

DOCKETED

Docket Number:	99-AFC-04C
Project Title:	Duke Energy North American's Moss Landing Power Plant Modernization Project (Compliance)
TN #:	225850
Document Title:	Order Approving Settlement
Description:	Order No: 18-1107-4
Filer:	Cody Goldthrite
Organization:	California Energy Commission
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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

MOSS LANDING POWER PLANT

DYNEGY MOSS LANDING, LLC

Docker No. 99-AFC-04C

ORDER APPROVING
SETTLEMENT

STAFF RECOMMENDATION

Energy Commission staff investigated Notices of Violation and Notices of Noncompliance the Monterey Bay Unified Air Pollution Control District issued to the Moss Landing Power Plant between October 19, 2013 and September 30, 2016. After staff's investigation, staff and Dynegy Moss Landing, LLC (Dynegy) entered into settlement negotiations. The legal requirements at issue, as well as staff's allegations, and Dynegy's admissions and denials, are included in the Settlement Agreement, which provides for a payment of \$50,000 by Dynegy to the Energy Commission.

Energy Commission technical staff reviewed the Settlement Agreement for potential environmental effects and consistency with applicable laws, ordinances, regulations, and standards (LORS). Staff determined that the existing findings of fact, conclusions of law, and conditions of certification would ensure that no significant impacts to public health and safety, or the environment would occur from implementing the proposed Settlement Agreement.

Staff recommends that the Energy Commission approve the Settlement Agreement and direct the Executive Director to execute the Settlement Agreement on behalf of the Energy Commission.

ENERGY COMMISSION FINDINGS

Based on staff's CEQA Analysis, the Energy Commission concludes that the terms of the

proposed Settlement Agreement will not result in any significant impact to public health and safety, or the environment.

- The Settlement Agreement will not result in any physical modifications to the MLPP or changes in current conditions of certification.
- The MLPP will remain in compliance with all applicable LORS, as provided by Public Resources Code section 25525.

CONCLUSION AND ORDER

The Energy Commission hereby approves the Settlement Agreement, and directs the Executive Director to execute the Settlement Agreement on behalf of the Energy Commission.

IT IS SO ORDERED.

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 November 7, 2018.

AYE: Weisenmiller, Douglas, McAllister, Scott

NAY: None

ABSENT: Hochschild

ABSTAIN: None

Original Signed by:

Cody Goldthrite
Secretariat