

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:) Docket No. 01-EP-1
)
Application For Certification of the) STAFF'S ERRATA
LARKSPUR ENERGY FACILITY,)
Wildflower Energy LLP/InterGen)
_____)

On March 31, 2001, Staff filed its Staff Assessment on the Larkspur Energy Facility. Unfortunately, Staff's discussion about environmental justice was in error. The correct environmental justice discussion is attached hereto. Staff regrets the error and apologizes for any inconvenience.

DATED: April 3, 2001

Respectfully submitted,

ORIGINAL SIGNED BY

JEFFERY M. OGATA
Staff Counsel

Larkspur Energy Facility – Staff’s Environmental Justice analysis

Evaluation of Demographics

EPA’s April 1998 ‘Guidance For Incorporating Environmental Justice Concerns In EPA’s NEPA Compliance Analyses’ (Guidance) provides a numeric measure to determine the presence of an affected population: a minority population exists if the minority population percentage of the affected area is greater than fifty percent of the affected area’s general population. The Guidance does not define the term “affected area”, however it states that the analyst should interpret the term “as that area which the proposed project will or may have an effect on.” Typically, Energy Commission staff has defined the affected area as the area potentially impacted by the proposed project (primarily for air quality, public health, noise, water, traffic and visual). The affected area for the Larkspur Energy Facility was determined by Commission staff to be the census tract within which the project is located.

TABLE I contains 1999 population estimates for Census Tract 010007. Because of the difficulty of determining population densities within the tract and because overall population is very sparse in this area, staff has used the total population in the tract as the basis for the environmental justice screening analysis. Data for **TABLE I** was obtained from the marketing firm of Claritas. Claritas produces demographic estimates and projections based on data solicited from local, state, and federal government agencies, and private sector sources. Sources include U.S. Bureau of Labor Statistics, U.S. Bureau

of the Census, U.S. Postal Service, and city and regional planning departments.

According to the guidelines, a minority population exists if the minority population percentage of the affected area is greater than fifty percent of the affected area's general population. Based on the screening process for environmental justice, information in **TABLE 1** indicates that the minority population of the affected area is 83%.

The poverty threshold for a family of four persons was \$12,674 per year (1990 US Census Data). To determine the number of persons below the poverty level, Commission staff reviewed data from the 1990 US Census: Poverty Status By Age; Universe: Persons for whom poverty status is determined (the aggregate number of persons five years and under to seventy-five years and over). **TABLE 2** indicates that the total number of people living below the poverty level is 307 or about 6% of the total population of the census tract. As stated above, a minority population exists if the minority population percentage of the affected area is greater than fifty percent of the affected area's general population. Because the guidelines do not give a percentage of the population as a threshold to determine the existence of a low-income population, Commission staff used the fifty-percent threshold used for minority populations.

**Table 1
Demographic Profile for Census Tract 010007**

| Census Tract | Hispanic Origin | White | Black | American Indian | Asian Pacific Islander | Other Race | Total by Tract |
|---|-----------------|-------|-------|-----------------|------------------------|------------|----------------|
| 010007 | 2992 | 940 | 1487 | 10 | 52 | 38 | 5519 |
| Source: Claritas. Race and Hispanic Origin population estimates for 1999 | | | | | | | |

**Table 2
Percentage of Persons Living Below the Poverty Level Within Census Tract 010007**

| Census Tract | Number of Persons in Tract | Persons Below Poverty Level |
|---|----------------------------|-----------------------------|
| 010007 | 5176 | 307 |
| Source: 1990 US Census Data, Statistical | | |

The screening analysis indicates that there are approximately 83 percent minorities living within the project's affected area.

Analysis of Project Impacts

Environmental analysis was conducted in the areas of public health and air quality to determine whether there are any significant and adverse impacts that would disproportionately affect the minority population.

The applicant performed air dispersion modeling and air quality analyses for the Larkspur Energy Facility based on worst-case emissions for the project. To evaluate compliance with the ambient air quality standards, NO₂ impacts were modeled for 1-hour

and annual averaging times. CO impacts were modeled for 1-hour and 8-hour averaging times. PM10 impacts were modeled for 24-hour and annual averaging times. The fuel oil operational scenario was modeled based on firing each turbine with fuel oil for a maximum of 16 hours per day, or 225 hours per year. The predicted concentrations that occurred at the maximum point of impact from both turbines were added to the highest ambient background concentrations to obtain an estimate of worst-case maximum impacts. Based on the modeling results, the project does not cause any violations of the state or federal ambient air quality standards.

In addition to the air quality analysis described above, the project is required to demonstrate that the increase in maximum incremental cancer risk at every receptor location is equal to or less than one in one million for any emission units that are not equipped with best available control technology for toxics (T-BACT), or ten in one million for units that are equipped with T-BACT. Furthermore, the project is required to demonstrate that the increase in the total acute noncancer health hazard index at every receptor is equal to or less than one, and that the total chronic noncancer health hazard index at every receptor is equal to or less than one. Using conservative assumptions and assessment procedures, the health risk assessment conducted for the project revealed that project impacts were well below these significance criteria.

Conclusions

The demographic analysis reveals that there are a relatively high percentage of minorities living within the affected area of the project. Although, it is important to note that

no residential areas are within approximately one mile of the proposed facility. However, it is also the case that the project does not expose any person within the affected area of the project to a significant adverse impact. As a result, the project impacts do not expose a minority or low-income population community to a disproportionate adverse impact.