

**DOCKETED**

<b>Docket Number:</b>	87-AFC-01C
<b>Project Title:</b>	COMPLIANCE-Luz Solar Electric Generating System Cogeneration AFC (150 MW) Units III-VII.
<b>TN #:</b>	241137-1
<b>Document Title:</b>	Petition to Amend Boundary Change - SEGS III-VII
<b>Description:</b>	N/A
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<b>Submitter Role:</b>	Applicant Representative
<b>Submission Date:</b>	1/11/2022 1:51:27 AM
<b>Docketed Date:</b>	1/11/2022



# PETITION TO AMEND

SOLAR ENERGY GENERATING SYSTEM (SEGS)  
UNITS III-VII (87-AFC-01C)

CEC SITE BOUNDARY CHANGE

SUBMITTED TO: CALIFORNIA ENERGY COMMISSION

SUBMITTED BY:

Luz Solar Partners III-VII

**December 28, 2021**



# Section 1 INTRODUCTION

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## 1.1 INTRODUCTION TO PETITION

Pursuant to Section 1769 of the California Energy Commission (Commission) regulations<sup>1</sup>, Luz Solar Partners III-VII (Luz Solar)<sup>2</sup> files this Petition To Amend (Petition) the boundary of the Solar Electric Generating System Units III-VII site (SEGS III-VII) as identified in the existing Final Decision.<sup>3</sup> The California Energy Commission (Commission) certified the License for SEGS III-VII in May 1988 and the facility was constructed and began operations in February 1989.

This Petition requests the Boundary of the Site identified in the Final Decision to be modified to exclude the area previously occupied by SEGS Units III, IV and V as shown in Figure 1. All decommissioning activities within the areas previously occupied by SEGS Units III, IV, and V have been completed in accordance with the Approved Final Decommissioning Plan (Plan) and with all applicable conditions of certification contained in the Final Decision. The purpose of the boundary change is to allow a new Photovoltaic (PV) solar project to begin construction pursuant to a permit issued by San Bernardino County while decommissioning activities for SEGS Units VI and VII continue to completion.

The remainder of this Section 1 describes the procedural background of Plan and cites the authority for the Commission to process this Petition.

Section 2 of this Petition describes the decommissioning activities that have been completed in the areas formerly occupied by SEGS Units III, IV and V and demonstrates that there are no outstanding decommissioning or compliance activities necessary to comply with the Plan. Section 2 also describes the need for to amend the CEC Site Boundary as requested in this Petition.

Section 3 of this Petition demonstrates that for the areas previously occupied by SEGS Units III, IV and V, all obligations imposed by all Conditions of Certification of the Final Decision that are applicable to decommissioning activities have been satisfied.

Section 4 contains an analysis demonstrating that the modification of the site boundary will not increase any potential effects on nearby property owners or the public.

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<sup>1</sup> Title 20 CCR Section 1769.

<sup>2</sup> NextEra Energy Resources-Operating Services (NEER), as agent for LUZ Solar Partners III-VII Ltd.

<sup>3</sup> The term Final Decision refers to SEGS III-VII Final Decision adopted in May 1988, as amended by subsequent amendments approved by the Commission including the new and modified conditions of certification adopted by the Commission in the approval of the Final Decommissioning Plan.

## **1.2 APPROVED FINAL DECOMMISSIONING PLAN**

On February 12, 2021, Luz Solar docketed a draft Decommissioning Plan (TN236752) with the Commission requesting approval to begin decommissioning activities of the SEGS III-VII facility. On March 15, 2021, Commission Staff filed a notice in the SEGS III-VII docket of a public workshop held on March 30, 2021 to discuss the SEGS III-VII draft decommissioning plan. On April 20, 2021, Luz Solar filed a Final Decommissioning Plan incorporating revisions to the draft plan in response to Commission Staff comments provided at the March 30, 2021 workshop, and in response to additional written comments from provided to the project owner on March 5, 2020 (TN237500).

On June 1, 2021, Commission Staff filed a Staff Analysis of the Final Decommissioning Plan recommending it be Approved by the Commission (TN238063). The Commission Approved the Final Decommissioning Plan on June 15, 2022 (TN238204) that incorporated the new and modified Conditions of Certification recommended by Staff in its analysis. Luz Solar immediately began decommissioning activities on the site.

## **1.3 SUMMARY OF COMPLIANCE WITH THE APPROVED FINAL DECOMMISSIONING PLAN**

Section 2 describes the activities that have been completed for the areas previously occupied by SEGS Units III, IV and V in compliance with the Plan.

## **1.4 SUMMARY COMPLIANCE WITH CONDITIONS OF CERTIFICATION**

Section 3 provides a demonstration that there are no outstanding compliance obligations with any condition of certification for the areas previously occupied by SEGS Units III, IV and V.

## **Section 2 DESCRIPTION OF PROJECT AMENDMENT**

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### **2.1 NEED FOR THE MODIFICATIONS**

The SEGS III-VII has been undergoing decommissioning in accordance with the Plan. As discussed in the Plan, decommissioning will pave the way for construction of a new state of the art Photovoltaic (PV) solar project, currently under contract to deliver electricity to an off taker. At this time, the area of the site that previously contained SEGS Units III, IV, and V have been fully decommissioned in accordance with the provisions of the Plan and applicable Conditions of Certification.

However, in order to begin the construction of the PV Project as soon as possible, Luz Solar has filed this Petition to remove from the CEC Site, the area that was formerly occupied by SEGS Units III, IV and V.

Decommissioning activities with SEGS Units VI and VII are ongoing. Once the decommissioning of SEGS Units VI and VII is completed in accordance with the Plan and Conditions of Certification, SEGS will request a termination of the CEC License and proceed to construction of additional PV facilities within the additional areas currently occupied by SEGS Units VI and VII.

If Luz Solar were unable to begin construction on the site until the full decommissioning activities for SEGS Units VI and VII, construction of the PV facility would be seriously delayed. It is in the interest of the State of California, the off-taker, and the Commission to allow immediate and continued use of this important and historical site for production of renewable energy.

### **2.2 DESCRIPTION OF DECOMMISSIONING ACTIVITIES COMPLETED**

#### **2.2.1 Overview**

The Plan outlined all activities necessary to decommission and remove structures, equipment and facilities within the areas previously occupied by SEGS Units III, IV and V in order to allow the construction of the PV facilities. All of these activities have been completed except for final recycling and disposal of some of the facilities removed from the areas.

Part of the remaining recycling and disposal activities involve crushing and sorting of materials into various components. In order to allow construction of the PV facilities a portion of the materials removed from SEGS Units III, IV and V have been moved to the area occupied by SEGS Units VI and/or VII so that continued crushing, sorting, and disposal activities could take place within the portion of the site that is proposed to remain within the CEC Site Boundary. This allows the CEC to continue to ensure that these

activities are performed in accordance with the Plan and conditions of certification of the Final Decision.

### **2.2.2 Proof of Compliance with Plan**

The CEC assigned a delegate Chief Building Official to ensure that that decommissioning activities contained in the Plan were conducted in accordance with the Plan and all applicable laws, ordinances, regulations and standards (LORS). Appendix A includes the results of the final inspection of the areas previously occupied by SEGS Units III, IV, and V. The final inspection concludes that all decommissioning activities for SEGS Units III, IV, and V are completed to the satisfaction of the CBO.

## **Section 3 COMPLIANCE WITH CONDITIONS OF CERTIFICATION**

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This section demonstrates that there are no outstanding compliance obligations imposed by the conditions of certification of the Final Decision remaining for the areas previously occupied by SEGS Units III, IV, and V. For ease of reference we have included the Monthly Compliance Reports and other CEC compliance correspondence in Appendix B. The documents contained in Appendix B demonstrate that the decommissioning activities for the areas previously occupied by SEGS Units III, IV, and V have complied with all applicable conditions of certification and no additional monitoring or reporting obligations remain.

There were no conditions of certification applicable to decommissioning activities in the areas of Efficiency and Reliability, Facility Design, Socioeconomics, Transmission Line Safety and Nuisance, Transmission System Engineering, and Visual Resources.

### **3.1 AIR QUALITY AND GREENHOUSE GAS EMISSIONS**

The Commission adopted new Air Quality conditions of certification **D-AQ-1 through D-AQ-6** when it approved the Plan. All decommissioning activities within the areas previously occupied by SEGS Units III, IV and V were performed in compliance with the new conditions of certification as demonstrated by the MCRs contained in Appendix B. The Final MCR submitted on December 27, 2021 satisfied the last reporting obligation imposed by either the new or existing Air Quality related conditions of certification.

### **3.2 BIOLOGICAL RESOURCES**

The Commission adopted new Biological Resource conditions of certification **D-BIO-1, D-BIO-2, D-BIO-3** and **D-BIO-4** when it Approved the Plan. All decommissioning activities within the areas previously occupied by SEGS Units III, IV and V were performed in compliance with the existing and new conditions of certification as demonstrated by the MCRs and the Biological Memorandum contained in Appendix B. The Final MCR submitted on December 27, 2021 satisfied the last reporting obligation imposed by the new or existing Biological Resources related conditions of certification.

### **3.3 CULTURAL AND TRIBAL CULTURAL RESOURCES.**

The Commission adopted new conditions of certification **D-CUL-1, D-CUL-2,** and **D-CUL-3** for Cultural and Tribal Cultural Resources when it approved the Plan. All

decommissioning activities within the areas previously occupied by SEGS Units III, IV and V were performed in compliance with the new and existing conditions of certification as demonstrated by the MCRs contained in Appendix B. The Final MCR submitted on December 27, 2021 satisfied the last reporting obligation imposed by the new and existing Cultural Resources related conditions of certification.

### **3.4 GEOLOGY AND PALEONTOLOGICAL RESOURCES**

The Commission adopted new conditions of certification **D-PAL-1**, **D-PAL-2**, and **D-PAL-3** for Geology and Paleontological Resources when it approved the Plan. All decommissioning activities within the areas previously occupied by SEGS Units III, IV and V were performed in compliance with the new and existing conditions of certification as demonstrated by the MCRs contained in Appendix B. The Final MCR submitted on December 27, 2021 satisfied the last reporting obligation imposed by the new and existing Geology and Paleontological Resources related conditions of certification.

### **3.5 HAZARDOUS MATERIALS MANAGEMENT**

The Commission adopted new condition of certification **D-HAZ-1** for Hazardous Materials Management when it approved the Plan. All decommissioning activities within the areas previously occupied by SEGS Units III, IV and V were performed in compliance with the new condition of certification as demonstrated by the MCRs contained in Appendix B. The Final MCR submitted on December 27, 2021 satisfied the last reporting obligation imposed by the new Hazardous Material Management related condition of certification.

### **3.6 LAND USE**

The Commission adopted new condition of certification **D-LU-1** for Land Use when it approved the Plan. That condition required the project owner obtain a demolition permit from San Bernardino County, which was obtained prior to decommissioning activities as demonstrated in the MCRs contained in Appendix B. There are no additional reporting requirements imposed by **D-LU-1**.

### **3.7 NOISE**

The Commission did not adopt new conditions of certification for Noise when it approved the Plan. The existing conditions of certification of the Final Decision were complied with during the decommissioning activities within the areas previously occupied by SEGS Units III, IV and V as demonstrated by the MCRs contained in Appendix B.



### **3.8 PUBLIC HEALTH**

The Commission adopted new conditions of certification **D-PH-1** and, **D-PH-2** for Public Health when it approved the Plan. All decommissioning activities within the areas previously occupied by SEGS Units III, IV and V were performed in compliance with the new and existing conditions of certification as demonstrated by the MCRs contained in Appendix B. The Final MCR submitted on December 27, 2021 satisfied the last reporting obligation imposed by the new and existing Public Health related conditions of certification.

### **3.9 SOIL AND WATER RESOURCES**

The Commission adopted new conditions of certification **D-S&W-1** and **D-S&W-2** for Soil and Water Resources when it approved the Plan. All decommissioning activities within the areas previously occupied by SEGS Units III, IV and V were performed in compliance with the new and existing conditions of certification as demonstrated by the MCRs contained in Appendix B. The Final MCR submitted on December 27, 2021 satisfied the last reporting obligation imposed by the new and existing Soil and Water Resources related conditions of certification.

### **3.10 TRANSPORTATION**

The Commission adopted new conditions of certification **D-TRAFFIC-1** and **D-TRAFFIC-2** for Transportation when it approved the Plan. All decommissioning activities within the areas previously occupied by SEGS Units III, IV and V were performed in compliance with the new and existing conditions of certification as demonstrated by the MCRs contained in Appendix B. The Final MCR submitted on December 27, 2021 satisfied the last reporting obligation imposed by the new and existing Transportation related conditions of certification.

### **3.11 WASTE MANAGEMENT**

The Commission adopted new conditions of certification **D-WM-1** through **D-WM-4** for Waste Management when it approved the Plan. All decommissioning activities within the areas previously occupied by SEGS Units III, IV and V were performed in compliance with the new and existing conditions of certification as demonstrated by the MCRs contained in Appendix B. The Final MCR submitted on December 27, 2021 satisfied the last reporting obligation imposed by the new and existing Waste Management related

conditions of certification. However, as described in Section 2 of this Petition, additional crushing, sorting, recycling and disposal of materials that were removed from the areas previously occupied by SEGS Units III, IV and V will continue within the boundaries of SEGS Units VI and VII. Further compliance reporting for these activities would continue as it will take place within the area to remain within the CEC Site Boundary.

### **3.12 WORKER SAFETY AND FIRE PROTECTION**

The Commission adopted new conditions of certification **D-WS-1** and **D-WS-2** for Worker Safety and Fire Protection when it approved the Plan. All decommissioning activities within the areas previously occupied by SEGS Units III, IV and V were performed in compliance with the new and existing conditions of certification as demonstrated by the MCRs contained in Appendix B. The Final MCR submitted on December 27, 2021 satisfied the last reporting obligation imposed by the new and existing Worker Safety and Fire Protection related conditions of certification.

## **Section 4 POTENTIAL EFFECTS ON PROPERTY OWNERS**

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The Commission's Power Plant Siting Regulations require a Petition For Amendment to include 1) a discussion of how the modification affects the public; 2) a list of property owners potentially affected by the modification; and 3) a discussion of the potential effect on nearby property owners, the public and the parties in the application proceedings.

This Petition does not affect any of the nearby property owners as it simply reduces the CEC Site Boundary.