

November 7, 2018 California Energy Commission Business Meeting

Item 3. STANTON ENERGY RELIABILITY CENTER APPLICATION FOR CERTIFICATION (16-AFC-01).

Presiding Member's Proposed Decision

<https://efiling.energy.ca.gov/getdocument.aspx?tn=224903>

Errata to the Presiding Member's Proposed Decision

<https://efiling.energy.ca.gov/getdocument.aspx?tn=225827>

Project Web page

<https://www.energy.ca.gov/sitingcases/stanton/>

Project Docket Log, including any documents filed after this list was created on November 6, 2018

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=16-AFC-01>



**Before the Energy Resources Conservation and Development
Commission of the State of California**
1516 Ninth Street, Sacramento, CA 95814
1-800-822-6228 – www.energy.ca.gov

APPLICATION FOR CERTIFICATION FOR THE:

STANTON ENERGY RELIABILITY CENTER

Docket No. 16-AFC-01

(PROPOSED) COMMISSION ADOPTION ORDER

This Energy Commission Order adopts the Presiding Member's Proposed Decision¹ (PMPD), Errata,² and the Committee recommendations set forth therein for the Stanton Energy Reliability Center Application for Certification. These adopted documents and recommendations comprise the Commission's Decision.

The Commission Decision is based upon the hearing record of these proceedings and considers the comments received prior to and at the November 7, 2018 Business Meeting. The Commission Decision contains a summary of the proceedings, the evidence presented, and the rationale for the findings reached and conditions imposed.

This Order incorporates by reference the text, evidence, conditions of certification, compliance verifications, and Appendices contained in the Stanton Energy Reliability Center PMPD and Errata. The requirements contained in the Commission Decision ensure that the proposed facility will be designed, sited, constructed, and operated in a manner to protect environmental quality, to assure public health and safety, and to operate in a safe and reliable manner.

FINDINGS

The Commission hereby adopts the following findings pursuant to the California Environmental Quality Act (California Public Resources Code section 21000 et seq.), the Warren-Alquist Act (California Public Resources Code section 25500 et seq.) and the Energy Commission regulations (California Code of Regulations, title 20), in addition to those contained in the Commission Decision:

1. The conditions of certification contained in the Commission Decision ensure that the Stanton Energy Reliability Center project will be designed, constructed, sited, and operated in conformity with applicable local, regional, state, and federal laws,

¹ TN 224903.

² TN 225827.

ordinances, regulations, and standards, including applicable public health and safety standards, and air and water quality standards.

2. Implementation of the conditions of certification contained in the Stanton Energy Reliability Center Commission Decision will ensure protection of environmental quality and assure reasonably safe and reliable operation of the Stanton Energy Reliability Center.
3. Implementation of the conditions of certification contained in the Stanton Energy Reliability Center Commission Decision will also ensure that the Stanton Energy Reliability Center project will neither result in, nor contribute substantially to, any significant direct, indirect, or cumulative environmental impacts.
4. Changes or alterations have been incorporated into the Stanton Energy Reliability Center that mitigate or lessen the impacts of the project and will be beneficial to the public.
5. Existing governmental land use restrictions are sufficient to adequately control population density in the area surrounding the Stanton Energy Reliability Center and may be reasonably expected to ensure public health and safety.
6. The Stanton Energy Reliability Center will, with implementation of the conditions of certification, avoid any substantial adverse environmental effects on nearby state, regional, county, and city parks, and areas for wildlife protection.
7. There is an environmental justice population, based on either the presence of minority or low-income populations, within six-miles of the project; however, the Stanton Energy Reliability Center project will not have any significant environmental impacts, and therefore will not have a disproportionate impact on below-poverty-line or minority populations.
8. The Commission Decision contains a discussion of the public benefits of the project as required by Public Resources Code section 25523(h).
9. The Stanton Energy Reliability Center will benefit the local and regional study areas in terms of an increase in local expenditures and payrolls during construction and operation of the facility, as well as a possible benefit to public finance and local economies through taxation. These activities will provide a degree of economic benefit to the local area.
10. The Stanton Energy Reliability Center Commission Decision contains measures to ensure that the planned, temporary, or unexpected closure of the Stanton Energy Reliability Center will conform with applicable laws, ordinances, regulations, and standards.
11. The proceedings leading to the Stanton Energy Reliability Center Commission Decision have been conducted in conformity with the regulations governing the consideration of an Application for Certification, and thereby meet the requirements of Public Resources Code sections 21000 et seq. and 25500 et seq.

ORDER

Therefore, the Commission orders the following:

The Presiding Member's Proposed Decision for the Stanton Energy Reliability Center filed on October 5, 2018, TN 224903, and the Errata filed on November 6, 2018, TN 225827, are hereby adopted as the Commission Decision and incorporated by reference into this Order.

1. The Application for Certification for the Stanton Energy Reliability Center as described in the Commission Decision and a certificate to construct and operate the Stanton Energy Reliability Center are hereby granted.
2. The approval of the Application for Certification for the Stanton Energy Reliability Center is subject to the timely performance of the conditions of certification and Compliance verifications.
3. The conditions of certification and compliance verifications for the Stanton Energy Reliability Center are integrated with this Order and are not severable therefrom.
4. While the project owner may delegate the performance of a condition or verification, the duty to ensure adequate performance of a condition or verification may not be delegated.
5. This Order is adopted, issued, effective, and final on November 13, 2018.
6. Reconsideration of this Order is governed by Public Resources Code section 25530.
7. Judicial review of this Order is governed by Public Resources Code section 25531.
8. The Commission hereby adopts the conditions of certification, compliance verifications, and associated dispute resolution procedures set forth in the Commission Decision as its monitoring system required by Public Resources Code section 25532.
9. All conditions of certification take effect immediately upon adoption and apply to all construction and site preparation activities including, but not limited to, ground disturbance, site preparation, and permanent structure construction.
10. This Order licenses the project owner to commence construction of the Stanton Energy Reliability Center. Subject to the provisions of California Code of Regulations, title 20, section 1720.3, this license expires by operation of law when the Stanton Energy Reliability Center's commencement-of-construction deadline passes with no construction.
11. The Executive Director of the Energy Commission shall transmit a Notice of Decision and appropriate accompanying documents as provided by Public

Resources Code section 25537 and California Code of Regulations, title 20, section 1768.

12. The Hearing and Policy Unit shall incorporate the Stanton Energy Reliability Center PMPD, Errata and any modifications made by the Commission during the November 7, 2018 Business Meeting into a single document. Publication of that compilation shall not affect the adoption, effective, issuance, or final dates of this Order established in paragraph 4, above.

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 November 7, 2018.

AYE:

NAY:

ABSENT:

ABSTAIN:

Cody Goldthrite
Secretariat

ATTACHMENT A

**ADDITIONAL CHANGE TO PMPD ADOPTED AT
NOVEMBER 7, 2018 ENERGY COMMISSION BUSINESS MEETING**

[No modifications were adopted at the November 7, 2018 Energy Commission Business Meeting.]