

DOCKETED

Docket Number:	88-AFC-01C
Project Title:	Compliance - Application for Certification for LUZ Solar Electric Generating Systems Cogeneration Unit VIII
TN #:	234250
Document Title:	CEC STAFF RESPONSE TO LUZ SOLAR PARTNERS VIII, LTD, COMMENTS ON THE STAFF ANALYSIS AND RECOMMENDATIONS FOR THE SEGS VIII FDP
Description:	Memo - SOLAR ENERGY GENERATING SYSTEMS UNIT VIII (88-AFC-01C) Final Decommissioning Plan - Staff Analysis Revised Noise, Transportation, and Waste Management Sections
Filer:	Marichka Haws
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	8/6/2020 2:59:39 PM
Docketed Date:	8/6/2020



M e m o r a n d u m

To: Interested Persons

Date: August 6, 2020

Telephone: (916) 653-8236

**From: John Heiser, Compliance Project Manager
California Energy Commission
1516 Ninth Street
Sacramento CA 95814-5512**

Subject: CEC STAFF RESPONSE TO LUZ SOLAR PARTNERS VIII, LTD., COMMENTS ON THE STAFF ANALYSIS AND RECOMMENDATIONS FOR THE SEGS VIII FINAL DECOMMISSIONING PLAN (88-AFC-01C).

California Energy Commission (CEC) staff received comments from Luz Solar Partners VIII, Ltd., (project owner), an indirect wholly owned subsidiary of Terra-Gen, LLC, filed on August 3, 2020 (TN#: 234219) regarding the CEC Staff Analysis of the Solar Energy Generating Systems (SEGS) VIII Decommissioning Plan (TN#: 234002) filed on July 23, 2020.

The project owner has requested revisions of CEC staff's analysis and recommendations for the final decommissioning plan. Staff's responses to the project owner's comments are below, and corresponding revisions to the Staff Analysis are included in Attachment 1. The revised sections in Attachment 1 supersede the Noise, Transportation, and Waste Management sections of the SEGS VIII Decommissioning Plan Staff Analysis (TN#: 234002), filed on July 23, 2020. New text is displayed in **bold/underline** and deleted text is displayed in ~~strikethrough~~. Staff's conclusions and recommendations, and the other sections of the Staff Analysis, remain unchanged.

Project owner comments:

Noise, page 61 of the staff analysis: requesting to move three conditions listed in the "Applicable Conditions of Certification in Decision" subsection of the Staff Analysis to the "Additional Proposed Conditions of Certification" subsection. Also, please state that "None of the existing Noise COCs [Conditions of Certification]

would apply during decommissioning” in the “Applicable Conditions of Certification in Decision” subsection.

Transportation, page 84 of the Staff Analysis: requesting the removal of existing Transportation COC, **Requirement 7**, related to monitoring and reporting of traffic accidents, from the list of COCs in the “Applicable Conditions of Certification in Decision” subsection. This COC was applicable to the original construction of the SEGS VIII project (completed in 1989) and is not applicable to decommissioning or demolition activities.

Waste Management, page 101 of the Staff Analysis: requesting the removal of existing Waste Management COC, **Requirement 8**, related to Heat Transfer Fluid (HTF) shipments to SEGS VIII, from the list of COCs in the “Applicable Conditions of Certification in Decision” subsection. HTF will not be shipped to the SEGS VIII site during decommissioning. HTF will only be shipped off site during decommissioning and will be managed for proper containerization, profiling, and shipment off site for disposal or recycling. Existing Waste Management COCs, Requirements #1 and #6, as noted in the Staff Analysis, would apply to decommissioning and demolition activities for the proper handling of hazardous waste, including HTF. Therefore, Requirement #8 is not necessary.

CEC staff responses to project owner comments:

Noise: Staff agrees with the changes to the Noise section requested by the project owner. Changes in the attached revised Noise section include a correction that moved the three conditions listed in the “Applicable Conditions of Certification in Decision” subsection of Staff’s Analysis to the “Additional Proposed Conditions of Certification” subsection and noting, **None of the existing Noise COCs would apply during decommissioning** in the “Applicable Conditions of Certification in the Decision” subsection. In addition, the word “Construction” has been deleted (strike-through) and replaced with **Decommissioning and demolition** in the “Analysis” subsection.

Transportation: Staff agrees with the project owner to the removal of the existing Transportation COC, **Requirement 7** from the list of COCs in the “Applicable Conditions of Certification in Decision” subsection of the Transportation section of the Staff Analysis. According to the 1989 Decision, Requirement 7 was added for the construction worker traffic during construction of the project. It was estimated the project construction would generate at least

660 vehicle trips during a peak hour shift change and the majority of the traffic would turn left on to SR 58, causing lengthy delays and increasing the potential for accidents (pg. 305-306). Also, according to the Decision, the operations employment total at SEGS VIII was 45 workers, resulting in a peak hour traffic movement of 45 vehicle trips (pg. 307). Staff reviewed various compliance reports dating back to 2010, in which the project owner reported per Requirement 7, that it had record of no accidents on Harper Lake, Hoffman, and Lockhart roads, and Santa Fe Avenue. As a result of this monitoring, no further mitigation measures were proposed. The estimated maximum 21 daily truck trips and 60 workers for decommissioning and demolition would not be a significant increase beyond past operations, and would be much less when compared to the peak project construction employment of 990 workers, that generated an estimated 660 vehicle trips during peak hour construction, but resulted in the adoption of no additional mitigation at the time. With this change, the project would remain in compliance with all applicable Transportation laws, ordinances, regulations, and standards. Staff has struck all reference of Transportation COC, Requirement 7 from the attached Staff Analysis.

Waste Management: Staff agrees with the owner's suggested modification to the Waste Management analysis. The owner suggested to remove reference to Waste COC, **Requirement 8** because the project will no longer be receiving deliveries of HTF. Staff agrees that Waste COC, Requirement 8 would not be applicable during decommissioning, all references to Requirement 8 were removed using strikethrough text.

For more project-related documents, please see [SEGS VIII docket log](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=88-AFC-01C), available online at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=88-AFC-01C>

Date: August 6, 2020

_____|s|_____

JOHN HEISER, Compliance Project Manager
Siting, Transmission, & Environmental
Protection Division

Attachment 1: Revised Noise, Transportation, and Waste Management Sections of the Staff Analysis

Listserv: Solar Energy Generating Systems (SEGS VIII)

**Attachment 1:
SOLAR ENERGY GENERATING SYSTEMS UNIT VIII (88-AFC-01C)
Final Decommissioning Plan - Staff Analysis
Revised Noise, Transportation, and Waste Management Sections**

NOISE

Kenneth Salyphone

INTRODUCTION

In this section, CEC staff discusses the Solar Energy Generating Systems Unit VIII (SEGS VIII) decommissioning and demolition, as described in the decommissioning plan (TN 232903) in relation to the technical area of **Noise**. The purpose of this analysis is to determine whether decommissioning and demolition of the project would avoid significant noise impacts and would be in compliance with applicable laws, ordinances, regulations, and standards (LORS).

EXISTING SETTING

SEGS VIII operated as a concentrated solar thermal power facility generating 80 megawatts of electricity. It would undergo decommissioning and demolition activities. Demolition activities would include the dismantling and removal of above-ground structures – parabolic mirrors and its supports, steam turbine generators, cooling towers, storage tanks, heaters, condensers and other ancillary equipment.

SEGS VIII shares a parcel totaling 1,073 acres located within a Rural Living Land use district. The nearest residences are located 1.6 miles and nearest business/off-site worksite is 10.2 miles from the project. A private airport is located approximately 14 miles to the south.

There are no sensitive noise receptors within 1 mile of the project area.

LAWS, ORDINANCES, REGULATIONS, AND STANDARDS (LORS)

Noise Table 1 below identifies the noise LORS related to SEGS VIII.

**Noise Table 1
Laws, Ordinances, Regulations, and Standards**

Applicable LORS	Description	Consistency
Federal		
Occupational Safety & Health Act (OSHA), Title 29, Code of Federal Regulations, § 1910.95. Title 29, USC §651 et seq.	Regulated the worker noise exposure to 90 decibels (dBA) over an 8-hour work shift. Areas above 85 dBA need to be posted as high noise level area and hearing protection will be required.	Decommissioning and demolition activities would comply with these requirements.
State		
California Occupational Safety & Health Act (Cal-OSHA): Title 8, California Code of Regulations, § 5095 et seq.	Establishes Cal-OSHA employee noise exposure limits. These standards are equivalent to the Federal OSHA standards. Worker noise exposure is limited to 90 dBA over an 8-hour work shift. Areas where worker noise exposure exceeds 85 dBA must be posted as a noise hazard zone and a hearing conservation program is required.	Decommissioning and demolition activities would comply with these requirements.
Local		
County of San Bernardino (SB) County General Plan (2007) Noise Element; SB County Development Code (Amended 2019).	Defines the land noise levels that are normally acceptable in residential areas as between 45 and 55 dBA.	Decommissioning and demolition activities would comply with these requirements.

FEDERAL

Under the Occupational Safety and Health Act of 1970, the Department of Labor, Occupational Safety and Health Administration (OSHA) adopted regulations Title 29 § 1910.95, designed to protect workers against the effects of occupational noise exposure.

These regulations list permissible noise exposure levels as a function of the amount of time during which workers are exposed to those noise levels. The regulations further specify a hearing protection program that involves monitoring the noise to which workers are exposed, assuring that workers are made aware of overexposure to noise, and periodically testing the workers’ hearing to detect any hearing degradation.

STATE

The California Occupational Safety and Health Administration (Cal-OSHA) has adopted occupational noise exposure regulations (California Code of Regulations Title 8 § 5095) that set employee noise exposure limits. These standards are equivalent to federal OSHA standards (see **Noise Table 1**).

LOCAL

County of San Bernardino

Project decommissioning and demolition noise within the county of San Bernardino would be regulated by the San Bernardino County General Plan and the County Development Code.

APPLICABLE CONDITIONS OF CERTIFICATION IN DECISION

~~The following are applicable Noise COCs in the Decision that would be implemented during the decommissioning and demolition activities to ensure compliance with applicable LORS:~~

~~**Requirement 1:** The project will comply with occupancy noise safety requirements and provide hearing protection to workers during demolition activities.~~

~~**Requirement 2:** All construction equipment used for decommissioning and demolition shall be muffled in accordance with manufacturers' specifications.~~

~~**Requirement 3:** Decommissioning activities will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday, in accordance with the County of San Bernardino Development Code standards.~~

None of the existing Noise COCs would apply during decommissioning.

ADDITIONAL PROPOSED CONDITIONS OF CERTIFICATION

~~None are proposed.~~

The following are additional proposed measures that would be implemented during the decommissioning and demolition activities to ensure compliance with applicable LORS.

D-NOISE-1: The project will comply with occupancy noise safety requirements and provide hearing protection to workers during demolition activities.

D-NOISE-2: All equipment used for decommissioning and demolition shall be muffled in accordance with manufacturers' specifications.

D-NOISE-3: Decommissioning activities will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday, in accordance with the County of San Bernardino Development Code standards.

ANALYSIS

The decommissioning and demolition activities would temporarily elevate the ambient noise levels in the surrounding areas. Decommissioning and demolition activities would be limited to the hours of 7 a.m. to 7 p.m., Monday through Saturday, in accordance with the County of San Bernardino Development Code. The project would also comply with occupational noise safety requirements and provide hearing protection to workers during demolition activities.

~~Construction~~ **Decommissioning and demolition** equipment would be muffled in accordance with manufacturers' specifications and given that the nearest sensitive receptor is over 1 mile from the project site, the demolition activities would not exceed the acceptable noise levels for residential areas.

CONCLUSIONS AND RECOMMENDATIONS

The project decommissioning and demolition activities would comply with the applicable LORS and create less-than-significant noise impacts.

REFERENCES

SEGS VIII 2020 – Solar Energy Generation Systems, Unit VIII (TN 232903). Final Decommissioning Plan. May 2020. Accessed on: June 19, 2020. Available at: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=232903&DocumentContentId=65342>

TRANSPORTATION

Ellen LeFevre

INTRODUCTION

In this section, CEC staff discusses the Solar Energy Generating Systems Unit VIII (SEGS VIII) Decommissioning and Demolition Plan (TN 232903) in relation to the technical area of **Transportation**. The purpose of this analysis is to determine whether decommissioning and demolition of the project would avoid significant impacts on transportation and comply with applicable laws, ordinances, regulations, and standards (LORS).

EXISTING SETTING

SEGS VIII is located in San Bernardino County approximately 7 miles northeast of the intersection of Harper Lake Road and Highway 58. Primary access to the site would be from Harper Lake Road and Highway 58. Regional access includes Highway 395 and State Route 14. There is a railroad track located south of the project which runs east-west. A private airport is located approximately 14 miles southeast near Helendale and the Barstow Daggett County Airport is located approximately 33 miles southeast.

LAWS, ORDINANCES, REGULATIONS, AND STANDARDS

The following are transportation related LORS that are applicable to the proposed decommissioning and demolition activities.

Applicable LORS	Description
Federal	
Code of Federal Regulations, Title 49, Subtitle B, Sections 171-177 and 350-399	Requires proper handling and storage of hazardous materials during transportation.
State	
California Vehicle Code Division 2, 6, 12, 13, 14, 15	Includes regulations pertaining to licensing, size, weight, and load of vehicles operated on highways, safe operation of vehicles, and the transportation of hazardous materials.
Local	
San Bernardino County Congestion Management Program	Industrial and warehouse truck uses must show the estimated number and distribution of truck trips (in Passenger Car Equivalents) for both peak hours and hours being studied.

APPLICABLE CONDITIONS OF CERTIFICATION IN DECISION

The following are SEGS VIII Transportation COCs as amended in the Final Commission Decision (Decision) that would apply during decommissioning and demolition:

- 1 Luz shall comply with the San Bernardino County and Caltrans restrictions on oversize or overweight limit vehicles. Luz shall obtain necessary transportation permits from the county and Caltrans.

Verification: In its quarterly compliance reports, Luz shall notify the CEC Compliance Project Manager (CPM) of any transportation permits obtained during the reporting period.

- 2 Luz shall comply with San Bernardino County and Caltrans requirements for encroachment on a public right-of-way. Luz shall obtain necessary encroachment permits from the county and Caltrans.

Verification: In its quarterly compliance reports, Luz shall notify the CEC CPM of any encroachment permits obtained during the reporting Period.

- 3 Luz shall implement its Transportation System Management (TSM) program (Luz, 1988), including, but not limited, to ridesharing and staggering of work hours elements. The goal of the TSM will be to reduce the total number of vehicles traveling the same section of road at a given time.

Verification: In its quarterly compliance reports, Luz shall notify the CEC CPM of the ongoing results of the TSM program, and of any additional measures needed to more effectively implement the TSM program.

- ~~7~~ Luz shall monitor the occurrence of accidents on the four San Bernardino County roads serving the SEGS Unit VIII project and shall report the results to the CEC CPM and the San Bernardino County Flood Control and Transportation Department. If the results of the monitoring indicate that further mitigation measures may be necessary, Luz shall consult with San Bernardino County and the CEC staff to determine the extent of any additional measures that may be required.

~~**Verification:** In its quarterly compliance report, Luz shall report the results of its monitoring to the CEC CPM and the San Bernardino County Flood Control and Transportation Department. If consultation regarding additional mitigation measures is necessary Luz shall, in its next quarterly compliance report, report to the CEC CPM the progress of such consultation, and in subsequent quarterly reports shall report on the current status of such consultations or agreed upon mitigation measures.~~

- 13 Luz shall utilize only licensed haulers, using approved vehicles marked in an appropriate manner, for the transportation of all hazardous, toxic, and flammable materials. All such materials shall be transported in compliance with all applicable requirements of the U.S. Department of Transportation, State of California agencies including the California Highway Patrol, the California Department of Motor Vehicles,

and the Department of Health Services, and pertinent local agencies. Such applicable requirements shall include at least:

1. Title 40 Code of Federal Regulations (CFR), Chapter II, Subchapter C, and Chapter III, Subchapter B,
2. California Vehicle Code Division 13, Chapter 5, Article 1 Hazardous Materials, sections 31300, 31303 et seq.,
3. California Vehicle Code Division 14, Transportation of Explosives, sections 31600 et seq.,
4. California Health and Safety Code sections 12113, 12114, and 12220 et seq., transportation of quantities of explosives under 1000 pounds,
5. California Vehicle Code Division 14.7 Flammable and Combustible Liquids, sections 34000 et seq.,
6. California Vehicle Code Division 14.8 Safety Regulations, sections 34500, 34501, 34501.2, 34501.3, 34501.4, 34502-7, 34510-11,
7. California Vehicle Code sections 2500-2505, issuance of licenses for hazardous materials, and
8. California Vehicle Code sections 12804-12804.5 licensing of drivers.

Verification: Luz shall, in the first periodic compliance report to the CEC CPM, certify that they and their contractors and subcontractors will comply with the above requirements.

14 Luz shall prepare and submit to the CEC CPM for review and approval a comprehensive plan for the transport of hazardous materials to and from the project. Such a plan shall include:

1. a comprehensive listing of all hazardous, toxic, explosive, poisonous, or highly flammable materials or wastes which are routinely, though not necessarily frequently, delivered to the project site,
2. directions for the identification of such materials at an accident site,
3. directions for containment, fire suppression, or container transfer measures, if appropriate,
4. description of potential interactions with the environment, with other substances commonly present in a highway setting, or in the presence of fire and the appropriate safety measures to be taken in the event of such interaction,
5. identification of the public health risks by any pathway from the release of such substances,
6. identification of the symptoms and the appropriate medical treatment of persons subjected to a health risk from the release of such substances; and

7. the identification of police, fire, medical facilities, and private contractors having the capability of providing assistance in the event of the release of such substances. Upon CPM approval of the plan after consultation with the California Highway Patrol and other appropriate state and local agencies, Luz shall provide the plan to the appropriate agencies. Luz shall keep the plan updated to include any additional hazardous materials, and shall provide such updates to the appropriate agencies.

Verification: No later than 30 days after certification, Luz shall submit the plan to the CEC CPM. Luz shall submit updates to the plan with the next periodic compliance report.

ADDITIONAL PROPOSED CONDITIONS OF CERTIFICATION

The following COCs are proposed by the project owner to be implemented during decommissioning and demolition to further ensure that activities conform with applicable LORS.

D-TRAFFIC-1: The project owner shall provide a Construction Management Plan (CMP) to the County of San Bernardino for review and approval prior to the start of decommissioning activities.

D-TRAFFIC-2: The project owner shall utilize only licensed haulers, using approved vehicles marked in an appropriate manner, for the transportation of all hazardous, toxic, and flammable materials. All such materials shall be transported in compliance with all applicable requirements of the U.S. Department of Transportation, the California Highway Patrol, and the California Department of Transportation (Caltrans).

ANALYSIS

LORS Conformance

Applicable LORS	Consistency Determination	Basis of Consistency
Code of Federal Regulations		
Title 49, Subtitle B, Sections 171-177 and 350-399: Requires proper handling and storage of hazardous materials during transportation.	Consistent. Consistency ensured with implementation of COC Requirement 13 and D-TRAFFIC-2 .	COC, Requirement 13 and D-TRAFFIC-2 require licensed haulers and approved vehicles for transport of hazardous, toxic, and flammable materials.
California Vehicle Code		
California Vehicle Code Division 2, 6, 12, 13, 14, 15: Includes regulations pertaining to licensing, size, weight, and load of vehicles operated on highways, safe operation of	Consistent. Consistency ensured with implementation of COC Requirement 13 and D-TRAFFIC-2 .	COC Requirement 13 and D-TRAFFIC-2 require the project owner to comply with oversize and overweight vehicle regulations, and obtain necessary transportation permits. Hazardous, toxic, and

Applicable LORS	Consistency Determination	Basis of Consistency
vehicles, and the transportation of hazardous materials.		flammable materials shall be transported in compliance with Department of Transportation, state agency, and local agency requirements.
San Bernardino County Congestion Management Program		
Industrial and warehouse truck uses must show the estimated number and distribution of truck trips (in Passenger Car Equivalents) for both peak hours and hours being studied.	Consistent. Consistency ensured with implementation of D-TRAFFIC-1 .	D-TRAFFIC-1 requires the project owner to provide a CMP.

Environmental Impacts

The proposed activities would generate a maximum of 21 daily truck trips during the 6 to 8-month decommissioning and demolition period. The Transportation COCs, **Requirements 1** through **3**, ~~**7**~~, **13**, and **14** in the Final Decision are applicable to decommissioning and demolition. COC, **Requirements 4** through ~~**6**~~ and ~~**8**~~ through **12** are not applicable to the decommissioning and demolition. The project owner has proposed **D-TRAFFIC-1** and **D-TRAFFIC-2** to be implemented during decommissioning and demolition. **D-TRAFFIC-1** would require a CMP to ensure compliance with the San Bernardino County Congestion Management Program’s objectives and policies. **D-TRAFFIC-2** would require the use of licensed haulers and approved vehicles to ensure compliance with all applicable regulations for the transport of hazardous, toxic, and flammable materials.

With implementation of the above COCs and the project owner’s proposed conditions, the decommissioning and demolition of SEGS VIII would comply with applicable transportation LORS and have less than significant transportation impacts.

CONCLUSIONS AND RECOMMENDATIONS

The SEGS VIII decommissioning and demolition activities would generate a negligible amount of temporary vehicle trips, which would not conflict with CEQA Guidelines section 15064.3, subdivision (b), with regards to vehicle miles traveled. Additionally, with the implementation of COC, **Requirements 1** through **3**, ~~**7**~~, **13**, and **14** in the Final Decision and the adoption of **D-TRAFFIC-1** and **D-TRAFFIC-2** as proposed in the Final Decommissioning Plan, the proposed activities would not conflict with LORS addressing the circulation system, substantially increase hazards, or result in inadequate emergency access. Therefore, the decommissioning and demolition of SEGS VIII would result in less than significant impacts to transportation.

REFERENCES

SANBAG 2016 –San Bernardino Associated Governments (SANBAG). San Bernardino County Congestion Management Program, 2016 Update, dated June 2016.

Available online at: <https://www.gosbcta.com/wp-content/uploads/2019/10/2016-Congestion-Management-Plan-.pdf>

SEGS VIII 2020 – Final Facility Decommissioning Plan, dated May 2020. (TN 232903).

Available online at:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=88-AFC-01C>

SEGS VIII 1989 – Final Decision (88-AFC-01C), dated March 1989. Available online at:

https://ww2.energy.ca.gov/sitingcases/pre1999_page/index.php?xkm=ajdkha2385duhkasd164dsasjd5598fhajkhs

WASTE MANAGEMENT

Mike Conway

INTRODUCTION

In this section, CEC staff discusses the Solar Energy Generating Systems Unit VIII (SEGS VIII) (88-AFC-01C) decommissioning and demolition, as described in the decommissioning plan (LSA 2020) in relation to the technical area of **Waste Management**. The purpose of this analysis is to determine whether decommissioning and demolition of the project would avoid significant waste management impacts and would comply with applicable laws, ordinances, regulations, and standards (LORS).

EXISTING SETTING

SEGS VIII is an existing solar thermal electric facility located on typically flat alluvial fans of the Mojave Desert along the western edge of the dry lakebed of Harper Lake. Prior to construction of the project, the land was used for agricultural production and it was taken out of production because of the high cost of pumping groundwater for irrigation (CEC 1989).

LAWS, ORDINANCES, REGULATIONS, AND STANDARDS (LORS)

Applicable LORS	Description	Consistency Determination
Federal		
Title 42, United States Code (U.S.C.), §6901, et seq. Solid Waste Disposal Act of 1965 (as amended and revised by the Resource Conservation and Recovery Act of 1976, et al.)	The Solid Waste Disposal Act, as amended and revised by the Resource Conservation and Recovery Act (RCRA) et al., establishes requirements for the management of solid wastes (including hazardous wastes), landfills, underground storage tanks, and certain medical wastes. The statute also addresses program administration, implementation and delegation to states, enforcement provisions, and responsibilities, as well as research, training, and grant funding provisions.	Consistent. Consistency ensured by Waste COC, Requirements 1 and 6 , and 8 .

Applicable LORS	Description	Consistency Determination
<p>Title 42, U.S.C., §9601, et seq.</p> <p>Comprehensive Environmental Response, Compensation and Liability Act</p>	<p>The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), also known as <i>Superfund</i>, establishes authority and funding mechanisms for cleanup of uncontrolled or abandoned hazardous waste sites, as well as cleanup of accidents, spills, or emergency releases of pollutants and contaminants into the environment.</p>	<p>Consistent. Consistency ensured by Waste COC, Requirements 1 and 6, and 8.</p>
<p>Federal Clean Water Act, 33 U.S.C. §1251 et seq.</p>	<p>The Clean Water Act controls discharge of wastewater to the surface waters of the U.S.</p>	<p>Consistent. Consistency ensured by Waste COC, Requirements 1 and 6, and 8.</p>
State		
<p>California Health and Safety Code (Health and Safety Code), Chapter 6.5, §25100, et seq.</p> <p>Hazardous Waste Control Act of 1972, as amended</p>	<p>This California law creates the framework under which hazardous wastes must be managed in California. The law provides for the development of a state hazardous waste program that administers and implements the provisions of the federal RCRA program. It also provides for the designation of California-only hazardous wastes and development of standards (regulations) that are equal to or, in some cases, more stringent than federal requirements.</p>	<p>Consistent. Consistency ensured by Waste COC, Requirements 1 and 6, and 8.</p>
<p>Title 14, California Code of Regulations (CCR), Division 7, 17200, et seq.</p>	<p>These regulations further implement the provisions of the California Integrated Waste Management Act and set forth minimum standards for solid waste handling and disposal. The regulations include standards for solid waste management, as well as enforcement and program administration provisions.</p>	<p>Consistent. Consistency ensured by Waste COC, Requirements 1 and 6, and 8.</p>
<p>Title 22, (CCR), Division 4.5.</p> <p>Environmental Health Standards for the Management of Hazardous Waste</p>	<p>These regulations establish requirements for the management and disposal of hazardous waste in accordance with the provisions of the California Hazardous Waste Control Act and federal RCRA.</p> <p>The Title 22 regulations are established and enforced at the state level by DTSC. Some generator and waste treatment standards are also enforced at the local level by Certified Unified Program Agencies (CUPAs).</p>	<p>Consistent. Consistency ensured by Waste COC, Requirements 1 and 6, and 8.</p>

Applicable LORS	Description	Consistency Determination
Title 22, CCR, Section §66260.20(f), Chapter 10, Article 3, Classification of a Waste as Hazardous or Nonhazardous.	If a person wishes to classify and manage as nonhazardous a waste which would otherwise be a non-RCRA hazardous waste because it has mitigating physical or chemical characteristics which render it insignificant as a hazard to human health and safety, livestock and wildlife, that person shall apply to the Department of Toxic Substances Control (DTSC) for its approval to classify and manage the waste as nonhazardous.	Consistent. Consistency ensured by Waste COC, Requirements 1 and 6, and 8.
California Health and Safety Code (HSC) § 25100 <i>et seq.</i> (Hazardous Waste Control Act of 1972, as amended)	Creates the framework under which hazardous wastes must be managed in California. It mandates the DTSC under the California Environmental Protection Agency (CalEPA), to develop and publish a list of hazardous and extremely hazardous wastes and to develop and adopt criteria and guidelines for the identification of such wastes. It also requires hazardous waste generators to file notification statements with Cal EPA and create a manifest system to be used when transporting such wastes.	Consistent. Consistency ensured by Waste COC, Requirements 1 and 6, and 8.
California Health and Safety Code (HSC) § 25270-25270.13	25270. This chapter shall be known and may be cited as the Aboveground Petroleum Storage Act. 25270.2. For purposes of this chapter, the following definitions apply: (a) "Aboveground storage tank" or "storage tank" means a tank that has the capacity to store 55 gallons or more of petroleum and that is substantially or totally above the surface of the ground.	Consistent. Consistency ensured by Waste COC, Requirements 1 and 6, and 8.
Title 27, CCR, §15100 <i>et seq.</i> (Unified Hazardous Waste and Hazardous Materials Management Regulatory Program)	Consolidates, coordinates, and makes consistent portions of the following six existing programs: <ul style="list-style-type: none"> • Hazardous Waste Generators and Hazardous Waste Onsite Treatment; • Underground Storage Tanks; • Hazardous Material Release Response Plans and Inventories; • California Accidental Release Prevention Program; 	Consistent. Consistency ensured by Waste COC, Requirements 1 and 6, and 8.

Applicable LORS	Description	Consistency Determination
	<ul style="list-style-type: none"> • Aboveground Storage Tanks (spill control and countermeasure plan only); • Uniform Fire Code Hazardous Material Management Plans and Inventories; <p>The statute requires all counties to apply to the CalEPA Secretary for the certification of a local unified program agency.</p>	
Local		
San Bernardino County Ordinance, Title 3 Health and Safety:	These regulations govern the use, generation, storage, and disposal of hazardous materials and wastes with San Bernardino County Fire Department serves as the local CUPA authorized to implement the provisions of the California Unified Program elements. San Bernardino County Public Works Department, Solid Waste Division, has developed a solid waste program to oversee the handling, processing, and disposal of non-hazardous solid waste to safeguard public health.	Consistent. Consistency ensured by Waste COC, Requirements 1 and 6, and 8.

APPLICABLE CONDITIONS OF CERTIFICATION IN DECISION

Decommissioning activities would take place within the existing project footprint. The existing COCs in the Decision are adequate to ensure there would be no unmitigated significant impacts to waste management, or unmitigated impacts to public health and safety due to waste management. The proposed decommissioning of the project would not result in any necessary changes or deletions to the COCs for Waste Management.

The applicable COCs are listed below.

Requirement 1: Non-hazardous construction and operation wastes from SEGS Unit VIII shall be disposed of by Luz or its contractors at the Barstow Landfill or at facilities approved by the LRWQCB, the San Bernardino County DEHS, or other appropriate agencies in counties where alternate disposal facilities may be located. Luz shall obtain, or use contractors who have obtained, all applicable county permits for refuse collection and hauling.

Hazardous wastes generated during construction and operation shall be disposed of at CDHS approved hazardous waste facilities, if not treated on-site following CDHS and CEC CPM approval of the treatment process.

Verification: At least 30 days following the Commission Decision, Luz shall submit a letter to the California Energy Commission (CEC) Compliance Project Manager (CPM) verifying that Luz intends to:

1. Dispose of all construction and operation non-hazardous wastes at the Barstow Landfill or at facilities approved by the LRWQCB and San Bernardino County DEHS and;
2. Dispose of construction and operation-related hazardous wastes at a CDHS approved hazardous waste facility.

In the Annual Compliance Reports Luz shall provide the CEC CPM verification that all wastes have been disposed of in the appropriate landfills.

Requirement 6: Luz shall annually prepare a report on all project-related hazardous wastes along with all waste disposal methods and the facilities used. The report shall also include the quantities of each type of waste generated and disposed of.

Verification: Luz shall submit a hazardous waste report to the CEC CPM in the Annual Compliance Report.

~~**Requirement 8:** Because of the hazardous nature of the heat transfer fluid (HTF), Luz shall maintain records of all shipments of HTF to SEGS Unit VIII. All HTF must be accounted for in the Annual Compliance Report.~~

~~**Verification:** Within 90 days following certification, Luz shall submit an HTF accounting plan to the CEC CPM for comment and subsequent approval.~~

ADDITIONAL PROPOSED CONDITIONS OF CERTIFICATION

None.

ANALYSIS

Based on final decommissioning plan provided by the owner, after cessation of operations, all remaining nonhazardous wastes would be collected and disposed of in appropriate recycling centers, landfills, or waste collection facilities according to all applicable LORS. Hazardous wastes would be disposed of according to all applicable LORS. The site would be secured 24-hours per day during the decommissioning activities (LSA 2020).

Decommissioning would entail breakdown and removal of structures and facilities. Materials from these activities such as concrete, glass, and metal would be transported via heavy haul dump truck to the appropriate landfill identified. Debris would be placed in temporary on-site storage area(s) pending transportation to the recycling/disposal

facilities. Other wastes, including heat transfer fluid (HTF), lubricating oils, fuels, water treatment chemicals, universal waste, and possible lead- and asbestos-containing materials would be managed for proper containerization, profiling, and shipment off site for disposal or recycling (LSA 2020).

An exception to the above practices would be the decommissioning of the septic system. This would be completed in accordance with the applicable LORS identified above. Any material from the septic system that needs to be disposed of off-site would be handled in the same fashion as similar classified waste from site decommissioning.

Adherence to the applicable waste management COCs for the project during decommissioning activities and up until an order terminating CEC jurisdiction over the project is obtained by the project owner, along with compliance with the LORS applicable to waste management identified in this analysis, would ensure that impacts would be less than significant.

CONCLUSIONS AND RECOMMENDATIONS

Based on the information provided by the project owner, staff concludes the proposed decommissioning of the facility would not result in significant waste management impacts. The proposed decommissioning would not require any change to the COCs related to waste management adopted by the Energy Commission in its Final Decision for SEGS VIII (CEC 1989).

REFERENCES

CEC 1989 – California Energy Commission final decision on the application for certification of SEGS VIII Harper Dry Lake, 29 March 1989, Docket No. 88-AFC-01

LSA 2020 – Final Facility Decommissioning Plan Solar Energy Generating System (SEGS) VIII (88-AFC-01C), San Bernardino County, California. Docket Number 88-AFC-01C, TN: 232903.