

DOCKETED

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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PETITION TO AMEND THE:

HUNTINGTON BEACH ENERGY PROJECT

Order No. 17-0412-2

Docket No. 12-AFC-02C

(PROPOSED) COMMISSION ADOPTION ORDER

This Commission Order adopts the Commission Decision for the Petition to Amend the Huntington Beach Energy Project. The Commission Decision consists of the Presiding Member's Proposed Decision (PMPD) filed February 24, 2017,¹ as modified by the Errata filed on April 11, 2017.² The Commission Decision is based upon the evidentiary record of these proceedings and takes into consideration the comments received prior to and at the April 12, 2017 Business Meeting. The Commission Decision contains a summary of the proceedings, the evidence presented, and the rationale for the findings reached and conditions imposed.

This Order incorporates by reference the text and evidence referred to in the PMPD and the Errata to the PMPD. The requirements contained in the Commission Decision ensure that the proposed facility will be designed, sited, constructed, 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 the California Environmental Quality Act (California Public Resources Code, section 21000 et seq.), 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. Imposition and implementation of the conditions of certification contained in the Commission Decision will ensure that the Amended Huntington Beach Energy Project is designed, sited, constructed, 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.

¹ TN 216247.

² TN 216931.

2. Imposition and 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. The conditions of certification also ensure that the Amended Huntington Beach Energy Project will neither result in, nor contribute substantially to, any significant direct, indirect, or cumulative environmental impacts.
3. Changes or alterations have been incorporated into the Amended Huntington Beach Energy Project, which mitigate or lessen the impacts of the Amended Huntington Beach Energy Project and will be beneficial to the public.
4. Existing governmental land use restrictions are sufficient to adequately control population density in the area surrounding the facility and may be reasonably expected to ensure public health and safety.
5. While located near Huntington Beach State Park, the plant has been set back from the shoreline to permit reasonable public use and to protect scenic and aesthetic values.
6. The Amended Huntington Beach Energy Project will not be sited, constructed, or operated on land designated for use as a state, regional, county or city park; wilderness, scenic or natural reserve; area for wildlife protection, recreation, historic preservation; or natural preservation or on an estuary in an essentially natural and undeveloped state.
7. There is not an environmental justice population, based on either the presence of minority or low-income populations, within six miles of the Amended Huntington Beach Energy Project. As such, the Amended Huntington Beach Energy Project will not have a disproportionate impact on low-income or minority populations.
8. The Commission Decision contains a discussion of the public benefits of the Amended Huntington Beach Energy Project as required by Public Resources Code section 25523(h).
9. The Amended Huntington Beach Energy Project benefits the local and regional study areas in terms of an increase in local expenditures and payrolls during construction and operation of the facility, as well as a possible benefit to public finance and local economies through taxation. These activities will provide a degree of economic benefits to the local area. In addition, the Amended Huntington Beach Energy Project reduces water usage and eliminates the use of ocean water for cooling and includes more efficient equipment for the generation of electricity.
10. The evidence does not establish the existence of any environmentally superior alternative site.
11. The Commission Decision contains measures to ensure that the planned, temporary, or unexpected closure of the Amended Huntington Beach Energy

Project will occur in conformance with applicable laws, ordinances, regulations, and standards.

12. The proceedings leading to the Commission Decision have been conducted in conformity with the regulations governing the consideration of an amendment to an approved Application for Certification and thereby meet the requirements of Public Resources Code sections 21000 et seq. and 25500 et seq.

ORDER

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

1. The PMPD docketed on February 24, 2017,³ and the Errata docketed on April 11, 2017,⁴ are hereby adopted as the Commission Decision and incorporated by reference into this Order.
2. The Huntington Beach Energy Project Amendment as described in the Commission Decision is hereby granted, and a certificate to construct and operate the project is hereby granted.
3. The approval of the Huntington Beach Energy Project Amendment is subject to the timely performance of the conditions of certification and compliance verifications. The conditions of certification 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 April 17, 2017.
5. Reconsideration of this Order is governed by Public Resources Code section 25530.
6. Judicial review of this Order is governed by Public Resources Code section 25531.
7. The Commission hereby adopts the conditions of certification, compliance verifications, and associated dispute resolution procedures set forth in the Commission Decision 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.

³ TN 216247.

⁴ TN 216931.

8. This Order licenses the project owner to commence construction on the Amended Huntington Beach Energy Project, subject to the provisions of California Code of Regulations, title 20, section 1720.3; this license expires by operation of law when the Amended Huntington Beach Energy Project's start-of-construction deadline passes with no construction.
9. The Executive Director of the Commission shall transmit a Notice of Decision and appropriate accompanying documents, as provided by Public Resources Code section 25537, and California Code of Regulations, title 20, section 1768.
10. The Hearing and Policy Unit of the Chief Counsel's Office shall incorporate the PMPD and Errata 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.

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 April 12, 2017.

AYE:
NAY:
ABSENT:
ABSTAIN:

Cody Goldthrite
Secretariat