

**DOCKETED**

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<b>Project Title:</b>	Stanton Energy Reliability Center - Compliance
<b>TN #:</b>	229859
<b>Document Title:</b>	STAFF APPROVAL OF PROPOSED CHANGE
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<b>Docketed Date:</b>	9/26/2019



## **STAFF APPROVAL OF PROPOSED CHANGE STANTON ENERGY RELIABILITY CENTER (16-AFC-01C)**

On August 23, 2019, Stanton Energy Reliability Center, LLC (project owner) filed a petition for post certification change (petition) with the California Energy Commission (CEC) for the Stanton Energy Reliability Center (SERC). The petition originally requested the addition of three temporary construction staging areas for gas pipeline work, parking, and equipment. However, on September 16, 2019, SERC, LLC (TN#:229785) requested the removal of one of the laydown areas identified in the petition: the north parking area near Walmart at the Buena Park Place Mall, in the city of Buena Park. Therefore, this document analyzes the two remaining laydown areas requested in the petition.

This petition requests a change to the project description only. It does not request changes to project operation or changes to any of the conditions of certification in the Commission Final Decision (Decision).

On October 26, 2016, the project owner filed an Application for Certification (AFC) with the Energy Commission to construct and operate a 98-megawatt (MW) power facility with 10 MW of integrated battery storage at 10711 Dale Avenue in the City of Stanton. The Energy Commission approved the AFC on November 7, 2018 and construction of the facility began on February 12, 2019. The facility is expected to begin operating by the first quarter of 2020.

### **DESCRIPTION OF PROPOSED CHANGE**

If approved, the request (TN#: 229517) would allow for two additional construction staging areas located along the gas line route. The proposed locations are:

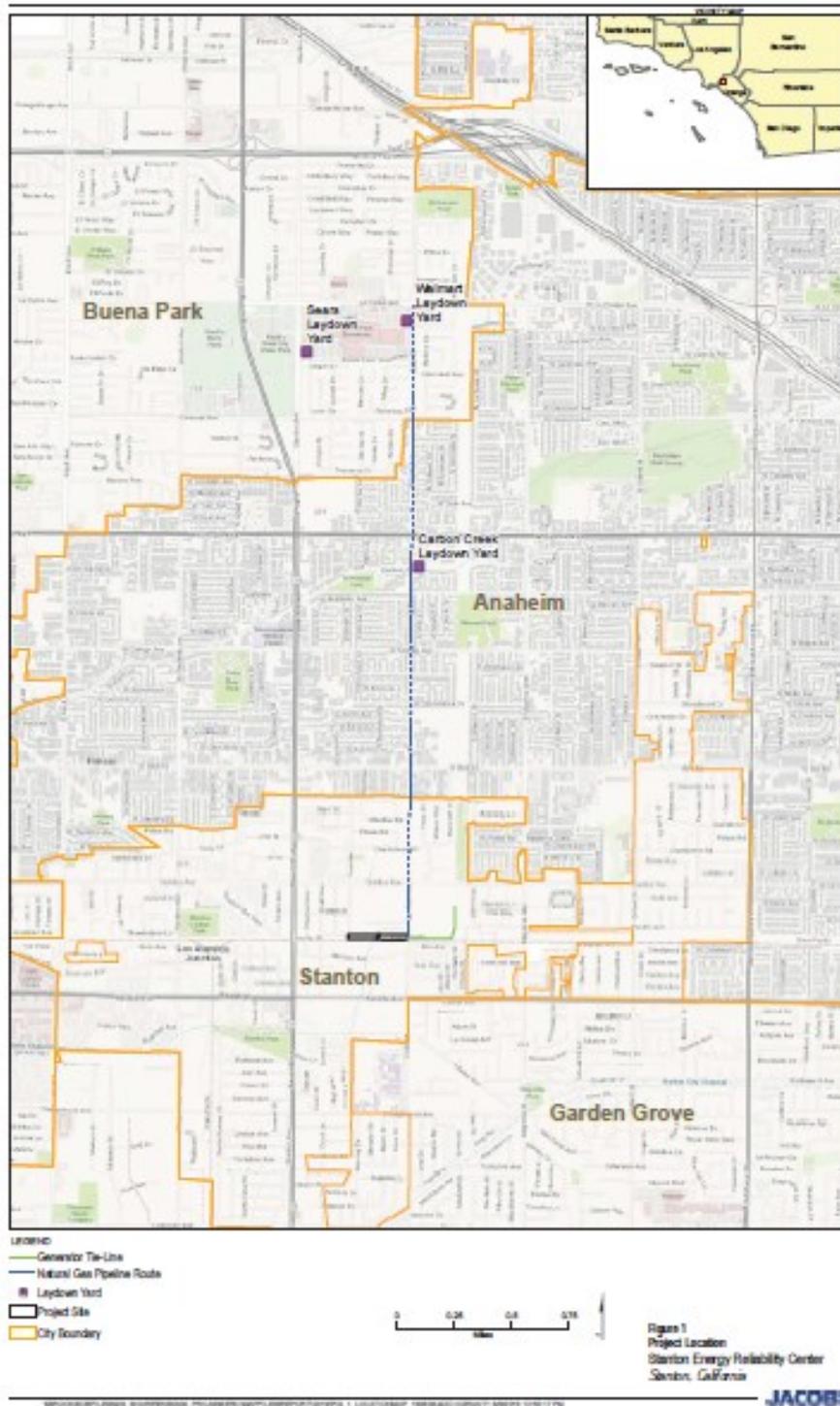
1. An undeveloped parcel 0.3-acre in size, located northeast of Schweitzer Elementary School, on the east side of Dale Avenue, north side of Carbon Creek, in the city of Anaheim.
2. A paved parking area 1.87-acre in size, located south of Sears Tire Center, 8450 La Palma Avenue, Buena Park Place Mall, in the city of Buena Park.

Activities within the two areas include: equipment and worker parking, storage of tools and equipment in Conex boxes, pipe fittings and welding, and pipe staging and storage. Temporary security fencing would be installed at the Sears staging area.

The petition requesting the project change has been filed in the SERC docket and is available on the CEC's webpage for this facility at:

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

### Project Description Figure 1 Site Plan of Proposed Laydown Areas



## **ENERGY COMMISSION STAFF REVIEW AND CONCLUSIONS**

CEC technical staff reviewed the petition for potential environmental effects and consistency with applicable laws, ordinances, regulations, and standards (LORS). Staff has concluded that the following technical areas are not affected by the proposed changes: Efficiency, Geological and Paleontological Resources, Hazardous Materials Management, Public Health, Reliability, Socioeconomics, Soil and Water Resources, Transmission Line Safety and Nuisance, Transmission System Engineering, and Worker Safety and Fire Protection.

In the technical areas of Air Quality, Biological Resources, Cultural Resources, Facility Design, Land Use, Noise and Vibration, Traffic and Transportation, Visual Resources, and Waste Management, staff has concluded that impacts on the environment are less than significant and the project would remain in compliance with all applicable LORS with the continued implementation of existing conditions of certification in the CEC Decision. In addition, the project change would not affect any population including the environmental justice population as shown in **Environmental Justice Figure 1, Figure 2, and Table 1.**

Staff concludes the following for the technical areas affected by the proposed change:

- **Air Quality.** The proposed activities would result in emissions from the vehicles, equipment and fugitive dust; however, these activities would be short term. Existing Conditions of Certification **AQ-SC1** through **AQ-SC5** address all SERC construction/demolition activities.

In addition, use of any construction equipment for the proposed project change would be temporary and the project owner would not need to obtain any permits from the local air district. Any diesel-fueled equipment used would be required to meet the State of California diesel engine requirements. As applicable, the diesel equipment used would need to be registered through the Statewide Portable Equipment Registration Program or Diesel Off-road On-line Reporting System and associated equipment permits would be retained onsite.

- **Biological Resources.** Activities at the proposed additional construction laydown and parking areas are expected to occur outside of the bird nesting season (February 15 to August 31). The laydown areas chosen are highly developed with ornamental trees and shrubs and at the Carbon Creek laydown area only ruderal vegetation exists. Therefore, impacts to birds or other wildlife are not expected. Availability of a Designated Biologist to consult if needed per Conditions of Certification **BIO-1** and **BIO-2** would ensure that wildlife would be protected. All construction workers must

undergo the Worker Environmental Awareness Program (WEAP) training per **BIO-5** and all best management measures shall be followed per **BIO-7**.

- **Cultural Resources.** The proposed laydown areas were surveyed; no cultural resources were identified. No grading of the laydown areas is proposed, therefore no buried resources would be affected. In the unlikely event cultural resources are encountered, any impacts would be less than significant with adherence to the existing conditions of certification.
- **Facility Design.** Installation of the temporary fencing and entrance gates must comply with the 2016 California Building Code to ensure they are adequately secured in place. Implementation of the existing **Facility Design** conditions of certification adopted in the CEC Decision would ensure this.
- **Geologic and Paleontologic Resources.** Based on the information provided by the project owner, staff concludes the proposed temporary construction and laydown area would not result in additional significant environmental impacts in terms of geological or paleontological resources, or geologic hazards in comparison with the original analysis in the Decision. The proposed construction would not require any change to the findings or conditions of certification related to geological or paleontological resources, or geologic hazards adopted in the Decision.
- **Land Use.** The additional laydown staging, and parking areas would be used temporarily to support the gas pipeline construction only. The areas would not be used during project operation. The proposed activities would not physically divide an established community; conflict with applicable land use plans, policies, or regulations; or impact agricultural resources.
- **Noise and Vibration.** The proposed laydown areas would be used temporarily for construction laydown, staging, and additional parking for construction of the natural gas pipeline. The activities associated with the use of these laydown areas may temporarily elevate the ambient noise regime in the area surrounding each of these laydown areas, but they would occur primarily during the daytime hours. The addition of these laydown areas would not result in noise impacts greater than those considered in the Decision. Thus, the implementation of the existing Noise and Vibration conditions of certification in the Decision would sufficiently control the noise generated during these activities.
- **Traffic and Transportation.** The additional laydown and parking areas would not generate any additional vehicle trips beyond those already identified in the Decision. Condition of Certification **TRANS-2**, which requires a parking/staging plan for project construction, would apply and ensure that all laydown and parking would be on the designated sites and would not interfere with any traffic or transportation systems, including roadways, railways, or areas used by aircraft. Additionally, activities at the

designated laydown and parking sites would be temporary and only occur during construction.

- **Visual Resources.** The additional laydown, staging, and parking areas would be temporary and would not significantly impact visual resources in the vicinity. Objects and vehicles to be stored at the additional laydown areas would be low profile and not highly visible, especially given that the main viewers of the additional laydown and parking areas would be motorists on Dale Avenue and Stanton Avenue who would only briefly see the areas when passing by. Condition of Certification **VIS-3** in the Decision would apply and ensure that night lighting at the additional laydown and parking sites is minimized.
- **Waste Management.** Packaging waste would be generated during use of the additional laydown area but would not differ in quantity or type from that contemplated in the Decision. Waste generated would be handled and disposed of in accordance with the existing project Construction and Demolition Environmental Resources Management and Recycling Plan, which is consistent with Condition of Certification **WASTE-4** in the Decision.

### **Environmental Justice**

**Environmental Justice Figure 1** shows 2010 census blocks in the six-mile radius of the SERC with a minority population greater than or equal to 50 percent. The population in these census blocks represents an environmental justice (EJ) population based on race and ethnicity as defined in the United States Environmental Protection Agency's *Guidance on Considering Environmental Justice During the Development of Regulatory Actions*. Staff conservatively obtains demographic data within a six-mile radius around a project site based on the parameters for dispersion modeling used in staff's air quality analysis. Air quality impacts are generally the type of project impacts that extend the furthest from a project site. Beyond a six-mile radius, air emissions have either settled out of the air column or mixed with surrounding air to the extent the potential impacts are less than significant. The area of potential impacts would not extend this far from the project site for most other technical areas included in staff's EJ analysis.

Based on California Department of Education and American Community Survey data in the **Environmental Justice – Table 1**, staff concluded that the percentage of those living in the Westminster, Centralia Elementary, Buena Park Elementary, Magnolia Elementary, Savanna Elementary, Garden Grove Elementary, and Anaheim Elementary school districts (in a six-mile radius of the project site) and enrolled in the free or reduced price meal program is larger than those in the reference geography, and thus are considered an EJ population based on low income as defined in *Guidance on Considering Environmental*

*Justice During the Development of Regulatory Actions. Environmental Justice – Figure 2* shows where the boundaries of the school districts and cities are in relation to the six-mile radius around the SERC site.

**Environmental Justice – Table 1  
 Low Income Data within the Project Area**

GEOGRAPHIES IN SIX-MILE RADIUS	Total	Income in the past 12 months below poverty level	Percent below poverty level (%)
	Estimate*	Estimate	Estimate
Cerritos	49,983 ±111	2,524 ±491	5.00 ±1.0
Fullerton	137,085 ±435	20,442 ±1,915	14.90 ±1.4
REFERENCE GEOGRAPHY			
Aggregated CCD's (Total)	3,368,588 ±3,298	474,112 ±8,526	14.07 ±0.25
Downey-Norwalk CCD, LA County	416,708 ±852	53,966 ±2,925	13.00 ±0.7
Long Beach-Lakewood CCD, LA County	572,057 ±583	99,353 ±3,750	17.40 ±0.7
Whittier CCD, LA County	320,539 ±2,123	35,015 ±2,135	10.90 ±0.7
Anaheim-Santa Ana-Garden Grove CCD, Orange County	1,680,925 ±2,014	243,004 ±6,285	14.50 ±0.4
North Coast CCD, Orange County	378,359 ±1,117	42,774 ±2,454	11.30 ±0.6

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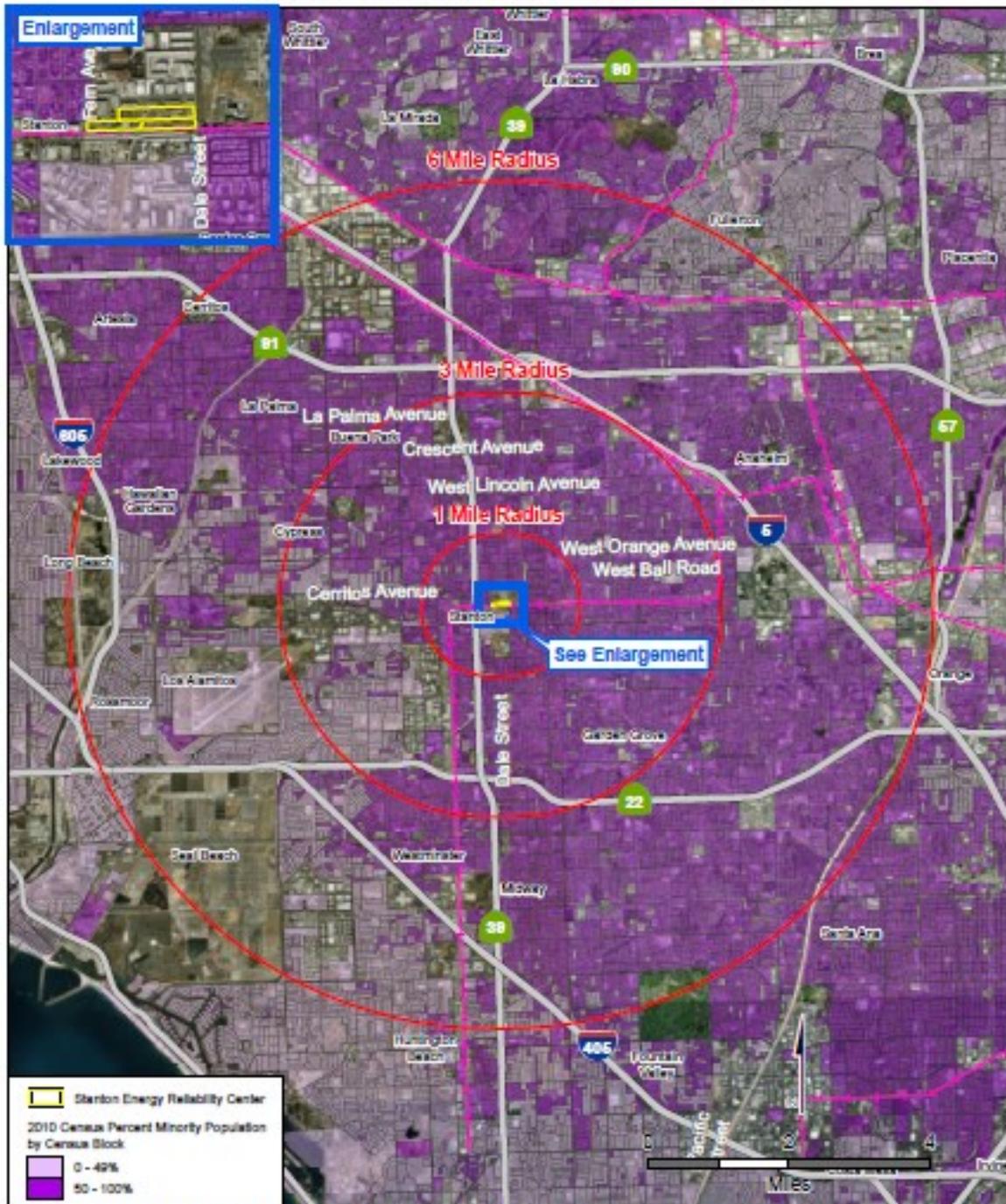
ORANGE COUNTY SCHOOL DISTRICTS IN SIX-MILE RADIUS**	Enrollment Used for Meals	Free or Reduced Price Meals	
Westminster School District	9,264	6,625	<b>71.5%</b>
Centralia Elementary School District	4,327	2,536	<b>58.6%</b>
Buena Park Elementary School District	4,684	3,533	<b>75.4%</b>
Magnolia Elementary School District	6,080	5,136	<b>84.5%</b>
Savanna Elementary School District	2,272	1,657	<b>72.9%</b>
Garden Grove Unified School District	43,163	30,711	<b>71.2%</b>
Anaheim Elementary School District	17,911	15,410	<b>86.0%</b>
Cypress Elementary School District	3,957	1,405	35.5%
Los Alamitos Unified School District	9,833	1,648	16.8%
REFERENCE GEOGRAPHY			
Orange County	485,841	239,334	49.3%
LOS ANGELES COUNTY SCHOOL DISTRICTS IN SIX-MILE RADIUS**	Enrollment Used for Meals	Free or Reduced Price Meals	
ABC Unified School District	20,550	10,589	51.5%
REFERENCE GEOGRAPHY			
Los Angeles County	1,492,735	1,034,525	69.3%
<p><b>Notes:</b> * Population for whom poverty status is determined. Staff's analysis of the 2013 – 2017 estimates returned CV values of no more than 15, indicating the data is reliable. <b>Bold</b> text indicates geographic area or school district where the population is determined to be an EJ population based on a low income population. <b>Sources:</b> CDE 2018. California Department of Education, DataQuest, Free or Reduced Price Meals, District level data for the year 2017-2018, <a href="http://dq.cde.ca.gov/dataquest/">http://dq.cde.ca.gov/dataquest/</a> and US Census S1701 Poverty Status in the Past 12 Months 2013 – 2017 American Community Survey 5-Year Estimates, <a href="http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml">http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml</a>.</p>			

The following technical areas (if affected) consider impacts to EJ populations: Air Quality, Cultural Resources (indigenous people), Hazardous Materials Management, Land Use, Noise and Vibration, Public Health, Socioeconomics, Soil and Water resources, Traffic and Transportation, Transmission Line Safety and Nuisance, Visual Resources, and Waste Management.

*Environmental Justice Conclusions*

For the technical areas affected by the project changes – Air Quality, Cultural Resources, Land Use, Noise and Vibration, Traffic and Transportation, Visual Resources, and Waste Management, staff concludes that impacts would be less than significant, and thus would be less than significant on the EJ population represented in **Environmental Justice – Figure 1 Figure 2, and Table 1.**

**ENVIRONMENTAL JUSTICE - FIGURE 1**  
Stanton Energy Reliability Center - Census 2010 Minority Population by Census Block  
with CalEnviroScreen Disadvantaged Communities by Census Tracts

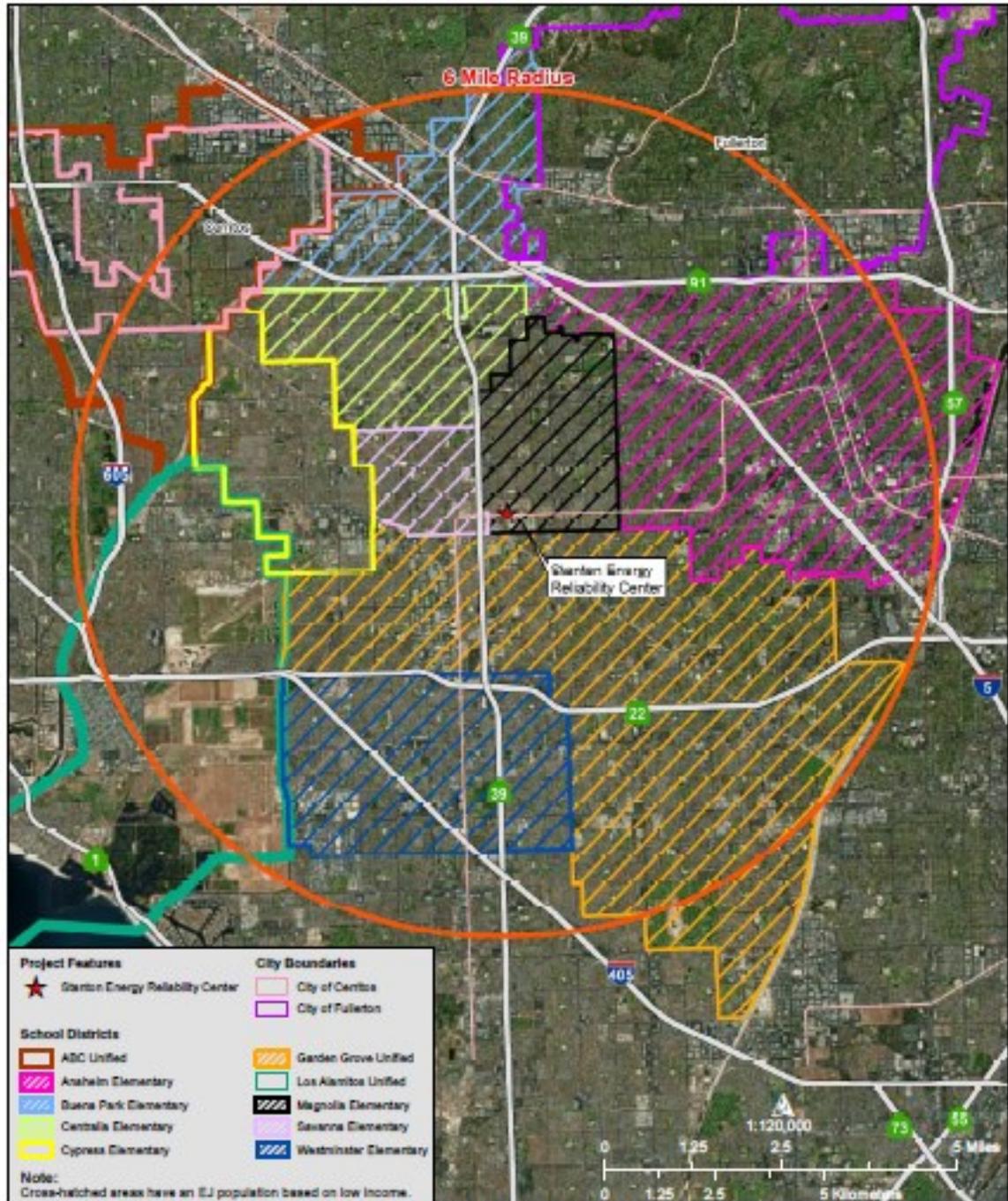


CALIFORNIA ENERGY COMMISSION - SITING, TRANSMISSION AND ENVIRONMENTAL PROTECTION DIVISION

SOURCES: Census 2010 PL 94-171 Data and CalEnviroScreen 3.0 CalEPA 2017

ENVIRONMENTAL JUSTICE

**ENVIRONMENTAL JUSTICE - FIGURE 2**  
 Stanton Energy Reliability Center - Boundaries Used to Identify Environmental Justice Population Based on Low Income



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 SOURCES: California Department of Education Data, DataQuest, US Census Bureau 2017,  
 S1701 ACS 5-Year Estimates, ESRI, OpenStreetMap, Bing Aerial

## **ENERGY COMMISSION STAFF DETERMINATION**

Pursuant to Title 20, California Code of Regulations, section 1769(a)(3)(A), CEC staff has determined for this petition that approval by the Commission at a noticed business meeting or hearing is not required and the proposed changes meet the criteria for approval by staff because:

- i. there is no possibility that the change may have a significant impact on the environment, or the change is exempt from the California Environmental Quality Act;
- ii. the change would not cause the project to fail to comply with any applicable laws, ordinances, regulations, or standards; and
- iii. the change will not require a change to, or deletion of a condition of certification adopted by the commission in the final decision or subsequent amendments.

Staff also concludes that the proposed changes do not meet the criteria requiring production of subsequent or supplemental review as specified in Title 14, California Code of Regulations, section 15162(a).

## **WRITTEN COMMENTS**

Any person may file an objection to staff's determination within 14 days of the date of this statement on the grounds that the project change does not meet the criteria set forth in section 1769(a)(3)(A). As specified in 1769(a)(3)(C), any such objection must make a showing supported by facts that the change does not meet the criteria in subdivision (a)(3)(A). Speculation, argument, conjecture, and unsupported conclusions or opinions are not sufficient to support an objection to staff approval. Absent any such objections, this petition will be approved 14 days after this statement is filed in the docket.

This statement is being sent electronically to the SERC listserv. Any person may comment on the petition. To use the CEC's electronic commenting feature, go to the CEC'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.

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

California Energy Commission  
Docket Unit, MS-4  
Docket No. 16-AFC-01C  
1516 Ninth Street  
Sacramento, CA 95814-5512

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All comments and materials filed with and accepted by the Docket Unit will be added to the facility Docket Log and be publically accessible on the CEC's webpage for the facility.

If you have questions about this statement, please contact John Heiser, Project Manager, at (916) 653-8236 or via email at [John.Heiser@energy.ca.gov](mailto:John.Heiser@energy.ca.gov)

For information on public participation, please contact the CEC's Public Advisor at (916) 654-4489, or at (800) 822-6228 (toll-free in California). The Public Advisor's Office can also be contacted via email at [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov).

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

Stanton Energy Reliability Center listserv