

DOCKETED

Docket Number:	08-AFC-09C
Project Title:	Palmdale Energy Project (Formerly Palmdale Hybrid Power Plant) - Compliance
TN #:	220505
Document Title:	[Proposed] Commission Adoption Order
Description:	Proposed Energy Commission findings and Order on the Petition to Amend the Palmdale Hybrid Power Plant and change its name to Palmdale Energy Project.
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Organization:	Energy Commission Hearing Unit
Submitter Role:	Committee
Submission Date:	8/2/2017 9:20:53 AM
Docketed Date:	8/2/2017



**Before the Energy Resources Conservation and Development
Commission of the State of California**
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PETITION TO AMEND THE:

PALMDALE ENERGY PROJECT

Order No. 17-0809-4

Docket No. 08-AFC-09C

COMMISSION ADOPTION ORDER [PROPOSED]

This Energy Commission Order adopts the Commission Decision for the Petition to Amend the Palmdale Hybrid Power Project.¹ The Commission Decision consists of the Presiding Member's Proposed Decision (PMPD) filed on July 3, 2017,² as modified by the Errata filed on August __, 2017,³ and as further modified by the Commission during the August 9, 2017 Business Meeting as described in Attachment A to this Order. The Commission Decision is based upon the evidentiary record of these proceedings and takes into consideration the comments received prior to and at the August 9, 2017 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 PMPD and the Errata to the PMPD. The requirements contained in the Commission Decision ensure that the proposed facility will be designed, sited, constructed, and operated in a manner to protect environmental quality, to assure public health and safety, and to operate in a safe and reliable manner.

FINDINGS

The Energy 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 25000 et seq.) and the Energy Commission Regulations (California Code of Regulations, title 20), in addition to those contained in the Commission Decision for the Palmdale Energy Project:

¹ The Petition to Amend the Palmdale Hybrid Power Project (TN 204459) also included a request to change the name of the project from Palmdale Hybrid Power Project to the Palmdale Energy Project.

² TN 220009.

³ [insert TN number when filed].

1. Imposition and implementation of the conditions of certification contained in the Commission Decision will ensure that the Palmdale Energy Project is designed, sited, constructed, 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. Imposition and implementation of the conditions of certification contained in the Commission Decision will ensure protection of environmental quality as well as reasonably safe and reliable operation of the facility. The conditions of certification also ensure that the Palmdale Energy Project will neither result in, nor contribute substantially to, any significant direct, indirect, or cumulative environmental impacts.
3. Changes or alterations that would mitigate or lessen the impacts of the Palmdale Hybrid Power Project, and which will be beneficial to the public, have been incorporated into the Palmdale Energy Project,.
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. The Palmdale Energy Project will not be sited, constructed, or operated on land designated for use as a state, regional, county or city park, wilderness, scenic or natural reserve area for wildlife protection, recreation, historic preservation or natural preservation, or on an estuary in an essentially natural and undeveloped state.
6. An environmental justice screening analysis was conducted and the Palmdale Energy Project, as mitigated, will not have a disproportionate impact on low-income or minority populations.
7. The Commission Decision contains a discussion of the public benefits of the Palmdale Energy Project as required by Public Resources Code section 25523(h).
8. The Palmdale Energy Project benefits 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 benefits to public finance and local economies through taxation. These activities will provide a degree of economic benefit to the local area.
9. In contrast to the Palmdale Hybrid Power Project, the Palmdale Energy Project will use less water by using air-cooled technology instead of water for cooling, and will be built with more efficient equipment for the generation of electricity.
10. The evidence does not establish the existence of any environmentally superior alternative site.

11. The Commission Decision contains measures to ensure that the planned, temporary, or unexpected closure of the Palmdale Energy Project will occur in conformance with applicable laws, ordinances, regulations, and standards.
12. The proceedings leading to the Commission Decision have been conducted in conformity with the regulations governing the consideration of an amendment to an approved 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 request that the name of the project be changed from Palmdale Hybrid Power Project to the Palmdale Energy Project is granted.
2. The amended Palmdale Energy Project as described in the Commission Decision is hereby granted, and a certificate to construct and operate the project is hereby approved.
3. The approval of the Palmdale Energy Project is subject to the timely performance of the conditions of certification and compliance verifications. The conditions of certification 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 August 14, 2017.
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 Palmdale Energy Project subject to the provisions of California Code of Regulations, title 20, section 1720.3. This license expires by operation of law when the Palmdale Energy Project's start-of-construction deadline passes with no construction having commenced.

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. The Hearing and Policy Unit of the Chief Counsel's Office shall incorporate the PMPD, Errata and any modifications made by the Commission during the August 9, 2017 Business Meeting 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 August 9, 2017.

AYE:

NAY:

ABSENT:

ABSTAIN:

Cody Goldthrite
Secretariat

**ATTACHMENT A
ADDITIONAL CHANGE TO REVISED PMPD ADOPTED AT
AUGUST 9, 2017 ENERGY COMMISSION BUSINESS MEETING**

[No modifications were adopted at the August 9, 2017 Energy Commission Business Meeting]