

**DOCKETED**

<b>Docket Number:</b>	21-BUSMTG-01
<b>Project Title:</b>	Business Meeting Agendas, Transcripts, Minutes, and Public Comments
<b>TN #:</b>	238493
<b>Document Title:</b>	Orders and Resolutions for June 25, 2021 Business Meeting
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<b>Filer:</b>	Liza Lopez
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<b>Submitter Role:</b>	Commission Staff
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**State of California  
State Energy Resources Conservation and  
Development Commission  
1516 Ninth Street, Sacramento, CA 95814  
1-800-822-6228 – [www.energy.ca.gov](http://www.energy.ca.gov)**

**APPLICATION FOR SMALL POWER PLANT  
EXEMPTION FOR THE:**

***SEQUOIA BACKUP GENERATING  
FACILITY***

**Docket No. 19-SPPE-03**

**COMMISSION ORDER ON REVISED COMMITTEE PROPOSED DECISION**

By this **ORDER**, the California Energy Commission (CEC) hereby adopts as its own Commission Decision the Revised Committee Proposed Decision dated June 4, 2021.<sup>1</sup> The Commission Decision addresses the Application for a Small Power Plant Exemption submitted by C1-Santa Clara, LLC (Applicant) for the Sequoia Backup Generating Facility, which includes 54 2.25 megawatts diesel generators (Backup Generators) to support the Sequoia Data Center's uninterruptible power supply system. The Sequoia Data Center, the Backup Generators, and related activities, are collectively referred to herein as "the Project."

The Commission Decision is based upon the hearing record of these proceedings. The Initial Study/Mitigated Negative Declaration and the entire hearing record are on file in the CEC's Docket Unit, located at 1516 Ninth Street, Sacramento, CA, 95814, and are available for inspection by any interested person. The documents and other materials that make up the record of this proceeding relied upon in making this decision are also available online on the [CEC's web page](https://www.energy.ca.gov/sitingcases/Sequoia/) at <https://www2.energy.ca.gov/sitingcases/Sequoia/>.

**FINDINGS**

We hereby adopt the following findings pursuant to Public Resources Code sections 21000 et seq. and 25541 and applicable implementing regulations, in addition to those contained in the Commission Decision:

1. The generating capacity of the Backup Generators will not exceed 100 megawatts.
2. The demolition, construction and operation activities of the Project will not create a substantial adverse impact on the environment.

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<sup>1</sup> TN 238118.

3. The demolition, construction and operation activities of the Project will not create a substantial adverse impact on energy resources.

### **ORDER**

Therefore, we order the following:

1. The Revised Committee Proposed Decision, filed on June 4, 2021, with the exception of Attachment A is adopted as the Commission Decision and incorporated by reference into this Order. This Order is adopted, issued, effective, and final on June 25, 2021.
2. The Sequoia Backup Generating Facility is **GRANTED** a Small Power Plant Exemption from the Application for Certification provisions of the CEC's power plant licensing process.
3. The Hearing and Policy Unit of the CEC Chief Counsel's Office shall incorporate the Revised Committee Proposed Decision into a single document to be named "Commission Final Decision." The Hearing and Policy Unit of the CEC Chief Counsel's Office is directed to update footnote 131 on page 14, footnotes 132 and 134 on page 15, and footnote 166 on page 21 to reflect the relevant transaction number from the docket for the identified documents in preparing the Commission Final Decision. Preparation and publication of the Commission Final Decision shall not affect the adoption, issuance, effectiveness, or finality of this Order.
4. The CEC staff shall transmit a Notice of Determination to the State Clearinghouse within five (5) business days of June 25, 2021, subject to Applicant being responsible for payment of all applicable filing fees.

### **CERTIFICATION**

The undersigned Secretariat to the CEC 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 CEC held on June 25, 2021.

AYE: Hochschild, Douglas, McAllister, Monahan, Gunda

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



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Patricia Carlos  
Secretariat

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

**In the Matter of:**

**EL SEGUNDO ENERGY CENTER**

**Docket No. 00-AFC-14C**

**ORDER APPROVING POST  
CERTIFICATION PETITION TO AMEND**

On March 16, 2021, El Segundo Energy Center, LLC, filed a post certification petition to amend with the California Energy Commission (CEC) for the El Segundo Energy Center (ESEC) to uprate Units 5 and 7 gas turbines.

**BACKGROUND**

The ESEC is a 560-megawatt (MW), natural gas-fired, combined-cycle electric generating facility located in El Segundo. The project was certified by the CEC on February 5, 2005 and began operation on August 1, 2013.

The primary need for this amendment is to increase the allowable heat rate to be more representative of “maximum” heat input rating of the equipment. ESEC is currently dispatched to serve peak power demand and needs to be permitted to operate at the maximum possible load to service that demand.

CEC staff proposes to incorporate the revisions in the South Coast Air Quality Management District (SCAQMD) permit in the Conditions of Certification AQ-5, AQ7, AQ-16, AQ-17, AQ-20, and AQ-32, including the addition of two new Conditions of Certification AQ-41, and AQ-42 proposed by SCAQMD. Staff also proposes to update Condition of Certification AQ-37, to be consistent with current SCAQMD permit condition F2.1., which will enable the facility to achieve the nominal net output of 560 MW.

**STAFF RECOMMENDATION**

CEC staff has reviewed the petition pursuant to Title 20, California Code of Regulations, section 1769 (Post Certification Amendments and Changes) and has concluded that the modifications to the Air Quality Conditions of Certification would not result in a significant impact on the environment or on the surrounding environmental justice

population, or cause the project to not comply with applicable laws, ordinances, regulations, and standards. Staff recommends approval of the petition.

### **ENERGY COMMISSION FINDINGS**

Based on the entire record, the CEC approves the petition for post certification amendment to the Air Quality Conditions listed above, and in the *Staff Analysis of Petition to Amend for Turbine Uprate Activities*. The CEC finds that:

- The proposed modification(s) would not change the findings in the final Commission Decision pursuant to Title 20, California Code of Regulations, section 1748;
- There would be no new or additional unmitigated, significant environmental impacts associated with the proposed modification; and
- The facility would remain in compliance with all LORS.

### **CONCLUSION AND ORDER**

The CEC hereby approves the post certification petition to amend and the changes to the Conditions of Certification as set forth in the staff assessment.

**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 CEC held on June 25, 2021.

AYE: Hochschild, Douglas, McAllister, Monahan, Gunda

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



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Patricia Carlos  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**WALNUT CREEK ENERGY PARK**

Docket No. 05-AFC-02C

**ORDER APPROVING POST  
CERTIFICATION APPLICATION FOR  
MODIFICATION**

On March 16, 2021, Walnut Creek Energy, LLC filed *Application for Modification: Increase Turbine Heat Input Rating* (petition) with the California Energy Commission (CEC), requesting modification of the Walnut Creek Energy Park (WCEP) hourly fuel input and ammonia flow rates resulting in higher turbine output, for a net increase of approximately 17.4 megawatts (MW).

**BACKGROUND**

The WCEP is a 500.5 MW gas-fired simple-cycle facility located in the City of Industry, Los Angeles County. The project was certified by the CEC in February 2008 and began commercial operation in May 2013.

The primary purpose and need for this petition is to accommodate substantial changes in circumstances since CEC certification. Improved technology has become available allowing a more efficient combustion process, while accompanied by discreet changes to air quality impacts. The modifications would also address the state's urgent need for additional capacity. The changes would be accomplished by increasing the efficiency of the combustion process to maximize the capability of the plant.

In addition to the proposed changes in the petition to Air Quality Conditions of Certification AQ-3, AQ-4, AQ-6, and AQ-12, the South Coast Air Quality Management District (SCAQMD) also made additional administrative revisions to permit conditions. CEC staff proposes to incorporate the revisions in the SCAQMD permit into the conditions of certification AQ-1, AQ-3, AQ-4, AQ-6, AQ-7, AQ-7a, AQ-9a, AQ-11, AQ-12, AQ-13, and AQ-14, along with the addition of two new Air Quality Conditions of Certification AQ-24 and AQ-25, and the deletion of two existing Air Quality Conditions of Certification AQ-8 and AQ-10.

## **STAFF RECOMMENDATION**

CEC staff has reviewed the petition pursuant to Title 20, California Code of Regulations, section 1769 (Post Certification Amendments and Changes) and has concluded that the modifications to the Air Quality Conditions of Certification would not result in a significant impact on the environment or on the surrounding environmental justice population, and the project would remain in compliance with applicable laws, ordinances, regulations, and standards (LORS). Staff recommends approval of the petition.

## **ENERGY COMMISSION FINDINGS**

Based on the entire record, the CEC approves the petition for post certification modification to the Air Quality Conditions of Certification listed above, and in the *Staff Analysis of Application for Modification: Increase Turbine Heat Input Rating*.

CEC finds that:

- The proposed modification(s) would not change the findings in the final Commission Decision pursuant to Title 20, California Code of Regulations, section 1748;
- There would be no new or additional unmitigated, significant environmental impacts associated with the proposed modification; and
- The facility would remain in compliance with all LORS.

## **CONCLUSION AND ORDER**

The CEC hereby approves the post certification application for modification and the changes to the Conditions of Certification as set forth in the staff assessment.

**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 CEC held on June 25, 2021.

AYE: Hochschild, Douglas, McAllister, Monahan, Gunda

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



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Patricia Carlos  
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION – California Schools Healthy Air, Plumbing and Efficiency Program  
(20-RENEW-01)**

**WHEREAS**, Assembly Bill 841 (AB 841, Statutes of 2020, Chapter 372), added, among other statutes, Public Utilities Code (PUC) Section 1600 et seq., which directs the California Energy Commission (CEC) to develop and implement two programs: a program to award grants to local educational agencies to reopen schools with functional ventilation systems that are tested, adjusted and, if necessary or cost effective, repaired, upgraded, or replaced to increase efficiency and performance; and another program to provide grants to state agencies and local educational agencies to replace noncompliant plumbing fixtures and appliances with water-conserving plumbing fixtures and appliances; and

**WHEREAS**, PUC section 1614 directs the CEC to adopt guidelines to establish the eligibility criteria, reporting requirements, and technical standards for the California Schools Healthy Air, Plumbing and Efficiency (CalSHAPE) Ventilation and Plumbing Programs; and

**WHEREAS**, the CEC released draft *California Schools Healthy Air, Plumbing, and Efficiency Ventilation Program* Guidelines (called in AB 841 the School Reopening Ventilation and Energy Efficiency Verification and Repair Program, but renamed by the CEC) and *California Schools Healthy Air, Plumbing, and Efficiency Plumbing Program* Guidelines (called in AB 841 the School Noncompliant Plumbing Fixture and Appliance Program, but renamed by the CEC, with both guidelines collectively referred to as the Guidelines in this Resolution) on January 20, 2021; and

**WHEREAS**, the CEC conducted public workshops on January 22, 2021 and April 28, 2021 to solicit stakeholder feedback; and

**WHEREAS**, the CEC released updated draft Guidelines on March 19, 2021, and May 28, 2021; and

**WHEREAS**, the CEC's legal office has considered the application of the California Environmental Quality Act (CEQA) to the adoption of the Guidelines and opined that the adoption of these Guidelines is exempt from CEQA under Title 14, California Code of Regulations, sections 15301, 15302, and 15303; and



**WHEREAS**, the CEC has considered staff's proposed revisions to the Guidelines, as set forth in the final draft Guidelines as reflected in the public notice of May 28, 2021, and finds that its adoption of these guidelines is exempt from CEQA for the reasons opined by the legal office, and accepts and approves these revisions for the purpose of administering CalSHAPE; and

**WHEREAS**, the CEC received new stakeholder comments and data prior to and at the June 9, 2021, business meeting about the CalSHAPE Ventilation Program Guidelines and a request to postpone its adoption until the new comments and data have been considered by the CEC; and

**WHEREAS**, the CEC did not receive new data about, or a request to postpone adoption of, the CalSHAPE Plumbing Program Guidelines, and instead received comments to adopt it as proposed; and

**WHEREAS**, at the June 9, 2021, business meeting CEC voted to (1) postpone adoption of the CalSHAPE Ventilation Program Guidelines to consider the new comments and data received and (2) find the adoption of the CalSHAPE Plumbing Program Guidelines to be exempt from CEQA under Title 14, California Code of Regulations, sections 15301, 15302, and 15303, adopt the CalSHAPE Plumbing Program Guidelines, and delegate the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to administer the CalSHAPE Plumbing Program as specified in these Guidelines, including if necessary, making grammatical or other non-substantive, minor changes to the Guidelines as needed; and

**WHEREAS**, the CEC has now considered the new comments and data for the CalSHAPE Ventilation Program and made corresponding revisions to the CalSHAPE Ventilation Program Guidelines.

**THEREFORE BE IT RESOLVED**, the CEC hereby finds the adoption of the CalSHAPE Ventilation Program Guidelines to be exempt from CEQA under Title 14, California Code of Regulations, sections 15301, 15302, and 15303, adopts the CalSHAPE Ventilation Program Guidelines, and delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to administer the CalSHAPE Ventilation Program as specified in these Guidelines, including if necessary, making grammatical or other non-substantive, minor changes to the Guidelines as needed.

**CERTIFICATION**

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on June 25, 2021.

AYE: Hochschild, Douglas, McAllister, Monahan, Gunda

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



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Patricia Carlos  
Secretariat