

DOCKETED

Docket Number:	06-AFC-05C
Project Title:	Panoche Energy Center
TN #:	203889
Document Title:	Panoche Energy Center Order Approving a Petition to Amend the Energy Commission Decision
Description:	Order for Wastewater Tanks
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CALIFORNIA ENERGY COMMISSION

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

In the Matter of:)	Docket No. 06-AFC-5C
)	
Panoche Energy Center)	Order No. 15-0311-5
)	
Panoche Energy Center, LLC)	ORDER APPROVING a Petition to Amend
)	the Energy Commission Decision
)	

On October 13, 2014, the Panoche Energy Center, LLC, filed a petition with the California Energy Commission (Energy Commission) requesting to amend the Final Decision for the Panoche Energy Center (PEC). The modification proposed in the petition would include the installation of three storage tanks, ranging from 250,000 gallons to 500,000 gallons that would temporarily store wastewater during operational periods when the net wastewater production exceeds the injection well capacity. The excess wastewater would be stored for later injection when wastewater production ceased. The proposed changes also include construction and operation of a permanent stand-by treatment system and modification to Condition of Certification **LAND-1**. The project would continue to comply with applicable laws, ordinances, regulations, and standards.

STAFF RECOMMENDATION

Energy Commission staff (staff) reviewed the petition and finds that it complies with the requirements of Title 20, section 1769(a) of the California Code of Regulations and recommends the Energy Commission approve Panoche Energy Center, LLC's petition to amend the PEC Decision Condition of Certification **LAND-1**.

ENERGY COMMISSION FINDINGS

Based on staff's analysis, the Energy Commission concludes that the proposed changes will not result in any significant impact to public health and safety, or the environment. The Energy Commission finds that:

- The petition meets all the filing criteria of Title 20, section 1769(a) of the California Code of Regulations concerning post-certification project modifications;
- The modification will not change the findings in the Energy Commission's Final Decision pursuant to Title 20, section 1755;

- The project will remain in compliance with all applicable laws, ordinances, regulations, and standards (LORS), subject to the provisions of Public Resources Code section 25525;
- The modification proposed in the petition would have no potential impacts to the environment;
- The proposed modification would be beneficial to the public because it will not adversely affect the public and will not change the conclusions regarding the environmental or public health impact of the project contained in the Final Decision; and
- The proposed modification is justified because it will allow the PEC to temporarily store wastewater during operational periods where the net wastewater production exceeds the injection well capacity (approximately 250 gallons per minute).

CONCLUSION AND ORDER

Staff has reviewed the petition for potential environmental effects and consistency with applicable LORS. Based on this review, staff determined that the amendment as proposed would be consistent with the Final Staff Assessment and the Energy Commission's 2007 Final Decision. To mitigate the loss of an additional 3.5 acres of prime farmland, staff agrees with the proposed modification of Condition of Certification **LAND-1**, as shown below.

PROPOSED MODIFICATIONS TO CONDITION OF CERTIFICATION

Staff proposes a modification to the Condition of Certification **LAND USE-1** in the March 25, 2009 Energy Commission Order approving the Panoche Energy Center, LLC's previous petition to modify the PEC substation. New language is shown as **bold and underlined**, and deleted language is shown in ~~strikethrough~~.

LAND-1 The project owner shall mitigate for the loss of ~~21.8~~ **25.3** acres of prime farmland at a one-to-one ratio.

Verification: The project owner shall provide a mitigation fee payment to an agricultural land trust such as the San Joaquin River Parkway and Conservation Trust or any other land trust that has been previously approved by the Compliance Project Manager (CPM) at least 30 days prior to the start of construction.

The fee payment will be determined by an independent appraisal conducted on available, comparable, farmland property on behalf of the agricultural land trust. The project owner shall pay all costs associated with the appraisal. The project owner shall provide documentation to CPM that the fee has been paid and that the ~~21.8~~ **25.3** acres of prime farmland and/or easements shall be purchased within three years of start of operation as compensation for the ~~21.8~~ **25.3** acres of prime farmland to be converted by the PEC. The documentation also shall guarantee that the land/easements purchased by the trust will be located in Fresno County and will be farmed in perpetuity. If no available land or easements can be purchased in Fresno County, then the purchase of lands/easements in other Central Valley Counties is acceptable. The project owner shall

provide to the CPM updates in the Annual Compliance Report on the status of farmland/easement purchase(s).

IT IS SO ORDERED.

CERTIFICATION

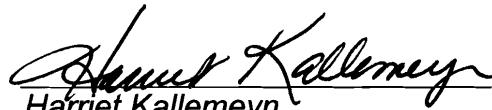
The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the California Energy Commission held on March 11, 2015.

AYE: Weisenmiller, McAllister, Hochschild, Scott

NAY: None

ABSENT: Douglas

ABSTAIN: None



Harriet Kallemeyn,
Secretariat