

DOCKETED

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Project Title:	Oakley Genrating Station COMPLIANCE
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Document Title:	Order Approving Facility Closure Plan and Request for License Termination
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STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

OAKLEY GENERATING STATION

CONTRA COSTA GENERATING STATION, LLC

Docket. 09-AFC-04C

**ORDER APPROVING FACILITY
CLOSURE PLAN AND REQUEST
FOR LICENSE TERMINATION**

On July 18, 2018, the Contra Costa Generating Station, LLC (CCGS), the owner of Oakley Generating Station (OGS) project, submitted a Facility Closure Plan to the California Energy Commission requesting permanent closure of the project. On July 24, 2018, DayZen LLC, on behalf of CCGS, filed a Request for License Termination.

The OGS was proposed as a 624-megawatt natural gas-fired, combined-cycle electrical generating facility. It was certified by the Energy Commission on May 18, 2011. The project site is located in the City of Oakley in Contra Costa County, California, on a parcel owned by the Chemours Company (formerly DuPont Corporation).

Construction at the OGS site commenced on June 10, 2011 and was limited to installation of an 11x15.5-foot concrete foundation for the emergency diesel generator, installation of a 5x5-foot power pole pad, approximately 20 acres of ground clearance and grading, and construction of bio-swales and a storm water detention basin. Project construction was suspended in September 2011 and the power plant was not built.

CCGS proposes to transfer the OGS site control back to the Chemours Company, the original owner of the site. No site restoration would be performed by CCGS prior to the transfer of site control to the Chemours Company. The Chemours Company (as holder of the fee simple interest) will take control of all rights and interest in the OGS site upon approval of the Facility Closure Plan and Request for License Termination by the Energy Commission. The Chemours Company acknowledges that it will acquire the

site with the existing features in their present condition, including the concrete foundation for the emergency diesel generator, the power pole pad, the storm water drainage facilities (the bio-swales and the storm water detention basin), Wetland E, and the off-site soil stockpile.

No further habitat improvements within the Wetland E are needed as required by Condition of Certification **BIO-19** because of the limited extent of project construction.

The Chemours Company understands and acknowledges the existence of Wetland E on the project site and that it is subject to a conservation easement administered by the California Department of Fish and Wildlife (CDFW). The Chemours Company has committed that any future development or improvement at the site would require coordination with the CDFW to ensure that such development and improvements would not negatively impact Wetland E.

STAFF RECOMMENDATION

Based upon its analysis, staff determined that:

- The transfer of OGS site control to the Chemours Company would have no significant effects on environmental quality, and on public health and safety; and
- The proposed Facility Closure Plan would be consistent with all applicable laws, ordinances, regulations, and standards (LORS), as required by Condition of Certification **COMPLIANCE-11**.

Staff recommends that the Energy Commission approve the Facility Closure Plan and Request for License Termination.

ENERGY COMMISSION FINDINGS

Based on staff's analysis, the Energy Commission finds that:

- The Facility Closure Plan and Request for License Termination would not result in any significant impacts on environmental quality and on public health and safety, and would be consistent with all applicable LORS;
- Only limited construction has occurred at the project site since the project's certification by the Energy Commission and the power plant was not built;
- The project owner has satisfied all mitigation requirements for the project's temporary and permanent impacts;
- The Facility Closure Plan proposes to transfer the Oakley project site control back to the Chemours Company, the original owner of the site;
- The Chemours Company will take control of the OGS site in "as is" condition with the existing features; and
- The Chemours Company will coordinate with the CDFW to ensure that any future onsite development and improvements would not negatively impact the existing Wetland E.

CONCLUSION AND ORDER

The Energy Commission hereby approves the Facility Closure Plan and Request for License Termination.

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 28, 2018.

AYE: Weisenmiller, Douglas, McAllister, Scott

NAY: None

ABSENT: Hochschild

ABSTAIN: None

Original Signed by:

Cody Goldthrite
Secretariat