

<b>DOCKETED</b>	
<b>Docket Number:</b>	88-AFC-01C
<b>Project Title:</b>	Compliance - Application for Certification for LUZ Solar Electric Generating Systems Cogeneration Unit VIII
<b>TN #:</b>	234364
<b>Document Title:</b>	ORDER APPROVING DECOMMISSIONING PLAN AND COUNTY OVERSIGHT OF DECOMMISSIONING ACTIVITIES
<b>Description:</b>	N/A
<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>	8/19/2020

STATE OF CALIFORNIA

STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

*IN THE MATTER OF:*

**SOLAR ENERGY GENERATING  
SYSTEMS VIII**

Docket No. 88-AFC-01C

**ORDER APPROVING  
DECOMMISSIONING PLAN AND  
COUNTY OVERSIGHT OF  
DECOMMISSIONING ACTIVITIES**

On May 1, 2020, Luz Solar Partners, Ltd., VIII (facility owner) submitted a *Final Facility Decommissioning Plan* (Decommissioning Plan) to the California Energy Commission (CEC) for Solar Energy Generating Systems Unit VIII (SEGS VIII), as required by Condition of Certification, Requirement 1 in the “Decommissioning” section of the facility’s Commission Decision (hereinafter, “**DECOM-1**”).<sup>1</sup> As outlined in the Decommissioning Plan, the facility owner proposes to undertake decommissioning activities to ensure that the discontinuation of power generation at SEGS VIII can be conducted safely and to demolish and remove equipment from the site, while leaving select equipment in place for potential future reuse as part of a solar photovoltaic facility.

**STAFF RECOMMENDATION**

CEC staff reviewed a draft version of the Decommissioning Plan and provided feedback to the facility owner that resulted in the filing of the *Final Facility Decommissioning Plan* on May 1, 2020. In staff’s *Final Decommissioning Plan Staff Analysis* (Staff Analysis), filed to the SEGS VIII docket on July 23, 2020, staff concluded that, with the continued implementation of existing conditions of certification and the adoption of new conditions of decommissioning proposed by staff and the facility owner, the activities proposed in the Decommissioning Plan would not have a significant effect on the environment or on an environmental justice population, would comply with applicable laws, ordinances, regulations, and standards, and would be consistent with the requirements in **DECOM-1**.

On August 3, 2020, the facility owner filed comments on the Staff Analysis to the SEGS

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<sup>1</sup> See Commission Decision, Application for Certification for Luz Engineering Corporation SEGS Project (Harper Lake) Unit VIII, filed Mar. 31, 1989, at pp. 513-515.

VIII docket. The facility owner's comments requested certain changes to the Noise, Transportation, and Waste Management sections of the Staff Analysis. CEC staff reviewed the changes and filed its responses to the SEGS VIII docket on August 6, 2020 in the document titled, *CEC Staff Response to Luz Solar Partners VIII, Ltd., Comments on the Staff Analysis and Recommendations for the SEGS VIII Final Decommissioning Plan* (Staff's Response to Comments). Staff's Response to Comments included an attachment containing minor revisions to the Noise, Transportation, and Waste Management sections of the Staff Analysis which supersede the Noise, Transportation, and Waste Management sections included in the Staff Analysis filed on July 23, 2020. Most notably, the revised Noise section now includes new conditions **D-NOISE-1** through **D-NOISE-3**, which were included and analyzed in the July 23, 2020 Staff Analysis but incorrectly characterized as existing conditions of certification from the SEGS VIII Commission Decision.

Accordingly, staff recommends that the CEC approve the Decommissioning Plan and adopt the new conditions of decommissioning proposed by staff and the facility owner. Specifically, staff recommends the adoption of conditions of decommissioning **D-AQ-1** through **D-AQ-5**, **D-BIO-1** through **D-BIO-4**, **D-CUL-1** through **D-CUL-3**, **D-PAL-1** through **D-PAL-3**, **D-HAZ-1**, **D-LU-1**, **D-PH-1** and **D-PH-2**, **D-S&W-1** through **D-S&W-4**, and **D-WS-1** and **D-WS-2** as proposed in the Staff Analysis, filed on July 23, 2020. In addition, staff recommends the adoption of conditions of decommissioning **D-NOISE-1** through **D-NOISE 3** and **D-TRAFFIC-1** and **D-TRAFFIC-2** as proposed in the attachment to Staff's Response to Comments, filed on August 6, 2020.

Staff additionally requests that the CEC authorize the Executive Director to execute an agreement between the CEC and the County of San Bernardino that would allow the County to conduct compliance verification activities for the duration of the SEGS VIII decommissioning on behalf of the CEC. As noted in the document titled *County Oversight of Solar Energy Generating Systems (SEGS) VIII Decommissioning*, filed to the SEGS VIII docket on July 30, 2020, staff has verified that the County of San Bernardino has expertise in the subject areas where new or existing conditions would apply to decommissioning and is willing to serve as the CEC's delegate under a delegation of authority made pursuant to Title 20, California Code of Regulations, section 1770(b).

## **ENERGY COMMISSION FINDINGS**

Based on the record, including the Decommissioning Plan, Staff Analysis, facility owner's comments, and Staff's Response to Comments, the CEC finds that the activities proposed in the Decommissioning Plan would not have a significant effect on the environment or on an environmental justice population and would be consistent with current and applicable laws, ordinances, regulations and standards.

The CEC further finds that the Decommissioning Plan meets all of the criteria included in condition of certification **DECOM-1** of the SEGS VIII Commission Decision, including the requirements that the Decommissioning Plan:

- identify and discuss the proposed decommissioning activities and schedule for the power plant site, transmission line corridor, and all appurtenant facilities constructed as a part of/ or because of the project;
- identify all applicable laws, ordinances, regulations, standards, (LORS) and local/regional plans applicable at that time;
- discuss how the specific proposed decommissioning activities will comply with those identified LORS and plans;
- contain an analysis of all decommissioning alternatives considered, including restoration of the site to its preconstruction, natural state; and
- discuss the reasons for selecting the preferred proposal.

The CEC additionally finds, based on staff's *County Oversight of Solar Energy Generating Systems (SEGS) VIII Decommissioning* document, that the County of San Bernardino is eligible to serve as the CEC's delegate under a delegation of authority made pursuant to Title 20, California Code of Regulations, section 1770(b).

## **CONCLUSION AND ORDER**

The CEC hereby approves the Decommissioning Plan under condition of certification **DECOM-1**.

The CEC further adopts the following conditions of decommissioning:

- **D-AQ-1** through **D-AQ-5**, **D-BIO-1** through **D-BIO-4**, **D-CUL-1** through **D-CUL-3**, **D-PAL-1** through **D-PAL-3**, **D-HAZ-1**, **D-LU-1**, **D-PH-1** and **D-PH-2**, **D-S&W-1** through **D-S&W-4**, and **D-WS-1** and **D-WS-2** as proposed in the Staff Analysis; and
- **D-NOISE-1** through **D-NOISE-3** and **D-TRAFFIC-1** and **D-TRAFFIC-2** as proposed in the attachment to Staff's Response to Comments.

Finally, the CEC authorizes the Executive Director to execute an agreement between the CEC and the County of San Bernardino that would allow the County to conduct compliance verification activities for the duration of the SEGS VIII decommissioning on behalf of the CEC.

**IT IS SO ORDERED.**

**CERTIFICATION**

The undersigned Secretariat to the CEC 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 CEC held on August 12, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

*Cody Goldthrite*

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Cody Goldthrite

Secretariat