

DOCKETED

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ENERGY COMMISSION FINDINGS

Based on the record, including staff's analysis, the Commission concludes that the proposed modifications will not result in any significant impacts to public health and safety, or to the environment. The Commission finds that:

- The petition meets all the filing criteria of Title 20, California Code of Regulations, section 1769 (a), concerning post-certification project modifications.
- The modifications will not change the findings in the Commission's Final Decision, pursuant to Title 20, California Code of Regulations, section 1748;
- The facility will remain in compliance with all applicable laws, ordinances, regulations, and standards, subject to the provisions of Public Resources Code section 25525;
- It is prudent for the CEC to exercise enhanced scrutiny over the facility given the circumstances that gave rise to the petition, and it is reasonable for the public to have access to safety audits conducted pertaining to the operation of the facility, including the circumstances that gave rise to the petition;
- The facility's operation in simple cycle mode is within the existing license and no changes to any Conditions of Certification are required;
- The City of Hayward Fire Department will continue to exercise its existing authorities under the RCEC Conditions of Certification, including, but not limited to, the Fire Department's roles under Conditions HAZ-1, HAZ-2, HAZ-7, WASTE-4, WASTE-8, WASTE-12, WORKER SAFETY-2, and WORKER SAFETY-3;
- The facility will return to combined cycle operations when repairs and testing are completed.

CONCLUSION AND ORDER

The CEC hereby approves the petition for modifications allowing for the facility to operate in simple cycle mode as set forth in staff analysis and adopts the draft order, with the following modifications:

~~The applicant must submit to the CEC a safety audit fully identifying the circumstances that gave rise to the petition. If the CEC determines that any of the information in the audit should not be released under applicable law, the applicant must submit a public version of the report that omits only the confidential portion of the audit report.~~

~~The applicant must, within 10 days of this Order, identify all additional safety measures it is taking and report back to the CEC on the status of the implementation of its safety measures on a monthly basis.~~

~~The applicant must also allow the City of Hayward's Fire Department to periodically inspect the facility to ensure safety requirements are met, and shall be responsible for the associated costs of those inspections.~~

At least thirty (30) days after approval of the Petition of the Temporary Safety Modifications, the Project Owner shall meet with California Energy Commission Staff and Hayward City Fire Department to discuss any needed modifications of their standard operating procedures for first responders to implement when responding to incidents on site, including establishing a process for reimbursement of reasonable expenses.