

DOCKETED

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

HIGH DESERT POWER PLANT

Docket No. 97-AFC-01C

ERRATA TO THE COMMITTEE RECOMMENDED DECISION

After reviewing the comments submitted by the parties, agencies, and members of the public, we incorporate the following changes¹ into the March 20, 2018, Committee Recommended Decision (Recommended Decision)² for the High Desert Power Plant:

1. On page 1, second paragraph, the second sentence should read as follows:

These conditions create new standards for the sources and uses of water for HDPP cooling needs; make permanent the HDPP's use of percolation for banking State Water Project (SWP) water; and impose certain ~~penalties~~ **offset remedies** for failing to meet or exceeding the use of recycled water.

2. On page 9, first bullet point, third sentence, should read as follows:

If Petitioner, Staff, and CDFW agree that the failure to meet the standards was in the control of Petitioner, HDPP would pay monetary ~~penalties~~ **offset remedies** to CDFW that would be used to mitigate the adverse biological impacts of the HDPP or to protect, conserve, restore, enhance, manage, and maintain fish, wildlife, native plants, or their habitats.

3. Page 10, second full bullet point, should read as follows:

- **SOIL&WATER-3, -8, -9, -10, -11, -15, -16, -19, and -22:** Deleted as the matters contained in them have been satisfied.

4. On page 14, the last two full sentences of the first paragraph should read as follows:

Finally, if during the meet and confer process, the parties agree that the reason for failing to meet water usage targets was in the control of the Petitioner, then certain monetary ~~penalties~~ **offset remedies** would apply. The money generated from these ~~penalties~~ **offset remedies** would be

¹ Where text is revised, additions are shown in **bold underline**, and deletions are shown in ~~strikeout~~.

² TN 223006.

deposited into a special account created by CDFW to acquire water to support the mesquite bosque habitat area.

5. On page 14, the first sentence of the first full paragraph should read as follows:

We find that the imposition and implementation of Condition of Certification **SOIL&WATER-1**, as set forth in Exhibit A to this Decision, ensures a proper balance of recycled water and banked water; maintains levels sufficient to support the bosque habitat and its dependent species; and provides a mitigation measure (the payment of penalties **offset remedies** to acquire alternate water) in the event that operation of the HDPP may impact the bosque.

6. On page 15, at the end of the last paragraph before heading C, "Calculation of Banked Water," add the following text:

Existing Conditions of Certification SOIL&WATER-11, SOIL&WATER-12, and SOIL&WATER-13 require HDPP to obtain various permits and to provide and implement treatment and monitoring plans regarding the injection and percolation of SWP water into the local groundwater aquifer, to the water agencies charged with oversight of the groundwater aquifer, including MWA and the Lahontan Regional Water Quality Control Board. These conditions have been applied to the HDPP since its original approval and will ensure that, as required by section 1769, the HDPP will continue to comply with all applicable LORS.

7. On page 17, the first sentence of the paragraph under "Conditions of Certification Update," should read as follows:

We also take this opportunity to show that Conditions of Certification **SOIL&WATER-3, -8, -9, -10, -11, -15, -16, -19, and -22**, have been satisfied.

8. On page 18, Findings of Fact and Conclusions of Law #5 should read as follows:

5. The matters contained in Conditions of Certification **SOIL&WATER-3, -8, -9, -10, -11, -15, -16, -19, and -22** have been satisfied.

9. In Exhibit "A", Condition of Certification **SOIL&WATER-1**, Section B, subparagraph c, should read as follows:

Shall meet a minimum of 20 percent of annual cooling water needs. Calculation of cooling water needs shall be done on an annual basis. The "Average Annual Recycled Water Blend Percentage" shall be calculated on a three-year rolling **average** basis and shall exclude periods recycled water is not available or is not of sufficient quality.

10. In Exhibit "A", Condition of Certification **SOIL&WATER-1**, Section C, subparagraph 2, should read as follows:

In the event that the Project Owner, CPM, and CDFW determine that the failure to use the minimum Average Annual Recycled Water Blend Percentage or exceedance of use of either the Maximum Annual Recycled Water Use or the Average Annual Recycled Water Use was within the control of the Project Owner, the penalties offset remedies set forth in subparagraph (D), below, shall apply.

11. In Exhibit "A", Condition of Certification **SOIL&WATER-1**, the title to Section D, should read as follows: ~~PENALTIES~~ OFFSET REMEDIES

12. In Exhibit "A", Condition of Certification **SOIL&WATER-4**, the second to the last sentence of the "Verification" should read as follows:

The Project Owner shall provide to the CPM and to CDFW a copy of any agreement(s) with MWA, Mojave Basin Area Watermaster, City of Victorville, or the Victorville Water District, relating to the percolation and injection banking of SWP water.

13. In Exhibit "A", Condition of Certification **SOIL&WATER-6**, Paragraph(A) should read as follows:

The amount of banked groundwater available to the project after the first twelve (12) months of commercial operation is: (1) the amount of SWP water percolated in accordance with **SOIL&WATER-4(b)**; and (2) the amount of SWP water injected in accordance with **SOIL&WATER-4(a)**, minus the amount of groundwater pumped by the Project Owner, minus the amount of dissipated groundwater losses, minus one thousand (1,000) acre feet, and minus any amount described in **SOIL&WATER-5(b)**.

14. In Exhibit "A", Condition of Certification **SOIL&WATER-12**, the title of the condition should read as follows:

Preparation of Water Treatment and Monitoring Plan

15. In Exhibit "A", Condition of Certification **SOIL&WATER-13**, the title of the condition should read as follows:

Implementation of Water Treatment and Monitoring Plan

16. In Exhibit "A", Condition of Certification **SOIL&WATER-17**, paragraph (1)(a), the second sentence should read as follows:

The contract shall state that any water produced by VWD pursuant to (ii) **1(b)**, above shall be included in subsequent calculations of the baseline only if that production does not exceed the baseline for the calendar year in which the production occurs, as required by this Condition.

Dated: April 9, 2018, at Sacramento, California

ORIGINAL SIGNED BY:

KAREN DOUGLAS
Commissioner and Presiding Member
High Desert Amendment Committee

ORIGINAL SIGNED BY:

JANEA A. SCOTT
Commissioner and Associate Member
High Desert Amendment Committee