

DOCKETED

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Project Title:	High Desert Power Plant
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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

Order No. 18-0411-2

Docket No. 97-AFC-01C

[PROPOSED] COMMISSION ADOPTION ORDER

This Commission Order adopts the Committee Recommended Decision Granting the Petition to Drought-Proof the Facility, filed on March 20, 2018,¹ and the Errata to the Committee Recommended Decision, filed on April 9, 2018,² as further modified as described below, as the Commission Decision for the Petition to Amend the High Desert Power Plant. The Commission Decision is based upon the record of these proceedings and takes into consideration the comments received prior to and during the April 11, 2018, Business Meeting. The Commission Decision contains a summary of the proceedings, the information presented, and the rationale for the findings reached and conditions imposed.

The requirements contained in the Commission Decision ensure that the High Desert Power Plant will continue to be designed, sited, and operated in a manner to protect environmental quality, assure public health and safety, and operate in a safe and reliable manner.

FINDINGS

The Commission hereby adopts the following findings, pursuant to Executive Order B-29-15,³ 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:

1. Executive Order B-29-15, as extended by Executive Orders B-36-15⁴ and B-37-16⁵, exempts amendments to power plant licenses that seek to secure alternative water supplies to ensure continued power plant operations from the California

¹ TN 223006.

² TN 223167.

³ Executive Order B-29-15 was issued by Governor Edmund G. Brown Jr. on April 1, 2015 and may be found at: https://www.gov.ca.gov/docs/4.1.15_Executive_Order.pdf.

⁴ https://www.gov.ca.gov/wp-content/uploads/2017/08/11.13.15_EO_B-36-15.pdf.

⁵ https://www.gov.ca.gov/wp-content/uploads/2017/09/5.9.16_Attested_Drought_Order.pdf.

Environmental Quality Act and certain aspects of Title 20, section 1769 of the California Code of Regulations.

2. The High Desert Power Plant amendment is an application by an operating power plant to secure alternate water supplies to ensure continued power plant operations. The Commission Decision is therefore exempt from the California Environmental Quality Act, as set forth in Executive Orders B-29-15, B-36-15, and B-37-16.
3. Implementation of the Conditions of Certification contained in the Commission Decision will ensure that the High Desert Power Plant will be designed, sited, and continue to operate 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.
4. 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.
5. The High Desert Power Plant amendment is beneficial to the public, applicant, and intervenors by providing an alternative source of power to the Los Angeles region if the Aliso Canyon Natural Gas storage facility is not available.
6. There have been changes in circumstances since the approval of the High Desert Power Plant that necessitate that the Energy Commission amend the sources and use of cooling water for the High Desert Power Plant and to ensure its continued operation in future drought events.

ORDER

Therefore, the Commission **ORDERS** the following:

1. The Committee Recommended Decision filed on March 20, 2018 (TN 223006), and the Errata to the Committee Recommended Decision filed on April 9, 2018 (TN TBD), and as further modified in Attachment "A", is hereby adopted as the Commission Decision and incorporated by reference into this Order.
2. The High Desert Power Plant as described in the Commission Decision is hereby granted an amended certificate to continue operation of the project as described.
3. The approval of the High Desert Power Plant amendment 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 the date this Order is docketed.

5. The Hearing and Policy Unit of the Chief Counsel's Office shall incorporate this order, the Committee Recommended Decision, the Errata to the Committee Recommended Decision, and any modifications contained in this Order, 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.
6. Reconsideration of this Order is governed by Public Resources Code, section 25530.
7. Judicial review of this Order is governed by Public Resources Code, section 25531.
8. The Commission hereby adopts the amended Conditions of Certification, Compliance Verifications, and associated dispute resolution procedures set forth in the original 2000 Commission Decision, and amendments thereto, as its mitigation monitoring program required by Public Resources Code section 25532. All Conditions take effect immediately upon adoption.
9. The Executive Director of the Commission shall transmit a Notice of Exemption to the Office of Planning and Research.

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 April 11, 2018.

AYE:

NAY:

ABSENT:

ABSTAIN:

Cody Goldthrite
Secretariat

ATTACHMENT A

ADDITIONAL MODIFICATIONS TO COMMITTEE PROPOSED DECISION AND ERRATA TO THE COMMITTEE PROPOSED DECISION ADOPTED AT THE APRIL 11, 2018, ENERGY COMMISSION BUSINESS MEETING

No additional modifications were adopted at the April 11, 2018, Energy Commission Business Meeting. [If additional modifications are adopted, they will replace the previous sentence.]