

DOCKETED

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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:) Docket No. 97-AFC-01C
)
PETITION TO AMEND THE)
HIGH DESERT POWER PLANT)
_____)

COMMISSION ADOPTION ORDER

This Commission Order adopts the Revised Committee Recommended Decision Granting Interim Relief, filed on June 10, 2016,¹ modified as described below, as its interim Commission Decision for the Petition to Amend the High Desert Power Plant (HDPP). The Commission Decision is based upon the record of these proceedings and takes into consideration the comments received prior to and during the June 14, 2016, Business Meeting. The Commission Decision contains a summary of the proceedings, the information presented, and the rationale for the findings reached and conditions imposed.

The first paragraph of Condition of Certification Soil & Water-22 is hereby amended to read as follows:

SOIL & WATER-22.

Until September 30, 2018, and notwithstanding the existing Soil & Water Conditions of Certification, the project owner may percolate SWP water consistent with an agreement with MWA (or modification to any existing agreement regarding SWP water banking), provided that the amount of percolated water that will be available to withdraw for power plant cooling shall be calculated by MWA or the Mojave Basin Area Watermaster.

¹ TN 211790

The requirements contained in the Commission Decision ensure that the proposed facility will be designed, sited, and operated in a manner to protect environmental quality, to assure public health and safety, and to operate in a safe and reliable manner.

FINDINGS

The Commission hereby adopts the following findings, pursuant to Executive Order B-29-15,² the Warren-Alquist Act (California Public Resources Code section 25000 et seq.), and the Energy Commission Regulations (California Code of Regulations, Title 20), in addition to those contained in the Commission Decision:

1. Executive Order B-29-15, as extended by Executive Orders B-36-15³ and B-37-16⁴, exempts amendments to power plant licenses that seek to secure alternative water supplies to ensure continued power plant operations from the California Environmental Quality Act and Title 20, section 1769 of the California Code of Regulations.
2. The HDPP amendment is an application by an operating power plant to secure alternate water supplies to ensure continued power plant operations. The Commission Decision is therefore exempt from the California Environmental Quality Act, and Title 20, section 1769 of the California Code of Regulations, as set forth in Executive Orders B-29-15, B-36-15, and B-37-16.
3. Implementation of the Conditions of Certification contained in the Commission Decision will ensure that the HDPP will be designed, sited, and operated in conformity with applicable local, regional, state, and federal laws, ordinances, regulations, and standards, including applicable public health and safety standards, and air and water quality standards.
4. Implementation of the Conditions of Certification contained in the Commission Decision will ensure protection of environmental quality and assure reasonably safe and reliable operation of the facility.

ORDER

Therefore, the Commission **ORDERS** the following:

1. The Revised Committee Recommended Decision filed on June 10, 2016 (TN 211790), as modified above, is hereby adopted as the Commission Decision and incorporated by reference into this Order.

² Executive Order B-29-15 was issued by Governor Edmund G. Brown Jr. on April 1, 2015 and may be found at: https://www.gov.ca.gov/docs/4.1.15_Executive_Order.pdf.

³ https://www.gov.ca.gov/docs/11.13.15_EO_B-36-15.pdf

⁴ https://www.gov.ca.gov/docs/5.9.16_Executive_Order.pdf.

2. The High Desert Power Plant as described in the Commission Decision is hereby granted an amended certificate to construct and operate the project.
3. The approval of the High Desert Power Plant amendment is subject to the timely performance of the Conditions of Certification and Compliance Verifications. The Conditions and Compliance Verifications are integrated with this Order and are not severable therefrom. While the project owner may delegate the performance of a Condition or Verification, the duty to ensure adequate performance of a Condition or Verification may not be delegated.
4. This Order is adopted, issued, effective, and final on the date this Order is docketed.
5. The Hearing Office shall incorporate this order, the Revised Committee Recommended Decision into a single document. Publication of that compilation shall not affect the adoption, effective, issuance, or final dates of this Order established in paragraph 4, above.
6. Reconsideration of this Order is governed by Public Resources Code, section 25530.
7. Judicial review of this Order is governed by Public Resources Code, section 25531.
8. The Commission hereby adopts the amended Conditions of Certification, Compliance Verifications, and associated dispute resolution procedures set forth in the original 2000 Commission Decision, and amendments thereto, as its mitigation monitoring program required by Public Resources Code section 25532. All Conditions take effect immediately upon adoption and apply to all construction and site preparation activities including, but not limited to, ground disturbance, site preparation, and permanent structure construction.
9. The Executive Director of the Commission shall transmit a Notice of Exemption and appropriate accompanying documents, as provided by Public Resources Code section 25537.
10. The High Desert Amendment Committee was created by Energy Commission Order No. 16-0113-2a, which provided that the Committee would dissolve 35 days after final action in this proceeding. This Commission Decision is not a final action; the Committee's jurisdiction to act in the proceeding continues.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the California Energy Commission held on June 14, 2016.

AYE: Weisenmiller, Douglas, Hochschild, Scott

NAY: None

ABSENT: McAllister

ABSTAIN: None

Original Signed by

Cody Goldthrite
Secretariat