

NOTICE OF DECISION by the CALIFORNIA ENERGY COMMISSION

To: California Resources Agency
1416 9th Street, Room 1311
Sacramento, CA 95814

From: California Energy Commission
1516 9th Street, MS-15
Sacramento, CA 95814

Subject: Filing of Notice of Decision, in compliance with Public Resources Code section 21080.5 and Title 20, California Code of Regulations, section 1768

Project Name: Argus Cogeneration Expansion Project (ACE) Petition to Amend

Energy Commission Docket Number: 86-AFC-01C

Energy Commission Contact Person: Keith Winstead **Phone #:** (916) 654-5191

Project Location: The northwest side of Searles Lake in Trona, San Bernardino County, California.

Project Description: The ACE project is an existing but non-operable 108-megawatt (MW) coal-fired power plant owned by ACE Cogeneration Company (ACC) and was permitted by the Energy Commission in 1988. The Commission approved the landfill in December 1989. The power plant and ash landfill began operations in January 1991. The ACE coal-fired power plant ceased operations in October 2014.

Modification Description: The approved amendment separates the ash landfill from the rest of the ACE project, terminates Energy Commission jurisdiction over the landfill, and allows operation of the on-site diesel generator as the primary source of power for the site.

On November 22, 2017, the California Energy Commission approved the above-described project change pursuant to a regulatory program certified by the California Secretary of Resources under section 21080.5 of the California Public Resources Code, finding that:

1. The project will not have a significant effect on the environment;
2. Mitigation measures were made a condition of approval of the project;
3. The project is in compliance with all laws, ordinances, regulations, and standards; and
4. A statement of Overriding Considerations was not adopted for the project.

The Commission's docket files containing the Energy Commission's Final Decision and other information regarding the project are open to the public at: California Energy Commission, 1516 9th Street, Sacramento, California, 95814. This information is also available on the Energy Commission's webpage

http://www.energy.ca.gov/sitingcases/pre1999_page/index.php?xkm=ajdkha2385duhkasd268dsasid5598fhaikh

		Project Manager
Signature	Date	Title

Date received **FILED** filing:
Resources: DEC 05 2017
 Resources Agency of California

CEC Dockets:

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, section 1769 (a), of the California Code of Regulations, concerning post-certification project modifications;
- The modifications will not change the findings in the Commission's Final Decision, pursuant to Title 20, section 1748, of the California Code of Regulations;
- The project will remain in compliance with all applicable laws, ordinances, regulations, and standards, subject to the provisions of Public Resources Code, section 25525;
- The modifications will not change the findings of the 2015 approved decommissioning plan;
- The modifications will allow for the potential sale of the ash landfill site and the reuse of this disturbed industrial site.

CONCLUSION AND ORDER

The California Energy Commission hereby adopts staff's recommendations and approves the amended conditions of certification to the Commission Decision for the Argus Cogeneration Expansion Project as set forth in the Staff Assessment.

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 08, 2017.

AYE: Weisenmiller, Douglas, McAllister, Hochschild, Scott

NAY: None

ABSENT: None

ABSTAIN: None

Original Signed by:

Cody Goldthrite
Secretariat

Attachment 2

Lahontan Regional Water Quality Control Board Rescission Order

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**BOARD ORDER NO. R6V-2017-0004
WDID NO. 6B368907002**

**RESCISSION OF WASTE DISCHARGE REQUIREMENTS
BOARD ORDER NO. 6-00-92**

FOR

**ACE COGENERATION COMPANY
ASH LANDFILL**

_____ San Bernardino County _____

The California Regional Water Quality Control Board, Lahontan Region (Water Board) finds:

1. Discharger

ACE Cogeneration Company L.P. (ACE) owns and operated a boiler ash landfill facility (Facility) on their property. The property was formerly owned by Searles Valley Minerals, previously known as IMC Chemicals. As such, ACE is named as the Discharger and is herein referred to as the Discharger. ACE also owns and operated a solid fuel (coal and/or petroleum coke) atmospheric fluidized bed combustor boiler at an electrical power and process steam cogeneration plant (Plant) in Trona, near the west side of Searles Dry Lake. The Facility is located about 1,000 feet north of this Plant.

2. Facility

The Facility consists of five unlined, unclassified, landfill cells that have received an inert ash waste stream from the Plant. Approximately 50,000 tons of ash per year have been discharged to these cells since 1990. As each cell reached capacity, they were closed with a soil cover and graded to prevent erosion. Cells 1, 2, 3 and 4 have been closed; cell 5 is the only remaining active cell.

3. Order History

- a. The Facility previously operated under Waste Discharge Requirements (WDRs), Board Order No. 6-90-05, adopted on January 11, 1990, and Board Order No. 6-90-05A1, adopted on March 5, 1998.
- b. The Water Board adopted revised WDRs, Board Order No. 6-00-92, on November 15, 2000.

4. Basis for Rescission

- a. WDRs, Board Order No. 6-00-92, Findings 6, 7, 8, and 10 describe the waste unit and waste disposal at the Facility. Only inert waste has been discharged at the Facility, which is an unlined, unclassified waste management unit. Testing performed on samples collected from the ash waste since 1997 further support the inert designation. California Code of Regulations (CCR), title 27, section 20230 defines inert waste as "Inert waste is that subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste."
- b. Prescribing either individual or general Waste Discharge Requirements is optional for discharge of inert waste to land as allowed by CCR, title 27, section 20230.
- c. Semi-Annual Monitoring Reports submitted in compliance with WDRs, Board Order No. 6-00-92, which include monitoring data from the unsaturated zone, indicate the waste is not a threat to groundwater.
- d. The beneficial use of the groundwaters of Searles Valley is limited to Industrial Service Supply (IND).
- e. As of October 1, 2014, the Discharger has ceased operating the Plant, and, therefore, ceased discharging to the Facility. The Discharger intends to decommission the Plant and close/reclaim cell 5 at the Facility.

5. Conclusion

The waste that has been discharged to the Facility does not pose a threat to water quality, and, therefore, requiring continued monitoring of the site under WDRs would not be in the public interest. Rescinding Board Order No. 6-00-92 is appropriate and is in the public interest.

6. California Environmental Quality Act

Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with title 14, CCR, section 15321.

7. Notification of Interested Parties

The Water Board has notified the Discharger and interested persons of its intent to rescind WDRs, Board Order No. 6-00-92.

8. Public Meeting

The Water Board, in a public hearing, heard and considered all comments pertaining to this Rescission Order.

IT IS HEREBY ORDERED that Waste Discharge Requirements, Board Order No. 6-00-92 is hereby rescinded.

I, Patty Z. Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on January 11, 2017.

Patty Z. Kouyoumdjian

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

RESCINDING OF PERMIT

December 21, 2017

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