the challenge-response used by the system to prevent spamming and to ensure that responses are generated by a human user and not a computer. Then click on the “Agree & Submit your Comments” button to submit your comments to the Energy Commission Dockets Unit for review. When your comments are approved and docketed, you will receive an e-mail with a link to them on the facility webpage.

Written comments or objections may also be mailed or hand delivered to:

California Energy Commission
Dockets Unit, MS-4
Docket No. 99-AFC-7C
1516 Ninth Street
Sacramento, CA 95814-5512

All comments and materials filed with the Dockets Unit will become part of the public record of the proceeding.

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If you have questions about this notice, please contact Mary Dyas, Compliance Project Manager, at (916) 651-8891, or by fax to (916) 654-3882 or e-mail at mary.dyas@energy.ca.gov.

For further information on how to participate in this proceeding, please contact the Energy Commission Public Adviser's Office at (916) 654-4489, or at (800) 822-6228 (toll free in California), or by 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.

Date: _____

Original signed by Christopher J. Marxen
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