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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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***HUNTINGTON BEACH ENERGY
PROJECT***

Docket No. 12-AFC-02

***REVISED HEARING OFFICE PROPOSED
COMMISSION ADOPTION ORDER***

This Commission Order adopts the Revised Presiding Member's Proposed Decision (RPMPD), the committee recommendations, and the Errata for the Application for Certification for the Huntington Beach Energy Project (HBEP). The Commission Decision consists of the RPMPD docketed October 9, 2014, and the Errata. The Commission Decision is based upon the evidentiary record of these proceedings and takes into consideration the comments received prior to and at the October 29, 2014, 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 RPMPD and Errata. The requirements contained in the Commission Decision ensure that the proposed facility will be designed, sited, **constructed**, and operated in **a safe and reliable** manner to protect environmental quality **and** 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 25500 et seq.) and the Energy Commission Regulations (California Code of Regulations, Title 20), in addition to those contained in the Commission Decision:

1. The Conditions of Certification contained in the Commission Decision ensure that the project will be designed, **constructed**, sited, 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.

2. 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 assure that the 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 project that mitigate or lessen the impacts of the 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 HBEP will, with implementation of the Conditions of Certification, avoid any substantial adverse environmental effects on nearby state, regional, county, and city parks; and areas for wildlife protection.
7. **There is not an** ~~An environmental justice screening analysis found no below-poverty-line or minority populations~~ **population, based on either the presence of minority or low-income populations,** within a six-miles ~~buffer~~ of the project. As such, the project will not have a disproportionate impact on below-poverty-line or minority populations.
8. The Commission Decision contains a discussion of the public benefits of the project as required by Public Resources Code section 25523(h).
9. The HBEP would benefit 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.
10. The Commission Decision contains measures to ensure that the planned, temporary, or unexpected closure of the project will occur in conformance with applicable laws, ordinances, regulations, and standards.
11. The proceedings leading to the Commission Decision have been conducted in conformity with the applicable provisions of Commission regulations governing the consideration of an 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 RPMPD filed on October 9, 2014, TN 203180, and the Errata filed on October 28, 2014, TN 203266, are hereby adopted as the Commission Decision and incorporated by reference into this Order.
2. The Application for Certification for the Huntington Beach Energy Project as described in the Commission Decision ~~is hereby granted~~ and a certificate to construct and operate the project ~~is~~ **are** hereby granted.
3. The approval of the Application for Certification for the Huntington Beach Energy Project is subject to the timely performance of the Conditions of Certification and Compliance Verifications. The Conditions 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 October 29, 2014.
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.
8. This Order licenses the project owner to commence construction on the project Subject to the provisions of California Code of Regulations, title 20, section 1720.3, this license expires by operation of law when the 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. Pursuant to Public Resources Code section 25523(d)(1), the Executive Director of the Commission shall notify the appropriate agencies of the Commission's adoption of findings pursuant to Public Resources Code section 25525.~~

10. The Hearing 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 October 29, 2014.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated: October 29, 2014, at Sacramento, California.

Harriet Kallemeyn
Secretariat
California Energy Commission