

**DOCKETED**

<b>Docket Number:</b>	86-AFC-01C
<b>Project Title:</b>	Compliance - Application for Certification for the (ACE) Argus Cogeneration Expansion AFC
<b>TN #:</b>	224370
<b>Document Title:</b>	Order Approving Petition to Remove Open Conditions and Terminate the Energy Commission's Jurisdiction
<b>Description:</b>	Order No: 18-0801-6
<b>Filer:</b>	Cody Goldthrite
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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<b>Docketed Date:</b>	8/2/2018

**STATE OF CALIFORNIA**

**STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION**

***IN THE MATTER OF:***

***ARGUS COGENERATION  
EXPANSION PROJECT***

***ACE COGENERATION COMPANY, LP***

**Docket. 86-AFC-01C**

**ORDER APPROVING PETITION TO  
REMOVE OPEN CONDITIONS AND  
TERMINATE THE ENERGY  
COMMISSION'S JURISDICTION**

On June 19, 2018, the ACE Cogeneration Company, LP (ACC) filed a petition with the Energy Commission requesting to remove all remaining open conditions related to decommissioning of the Argus Cogeneration Expansion (ACE) project and to terminate Energy Commission jurisdiction over the ACE project.

The 100-megawatt ACE was certified by the Energy Commission on January 8, 1988 and began commercial operation in January 1991.

On October 2, 2014, the power plant ceased operations and was placed in a long-term outage condition to secure the facility and minimize environmental hazards.

On June 10, 2015, the Energy Commission approved a petition to decommission the power plant, close the ash landfill and adopt additional conditions to ensure demolition and other decommissioning activities would comply with all legal requirements and not result in adverse environmental impacts. The approved plan proposed to demolish several of the structures on the ACE site used exclusively for power generation and retain other structures for future industrial reuse.

On June 19, 2018, the ACE Cogeneration Company, LP (ACC), the owner of ACE, filed a petition with the Energy Commission requesting to remove all remaining open conditions of certification related to decommissioning of the facility and to terminate Energy Commission jurisdiction over the ACE project. The petition also seeks a waiver of the 2018 annual compliance fee.

## **STAFF RECOMMENDATION**

Energy Commission staff (staff) has reviewed the petition to terminate and recommends removing the remaining open conditions of certification and to terminate jurisdiction over the facility because:

- 1) Future repurposing of the facility is consistent with the 2015 decommissioning plan;
- 2) San Bernardino County has affirmed that the county is willing and able to take over jurisdiction of the facility and oversee future site redevelopment;
- 3) The open conditions are necessary only if the Energy Commission retains jurisdiction; and
- 4) The facility is no longer an operating jurisdictional power plant.

Staff has not identified any apparent environmental or health and safety risks that would warrant the Energy Commission to retain jurisdiction.

## **ENERGY COMMISSION FINDINGS**

Based on the entire record, the Energy Commission concludes that the remaining open conditions of certification can be removed and the Energy Commission's jurisdiction over the ACE facility terminated. The Commission finds that:

- The facility is no longer an operating power plant with facility equipment either scheduled for future demolition or repurposing;
- San Bernardino County is willing and able to take over jurisdiction of the facility and oversee future site redevelopment;
- There is no apparent environmental or health and safety risk that would warrant the Energy Commission to retain jurisdiction over future equipment demolition as the site is redeveloped;
- The Petition to Terminate proposes no direct or indirect physical changes to the ACE facility and therefore would not be a project under the California Environmental Quality Act Guidelines (Cal. Code Regs., tit. 14, § 15378);
- Waiver of the 2018 annual compliance fee is appropriate as the site has not been operating in 2018 and jurisdiction is being terminated.

## **CONCLUSION AND ORDER**

The Energy Commission hereby adopts staff's recommendations and approves the removal of all open conditions of certification and the termination of the Energy Commission's jurisdiction over the ACE project.

**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 1, 2018.

AYE: Weisenmiller, Douglas, McAllister, Hochschild, Scott

NAY: None

ABSENT: None

ABSTAIN: None

Original Signed by:

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Cody Goldthrite  
Secretariat