

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512



June 11, 2006

Mr. Douglas Hahn,  
Project Manager  
URS Corporation  
8181 East Tufts Avenue  
Denver, CO 80237

RE: Proposed Noise Amendment for the Niland Gas Turbine Plant Project

Dear Mr. Hahn:

On April 4, 2007, staff of the California Energy Commission received your letter relating to the minor proposed amendment for Condition of Exemption Noise-3 for the Niland Gas Turbine Plant Project. The project owner is proposing this change due to evolving engineering and design modifications to the plant inlet air systems, primarily an increase in the number of necessary chiller fans. The change in design has resulted in a different noise profile for the project which at times exceeds the limitations imposed upon the Niland Gas Turbine Plant (NGTP) project by the Energy Commission's decision and Condition of Exemption **NOISE-3**.

The plant's gas turbine generators will be equipped with mechanical chillers to cool the inlet air, reducing the degradation of the plant power output under conditions of high ambient temperature. Imperial Irrigation District (IID) found it necessary to add more chiller fans than were originally contemplated, thus increasing the amount of noise produced during operation of the chillers. This increased noise level would not violate noise laws, ordinances, regulations and standards (LORS) and would not cause annoyance during the daytime. However, it would violate LORS and cause annoyance during the nighttime. Therefore, IID will forego operation of the chillers during the nighttime hours. This will result in reduced plant power output during the nighttime, which IID prefers to the considerable expense of quieting the chillers to meet the lower nighttime noise limits.

Specifically, IID requests that the plant be allowed to produce more noise during daytime hours than is permissible under the Commission Decision, which had adopted one noise level, the nighttime limit of 45 dBA. During daytime hours, the chillers would be operated to maximize the power output. In order to accommodate this operational scenario, Condition of Exemption **NOISE-3** must be amended.

Energy Commission staff sees merit in IID's proposal. The NGTP is predicted to produce a noise level during the daytime of 48 dBA. This would not violate the LORS limit of 50 dBA. Further, this plant-generated noise level, when compared to the higher

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ambient daytime noise levels, would not produce significant impacts at the nearby residences. Should plant noise cause annoyance for nearby residents, Condition of Exemption **NOISE-2** has mandated a noise complaint resolution process that offers nearby residents a means to remedy such a situation.

### **MITIGATION MEASURES AND CONDITIONS**

The mitigation proposed by IID (foregoing operation of the inlet air chillers at night) would comply with applicable LORS and adequately protect nearby residents.

This modification requires the following changes to Condition of Exemption **NOISE-3** (added text underlined):

**NOISE-3**, paragraph 1, modify as follows:

“The project design and implementation shall include appropriate noise mitigation measures adequate to ensure that operation of the project will not cause resultant noise levels due to the project to exceed an hourly average of 45 dBA Leq at any existing residential receivers during nighttime hours (10 p.m. to 7 a.m.), and an hourly average of 50 dBA Leq at any existing residential receivers during daytime hours (7 a.m. to 10 p.m.). No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints. The production of pure tones during normal plant operation is not allowed.”

**NOISE-3**, paragraph 3, modify as follows:

“If the results of the noise surveys indicate that noise levels at any of these receptors, caused by the project, exceed 45 dBA during nighttime hours (10 p.m. to 7 a.m.) or 50 dBA during daytime hours (7a.m. to 10 p.m.), mitigation measures shall be implemented to reduce noise to a level of compliance with this limit. If any pure tones are present, mitigation measures shall be implemented to eliminate the pure tones.”

The Energy Commission Decision on the Niland Project allows the Compliance Project Manager to review petition filings and authorize those petitions where there is no possibility that the modification(s) will result in a significant effect on the environment, or cause the project not to comply with any applicable laws, ordinances, regulations, or standards. Full Commission approval would be required for petitions that do not meet the above criteria. In this case, staff will exercise the staff approval option.

In conclusion, the requested modification will allow IID to operate the NGTP without the need to install expensive noise mitigation measures. Doing so will not violate LORS, and will not cause significant adverse noise impacts on nearby residential receptors. Staff is making the above requested changes to Condition of Exemption **NOISE-3**. This change is based on the following:

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1. Staff has analyzed the situation from the standpoint of Noise and Vibration, and concludes there will be no new or additional significant environmental impacts associated with this action.
2. Staff concludes that the change is based on new information that was not available during the exemption proceedings, and
3. Staff concludes that the proposed modification retains the intent of the original Commission Decision and Conditions of Exemption.

No Energy Commission proceeding is necessary for this change to be implemented. Should you have any questions on this, please contact me.

Sincerely,

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