

DOCKETED

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Project Title:	Compliance - LUZ SEGS IX and X Projects Application for Certification
TN #:	248824
Document Title:	Order Approving the Decommissioning Plan, Final Disposition, and Termination of the Facility and Site Certification
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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**SOLAR ENERGY GENERATING
SYSTEMS UNIT IX**

Docket No.:89-AFC-01C

**ORDER APPROVING THE
PROJECT'S DECOMMISSIONING
PLAN, FINAL DISPOSITION OF THE
DESERT TORTOISE MITIGATION
FUNDS AND TERMINATION OF THE
FACILITY AND SITE CERTIFICATION**

I. BACKGROUND

On March 30, 2022, Luz Solar Partners IX, Ltd. (project owner), an indirect wholly owned subsidiary of Terra-Gen, LLC, filed a Facility Decommissioning Plan and Petition to Terminate License (TN: 242500) with the CEC for the Solar Energy Generating Systems Unit IX (SEGS IX) facility. The project owner seeks approval of its plan and upon completion of decommissioning, termination of the facility and site certification to allow for the site to be repurposed.

SEGS IX is a solar thermal power plant that uses parabolic mirrors to concentrate solar energy for transfer into heat transfer fluid, which is then used to create steam to generate up to 80 megawatts (MW) of electric power for the Southern California Edison transmission grid. The CEC certified SEGS IX on February 14, 1990, and the facility went online in October 1990. SEGS IX is located at 43880 Harper Lake Road, on a 500-acre site near Hinkley, California, in unincorporated San Bernardino County.

The purpose of the CEC staff's decommission plan review process is to analyze whether the proposed decommissioning would comply with applicable laws and avoid significant effects on the environment and to determine that upon completion of decommissioning, the facility's certification can be terminated.

During the certification of the original SEGS VIII and IX projects, desert tortoise mitigation was required in Biological Resources Condition of Certification BIO-4f. The condition required one-time funding by the project owner to create the Harper Lake Road Tortoise Monitoring and Fencing Agreement for the construction and maintenance of tortoise fencing along Harper Lake Road to reduce mortality of desert tortoise from vehicle strikes. This fence project was managed by the Desert Tortoise Preserve Committee (DTPC) under the oversight of the CEC Compliance Project Manager.

With the decommissioning of the SEGS IX facility and termination of certification, there is no longer a requirement for the continued maintenance of the fence or the CEC's oversight of the funds. The Harper Lake Road fencing fund currently has approximately \$80,000 plus interest income in the account and the DTPC estimates that making all needed repairs of the fence will exhaust most of the funds.

II. STAFF RECOMMENDATION

CEC Staff has evaluated the SEGS IX Decommissioning Plan and concludes that implementation of the plan would not result in significant adverse environmental impacts with implementation of existing conditions of certification in the SEGS IX Decision and the additional proposed conditions in the areas of Air Quality, Biological Resources, Cultural Resources, Hazardous Materials Management, Land Use, Noise, Public Health, Soil and Water Resources, Transportation, and Worker Safety and Fire Protection. Further, the Decommissioning Plan would comply with all applicable and current laws, ordinances, regulations, and standards. Finally, staff concludes that decommissioning of the SEGS IX facility and termination of certification do not meet any of the criteria set forth in Public Resources Code section 21166 and California Code of Regulations, title 14, section 15162, that would necessitate the preparation of a subsequent or supplemental environmental document.

Staff recommends that the CEC approve the Final Decommissioning Plan and adopt the new proposed conditions of certification. Staff also recommends that upon staff and Delegate Chief Building Official (DCBO) confirmation that decommissioning has been completed, consistent with the Final Decommissioning Plan, the facility's certification is terminated allowing the site to be repurposed under the jurisdiction of the local government.

Staff recommends that the final resolution of the Harper Lake Road Tortoise Monitoring and Fencing Agreement and disposition of the funds contain the following elements consistent with the original purpose of the mitigation to conserve desert tortoise: The funds are provided to DTPC or other similar organization with knowledge as to desert tortoise conservation to support projects that further desert tortoise conservation. In the alternative, remaining funds may be provided to programs managed by the California Department of Fish and Wildlife to support desert tortoise conservation. In Lieu of funds being used beyond the termination of the SEGS IX project, funds may also be used until exhausted to make repairs or, if repairs are not feasible, to remove the Harper Lake Road desert tortoise exclusion fencing during the decommissioning phase.

III. ENERGY COMMISSION FINDINGS

The CEC concurs with staff's recommendations in its detailed assessment and finds that implementation of the Final Decommissioning Plan along with staff's recommended conditions of certification will ensure that decommissioning activities will not result in significant adverse environmental impacts and the activities remain compliant with all applicable laws. Further the CEC finds that upon confirmation by CEC staff and the DCBO that the decommissioning activities have been completed consistent with the

Final Decommissioning Plan, the SEGS IX certification of the site and facilities is terminated allowing for the site to be repurposed. Further CEC finds that decommissioning of the SEGS IX facility and termination of certification do not meet any of the criteria set forth in Public Resources Code section 21166 and California Code of Regulations, title 14, section 15162, that would necessitate the preparation of a subsequent or supplemental environmental document.

The CEC also finds that with the decommissioning of the SEGS IX facility and termination of the certification, the Harper Lake Road Fencing Agreement and mitigation program, created as part of Biological Resources Condition of Certification 4f, ends. For final disposition of the remaining Harper Lake Road Fencing Agreement funds, staff is directed to implement any of the recommended options set forth in the Staff Assessment consistent with this order.

IV. CONCLUSION AND ORDER

The CEC hereby adopts staff's recommendation and approves the Final Decommissioning Plan and Petition for Termination, and approves the recommended options for final disposition of the Harper Lake Road Fencing Agreement funds.

IT IS SO ORDERED.

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 February 15, 2023.

AYE: Hochschild, Gallardo, Gunda, McAllister, Monahan
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat