

May 11, 2022 California Energy Commission Business Meeting, Consent Item 1c; Solar Energy Generating Systems VIII Request for License Termination (88-AFC-01C)

SEGS VIII Docket Log:

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

SEGS VIII Final Decommissioning Plan (TN 232903)

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=232903&DocumentContentId=65342>

SEGS VIII Decommissioning Plan Staff Analysis (TN 234002)

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=234002&DocumentContentId=66822>

SEGS VIII Request To Terminate License (TN 242234)

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=242234&DocumentContentId=75730>

CEC Staff Recommendation for License Termination Request (TN 242871)

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=242871&DocumentContentId=76453>



DATE: April 29, 2022

TO: Interested Parties

FROM: John Heiser, Compliance Project Manager

SUBJECT: License Termination

**Solar Energy Generating Systems (SEGS) VIII - Harper Lake (88-AFC-01C)
License Termination Staff Recommendation**

On March 9, 2022, Luz Solar Partners, Ltd., VIII (project owner), an indirect wholly owned subsidiary of 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.

BACKGROUND

SEGS VIII is a solar thermal power plant that used parabolic mirrors to concentrate solar energy for transfer into heat transfer fluid, which was then used to create steam to generate up to 80 megawatts (MW) 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 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).

The following describes key dates associated with decommissioning of the SEGS VIII facility:

- May 1, 2020: Luz Solar Partners, Ltd., VIII submitted a Decommissioning Plan to the CEC.

- July 23, 2020: CEC Staff Analysis concluded 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 applicable laws, ordinances, regulations, and standards (LORS), as required by General Compliance Condition DECOM-1.
- August 20, 2020: CEC issued the Notice of Determination approving the SEGS VIII Decommissioning Plan.
- October 21, 2021: CEC issued a full Notice to Proceed with Decommissioning Activities for SEGS VIII.
- April 15, 2022: SEGS VIII decommissioning was complete with a Delegate Chief Building Official issued final inspection report.

For additional information, the CEC's webpage for this facility,

<https://www.energy.ca.gov/powerplant/solar-thermal/segs-viii-harper-lake>, has a link to the SEGS VIII request to terminate ([TN 242234](#)).

This letter has been mailed to the CEC's list of interested parties and property owners adjacent to the facility site. It has also been emailed to the Siting list serve. The list serve is an automated CEC email system by which information about this facility is emailed to parties who have subscribed. To subscribe, go to the CEC's [webpage for this facility](#), cited above, scroll down the right side of the project's webpage to the box labeled "Subscribe," and provide the requested contact information.

Any person may comment on the Staff Recommendation. Those who wish to comment should submit their comments by May 9, 2022. Comments will also be accepted during the scheduled business meeting. To use the CEC's electronic commenting feature, go to the CEC's project webpage and click on either the "Comment on this Proceeding," or "[Submit e-Comment](#)" link. When your comments are filed, you will receive an email with a link to them.

STAFF CONCLUSIONS

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. 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.

TERMINATION APPROVAL PROCESS

Staff intends to recommend approval of the SEGS VIII termination request at the May 11, 2022, CEC Business Meeting. At this Business Meeting, any person may present oral or written statements relevant to the request. Any interested person may also file comments on staff's determination and recommendation prior to the business meeting by submitting written comments through CEC's electronic commenting feature. To use this electronic feature, go to the CEC's [webpage for this facility](#) cited above, scroll down the right side of the project's webpage to the box labeled "Subscribe" and provide the requested contact information.

Those who wish to provide comments on the Request to Terminate are asked to file the comments prior to May 11, 2022.

Written comments may also be mailed or hand-delivered to:

California Energy Commission
Docket Unit, MS-4
SEGS VIII (88-AFC-01C)
715 P Street
Sacramento, CA 95814

All comments and materials filed with and approved by the Docket Unit will be added to the facility Docket Log and become publicly accessible on the CEC's [webpage for this facility](#).

If you have questions about this notice, please contact John Heiser, Compliance Project Manager for the Office of Compliance Monitoring and Enforcement, at (916) 628-5566 or via email at John.Heiser@energy.ca.gov.

For information on public participation, please contact the CEC's Office of Public Advisor, Energy Equity, and Tribal Affairs at (916) 957-7910 or email at, publicadvisor@energy.ca.gov.

News media inquiries should be directed to the CEC's Media Office at (916) 654-4989, or by e-mail to mediaoffice@energy.ca.gov.

Mail List: 742

Listserv: Solar Energy Generating Systems (SEGS VIII)

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

**[PROPOSED] 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 (MW) 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:

NAY:

ABSENT:

ABSTAIN:

Liza Lopez
Secretariat