

DOCKETED

Docket Number:	88-AFC-01C
Project Title:	Compliance - Application for Certification for LUZ Solar Electric Generating Systems Cogeneration Unit VIII
TN #:	243041
Document Title:	Order Terminating Certification
Description:	Order No: 22-0511-1d
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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**SOLAR ENERGY GENERATING
SYSTEMS VIII APPLICATION FOR
CERTIFICATION**

Docket No. 88-AFC-01C

**ORDER TERMINATING
CERTIFICATION**

I. INTRODUCTION

On March 9, 2022, Terra-Gen, LLC, submitted a request to terminate the California Energy Commission (CEC) certification (license) (TN 242234) for the Solar Energy Generating System (SEGS) VIII – Harper Lake (88-AFC-01C). Approval of this request would end the CEC’s jurisdiction over the SEGS VIII project and site.

SEGS VIII is a solar thermal power plant that used parabolic mirrors to concentrate solar energy for transfer into heat transfer fluid. The heat was then used to create steam to generate up to 80 megawatts of electric power for the Southern California Edison transmission grid. The CEC certified SEGS VIII on March 29, 1989, and the facility went online in December 1989. SEGS VIII is located at 43880 Harper Lake Road, 7 miles northeast of Highway 58 on a 500-acre site near Hinkley, California, in unincorporated San Bernardino County.

The SEGS VIII facility Final Decommissioning Plan was approved by the CEC on August 20, 2020, with work in the SEGS VIII area completed on April 15, 2022.

The project owner obtained a conditional use permit (CUP) from the County of San Bernardino on October 3, 2019, for the redevelopment of the SEGS VIII site for a solar photovoltaic (PV) project and a battery energy storage system (BESS).

II. STAFF RECOMMENDATION

The project owner has completed the requirements of the approved Decommissioning Plan and is now requesting termination of the license. CEC technical staff reviewed the request to terminate and determined through a site inspection and review of documentation, that all requirements of the Decommissioning Plan have been met, and that no significant environmental impacts nor violation of applicable LORS occurred during closure of the facility. On April 15, 2022, the Delegate Chief Building Official issued a final inspection report confirming decommissioning is complete. It is now

appropriate to terminate the CEC's jurisdiction so the project site can be repurposed under the county's jurisdiction.

The California Environmental Quality Act (CEQA) applies to discretionary project approvals, and although a vote to terminate the facility's certification and jurisdiction over the site would be a discretionary act, the termination does not meet the definition of a "project" under the CEQA Guidelines. (See Cal. Code Regs., tit. 14, § 15378.) Under CEQA, the definition of "[p]roject does not include . . . administrative activities of governments that will not result in direct or indirect physical changes in the environment." (Cal. Code Regs., tit. 14, § 15378(b)(5).) CEQA Guidelines sections 15060(c)(2)-(3) and 15378(a) further reinforce that CEQA does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment. In this case, the decision at issue relates to the jurisdiction of the decommissioned site and not approval of any changes to the physical nature of the site. Staff is recommending termination of the license as continuing jurisdiction over the site is no longer necessary with the removal of the thermal powerplant.

III. ENERGY COMMISSION FINDINGS AND ORDER

The CEC finds that the approved decommissioning plan was completed and the SEGS VIII thermal powerplant is no longer in existence. Termination of the CEC's certification will allow the sites to be repurposed with a PV and BESS project to be constructed under the jurisdiction of San Bernardino County. Terminating the CEC's certification and jurisdiction over the site is not a project under CEQA because the action does not entail any physical change to the environment. Therefore, the CEC hereby adopts staff's recommendation and grants the petition for termination of SEGS VIII's certification and jurisdiction over the project site, effective May 11, 2022.

IT IS SO ORDERED.

CERTIFICATION

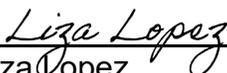
The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on May 11, 2022.

AYE: Hochschild, Gunda, Monahan

NAY: NONE

ABSENT: McAllister, Vaccaro

ABSTAIN: NONE



Liza Lopez
Secretariat