

## DOCKETED

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<b>TN #:</b>	206910
<b>Document Title:</b>	Notice of Determination - Petition to Amend the Pio Pico Energy Center Project
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<b>Filer:</b>	Raquel Rodriguez
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**CALIFORNIA ENERGY COMMISSION**

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## **NOTICE OF DETERMINATION PETITION TO AMEND THE PIO PICO ENERGY CENTER PROJECT (11-AFC-1C)**

On July 31, 2015, the Pio Pico Energy Center, LLC filed a petition with the California Energy Commission (Energy Commission) requesting to amend the Final Decision (Decision) for the Pio Pico Energy Center (PPEC). The modifications proposed in the petition would increase tank capacities for storage of raw water and wastewater, increase the height and decrease the footprint of the Water Treatment Building (WTB), and replace the approved reaction tank with two smaller clarifiers.

PPEC is a simple-cycle, natural gas-fired, 300-megawatt facility certified by the Energy Commission in its Decision on September 12, 2012, and construction is approximately 35 percent complete. PPEC will be located in an unincorporated area of San Diego County, California.

### **DESCRIPTION OF PROPOSED MODIFICATION**

Pio Pico Energy Center, LLC seeks approval to amend the PPEC Commission Decision to modify the sizes of the following approved facilities:

- Raw Water Collection Tank (RWCT) (increase in size of the approved tank from 500,000 to 650,000 gallons);
- Wastewater Collection Tank (WWCT) (increase in size of the approved tank from 95,000 to 500,000 gallons);
- Final Wastewater Storage Tank (FWST) (increase in size of the approved tank from 20,000 to 30,000 gallons); and
- Water Treatment Building (WTB) (decrease in square footage from 15,500 square feet to 13,200 square feet and increase in height from 15 feet to 23 feet high).

These facilities were approved in the original September 2012 Decision but have not yet been built. Two small clarifiers would also replace the approved reaction tank.

The larger RWCT will allow for additional storage of recycled water with minimal starts and stops of the wastewater treatment systems. The larger WWCT will allow for collecting and storing all wastewater produced for more than 24 hours before clarifier startup from either a cold or idle start. The larger FWST will provide additional storage capacity for conservative measures only. The total final wastewater generated and disposed offsite will not change from that permitted in the Final Decision.

The modifications to the approved WTB will optimize existing site space to accommodate the final design. The Energy Commission's webpage for this facility, <http://www.energy.ca.gov/sitingcases/piopico/>, has a link to the amendment petition on the right side of the webpage in the box labeled "Compliance Proceeding." Click on the "Documents for this Proceeding (Docket Log)" option.

### ENERGY COMMISSION STAFF REVIEW AND DETERMINATION

Staff determined that no laws, ordinances, regulations, and standards (LORS) applicable to proposed modifications to the project have changed since the Decision was published in September, 2012.

**Air Quality Table 1**  
**Wastewater Storage Modification Structure Dimension comparisons**

Structure	Permitted/Licensed	Proposed
Wastewater Treatment Building	15,500 square feet 155'x100'x15' high	13,200 square feet 165' x 80' x 23' high
Raw Water Collection Tank (RWCT)	500,000 gallons 54' diameter 30' high	650,000 gallons 58' diameter 49' high
Wastewater Collection Tank (WCT)	95,000 gallons 26' diameter 24' high	500,000 gallons 61' diameter 39' high
Final Wastewater Storage Tank (FWST)	20,000 gallons 11' diameter 30' high	30,000 gallons 12' diameter 35.5' high
Clarifiers	<i>Clarifier tanks were not in the original permit</i>	18' length 9' width 25' high

Energy Commission staff reviewed the petition for potential environmental effects and consistency with applicable LORS. Staff has determined that the technical or environmental areas of Biological Resources, Cultural Resources, Hazardous Materials Management, Land Use, Noise and Vibration, Public Health, Socioeconomics, Transmission Line Safety and Nuisance, Transmission System Engineering, and Worker Safety and Fire Protection are not affected by the proposed changes, and no revisions or new conditions of certification are needed to ensure the project remains in compliance with all applicable LORS for these areas.

For the technical areas of Air Quality, Facility Design, Geological and Paleontological Resources, Soil and Water Resources, Traffic and Transportation, Visual Resources, and Waste Management, staff has determined the amended project would continue to comply with applicable LORS and no changes are needed to any conditions of certification to ensure impacts would be less than significant. Staff notes the following for these technical areas:

- **Air Quality.** The PPEC amendment would be limited to the proposed Wastewater Storage Modification (WSM). As part of the WSM, the process WWCT, RWCT, and FWST would be upsized and two small clarifiers would replace the approved reaction tank to support flexibility and variations in operating conditions associated with a peaker plant. **Air Quality Table 1** lists the dimensions of the structures associated with the WSM.

Project particulate matter (PM) emissions do not change due to WSM. The only changes are maximum 24-hour PM impacts. **Air Quality Table 2** shows the maximum 24-hour PM operation impacts with the proposed WSM changes (“New”) and those from the original approved design (“Old”). As shown in **Air Quality Table 2**, the maximum 24-hour PM impacts will be slightly higher due to the downwash effects of the larger, relocated tanks on dispersion of PM emissions from the cooling towers. However, those impacts are not high enough to result in new exceedances of either state or federal ambient air quality standards.

**Air Quality Table 2**  
**Maximum 24-hour PM Operation Impacts ( $\mu\text{g}/\text{m}^3$ )**

Pollutant	Averaging Time	Modeled Impact		Background	Total		Limiting Standard	Percent of Standard	
		New	Old		New	Old		New	Old
<b>PM10</b>	24 hour	4.6	2.2	37.0	41.6	39.2	50	83%	78%
<b>PM2.5</b>	24 hour	4.6	2.2	24.3	28.9	26.5	35	83%	76%

Source: PPEC 2015 and independent staff assessment.

The project as modified would continue to conform with all applicable federal, state, and San Diego Air Pollution Control District (SDAPCD) air quality LORS and the modified project would not cause significant air quality impacts. Existing conditions of certification would remain unchanged and no new conditions would be required.

- **Facility Design.** Since no construction on the tanks and clarifier has begun, no new analysis is needed. Also, the same conditions of certification apply and no modification to them is needed.
- **Geological and Paleontological Resources.** Staff concludes that the proposed amendment will not result in new impacts or exacerbate impacts addressed in the Decision. Existing Geology and Paleontology conditions of certification will be sufficient to reduce impacts from the proposed amendment to a less than significant level.
- **Soil & Water Resources.** Staff determined that existing Soil & Water Resources conditions of certification will be sufficient to reduce impacts from the proposed amendment to a less than significant level.
- **Traffic & Transportation.** The proposed project modifications occur within the originally proposed footprint of the project and do not result in additional road disturbance, crossings, or access roads. As compared to the original project, the modifications result in approximately four additional construction truck trips. The addition of four construction truck trips is minimal and would not impact the traffic level of service on nearby roadways. Traffic and transportation system impacts are expected to remain less than significant with the implementation of the conditions of certification set forth in the September 2012 Decision.

- Visual Resources.** Based on the overall approved PPEC project size and number of visually prominent features (e.g., stacks, condenser units, transformers) that are being constructed on the site, the increased size of wastewater storage structures and the wastewater treatment building would not have the ability to substantially alter the visual character of the approved PPEC site from surrounding areas. The modified wastewater storage structures and treatment building shall meet the design requirements specified in existing Conditions of Certification **VIS-1** (surface treatment) and **VIS-3** (lighting requirements). As a result, increasing the size of wastewater storage structures and the wastewater treatment building would not have a substantial adverse effect on a scenic vista or substantially degrade the existing visual character or quality of the site and its surroundings. No changes are necessary to the visual resources conditions of certification in the September 2012 Decision for the PPEC project.
- Waste Management.** The proposed activities would not result in a change or deletion of a condition of certification adopted by the Energy Commission (in the Decision and subsequent approved amendment). The existing waste management conditions of certification are adequate to ensure there would be no unmitigated significant impacts.

Also, the proposed changes would not cause any significant impacts to any population within the six-mile radius of PPEC, including the environmental justice population identified in the **Environmental Justice Population Figure** (attached).

Staff's conclusions in each technical area are summarized in **Table 1**, below.

**Table 1**  
**Summary of Impacts for Each Technical Area**

TECHNICAL AREAS REVIEWED	STAFF RESPONSE			Revised Conditions of Certification Recommended
	Technical Area Not Affected	No Significant Environmental Impact or LORS Inconsistency*	Process As Amendment	
Air Quality		X		
Biological Resources	X			
Cultural Resources	X			
Facility Design		X		
Hazardous Materials Management	X			
Land Use	X			
Noise & Vibration	X			

**Table 1 (Cont'd)  
 Summary of Impacts for Each Technical Area**

TECHNICAL AREAS REVIEWED	STAFF RESPONSE			Revised Conditions of Certification Recommended
	Technical Area Not Affected	No Significant Environmental Impact or LORS Inconsistency*	Process As Amendment	
Geological and Paleontological Resources				
Public Health				
Socioeconomics	X			
Soil & Water Resources		X		
Traffic & Transportation		X		
Transmission Line Safety & Nuisance	X			
Transmission System Engineering	X			
Visual Resources		X		
Waste Management		X		
Worker Safety & Fire Protection	X			

\*The proposed modifications will not have a significant effect on the environment, and the modifications will not result in a change in or deletion of a condition adopted by the Energy Commission in the Decision, or make changes that would cause project noncompliance with any applicable laws, ordinances, regulations, or standards (Cal. Code Regs., tit. 20, § 1769 (a)(2).)

Section 1769(a)(2) of Title 20, California Code of Regulations, states, “[w]here staff determines that there is no possibility that the modifications may have a significant effect on the environment, and if the modifications will not result in a change or deletion of a condition adopted by the commission in the final decision or make changes that would cause the project not to comply with any applicable laws, ordinances, regulations, or standards, no commission approval is required....”

Pursuant to that section, Energy Commission staff has determined that approval by the full Commission is not required for this petition and the proposed modifications meet the criteria for approval at the staff level because:

- The modifications will not have any significant effect on the environment;
- Existing conditions of certification are sufficient to cover the proposed modifications without changes to, or deletions of, any conditions of certification; and
- The project as modified will maintain full compliance with applicable LORS.

This Notice of Determination has been mailed to the Energy Commission's facility mail list of interested parties and property owners adjacent to the facility site. It has also been e-mailed to the facility listserv. The listserv is an automated Energy Commission e-mail system by which information about this facility is e-mailed to parties who have subscribed. To subscribe, go to the Energy Commission'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 file an objection to staff's determination within 14 days of the date of this Notice on the grounds that the project modification does not meet the criteria set forth in Title 20, California Code of Regulations, section 1769(a)(2). Absent any relevant objections, the amendment petition will be approved 14 days after this Notice is docketed. To use the Energy Commission's electronic commenting feature to object to staff's determination, go to the Energy Commission's webpage for this facility, cited above, click on the "Submit e-Comment" link, and follow the instructions in the on-line form. Be sure to include the facility name in your comments. Once submitted, the Energy Commission Dockets Unit reviews and approves your comments, and you will receive an e-mail with a link to them.

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

California Energy Commission  
Dockets Unit, MS-4  
Docket No. 11-AFC-1C  
1516 Ninth Street  
Sacramento, CA 95814-5512

All comments and materials filed with and approved by the Dockets Unit will be added to the facility Docket Log and be publicly accessible on the Energy Commission's webpage for the facility.

If you have questions about this Notice, please contact Dale Rundquist, Compliance Project Manager, at (916) 651-2072, or by fax to (916) 654-3882, or via e-mail at [dale.rundquist@energy.ca.gov](mailto:dale.rundquist@energy.ca.gov).

For information on participating in the Energy Commission's review of the petition, please call the Public Adviser at (800) 822-6228 (toll-free in California) or send your e-mail to [publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov). News media inquiries should be directed to the Energy Commission Media Office at (916) 654-4989, or by e-mail to [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov).

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