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Petition for Post-Certification Change
Concrete Storage and Oil Containment Pad

High Desert Power Project
97-AFC-01C

October 5, 2022

High Desert Power Project, LLC
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1.0 INTRODUCTION

Pursuant to Title 20, California Code of Regulations, Section 1769(a)(1), High Desert Power Project, LLC (Project Owner) submits this petition requesting California Energy Commission Staff approval of a proposed change to the High Desert Power Project (HDPP).

The Project Owner proposes to add a small concrete storage pad to the approximately 25-acre HDPP site. The pad will be built to store a spare generator step-up (GSU) transformer to enhance HDPP reliability. The concrete storage pad will be built on a previously disturbed dirt area. The change is needed to provide the HDPP with immediate access to a spare GSU transformer in the event that an in-service GSU transformer fails. This component is a long lead time item, especially given current supply chain delays. As a result, having a spare GSU transformer readily available is prudent for maintaining HDPP's ability to provide uninterrupted power to the grid and support reliability.

The proposed modification is categorically exempt from the California Environmental Quality Act (CEQA) (see Section 10 below), and no exceptions to the exemptions apply. Compliance with existing conditions of certification will further ensure that there are no significant impacts from the proposed modification. The proposed modification will not affect HDPP's compliance with applicable laws, ordinances, regulations, and standards.

Accordingly, the Project Owner respectfully requests that the requested modification be approved by CEC Staff pursuant to Title 20, California Code of Regulations, Section 1769(a)(3). The Project Owner requests approval of this petition by early-December 2022 to ensure that construction can be completed prior to the scheduled HDPP maintenance outage that is scheduled to begin on March 1, 2023.

1.2 20 CCR Section 1769 Information Requirements

The following sections contain the information required pursuant to Title 20, California Code of Regulations (CCR), Section 1769(a)(1).

2.0 DESCRIPTION OF PROPOSED CHANGES

This section addresses the requirements of Title 20, CCR, Section 1769(a)(1)(A).

2.1 Project Overview: Description of the Proposed Change

2.1.1 Planned Addition

The proposed concrete storage pad will be located on the southwest corner of the HDPP power block area adjacent to several chemical storage tanks. The concrete storage pad will be approximately 40 feet by 40 feet, 6 inches thick, and have a 3-foot-tall concrete wall around the perimeter to allow for containment within the pad boundary. The GSU transformer storage pad will be located within the overall concrete containment pad area and will have dimensions of approximately 25 feet by 15 feet and will be elevated 3 feet above the pad base elevation. Based on the results of a site-specific geotechnical investigation (Merrell Johnson 2022) at the site, excavation activities will extend up to about 3.2 feet into native soils.

Once installation of the concrete storage pad is completed, a spare GSU transformer will be placed onto the pad. A permanent nonreflective chain link fence will be erected around the pad perimeter to enclose the new pad area within the overall HDPP site. The Project Owner will also add a locked gate to the storage pad area so that the GSU transformer will be secured.

In summary, the proposed concrete storage pad includes the following additions to the HDPP adjacent to the southwest corner of the power block area:

Concrete Containment Area: Add 40-foot by 40-foot concrete pad with a thickness of 6 inches. The outside perimeter edge of the containment area pad will include a 3-foot-tall wall for a net containment volume of approximately 23,000 gallons with consideration of the GSU storage pad area.

Concrete GSU Storage Pad: Add approximately 15-foot by 25-foot and 3-foot-high elevated concrete pad for storage of the spare GSU. The GSU transformer oil capacity is planned to be 10,570 gallons which is less than 50 percent of the planned containment area storage volume.

Chain Link Fence with Locking Gate: Add a perimeter chain link security fence with locking gate. Approximately 200 feet of 6-foot-tall chain link fence required around the perimeter of the concrete containment area.

Standby GSU: Place standby GSU stored with oil on the concrete pad.

2.2 Construction

Installation of the concrete storage pad is planned to occur over an approximately 1-month period beginning in early- to mid-December 2022. The GSU transformer is planned to be moved onto the new concrete pad in mid-March 2023 (one day event). The permanent chain link fence with locking gate is planned to be installed during the first week of May 2023.

Access to the project site will be via an existing compacted soil road that runs between Perimeter Road and the concrete storage pad site within the HDPP site.

The peak construction workforce is estimated to be up to about 10 workers over a period of approximately one month. A smaller workforce of 4 to 5 workers is planned for placement of the GSU on the concrete pad (one day event) and then again for installation of the perimeter fence with locking gate about 2 months later.

Truck traffic for deliveries of materials and equipment is estimated to total approximately 40 and include:

- 9 trucks for concrete delivery (approximately 90 cubic yards)
- 1 truck for delivery of an all-terrain forklift
- 1 truck for water/dust control
- 3 trucks for support tools
- 1-2 trucks for fence construction materials
- 2 trucks for other

The primary pieces of construction equipment required for installation of the concrete storage pad are: excavator, dozer, roller/soil compactor, and an all-terrain forklift.

Excavation into an already disturbed and graded dirt area will be required to properly install the concrete pad. The depth of excavation is expected to be up to approximately 4.2 feet and will encompass an area of approximately 50 feet by 50 feet to accommodate installation of the concrete pad. Grading and installation of the concrete pad will involve up to approximately 400 cubic yards of earthwork (50 feet by 50 feet by 4.2 feet deep) over an approximately 0.06-acre area over a one-month period. The excavated soil will be used for backfill that will be compacted to meet geotechnical standards prior to installation of the concrete pad components. As part of the soil excavation and backfill operation, soil samples will be taken and analyzed to make sure that regulatory thresholds are not exceeded for the soil to be used as backfill. In the event that excavated soil does not meet applicable limits, soil will be handled and transported offsite for disposal in an approved manner and clean backfill will be imported. Temporary construction

impacts will include minor fugitive dust, construction equipment tailpipe emissions, and construction noise. All construction equipment will be Tier 4 as available. Fugitive dust will be minimized in accordance with implementation of the applicable measures specified in CEC HDPP Condition of Certification AQ-3.

Construction laydown needs will be minimal and be met within available, previously disturbed open areas within the HDPP site.

Construction of the Project is not expected to require use of additional hazardous materials and/or to generate hazardous wastes in reportable quantities at the HDPP.

Minimal water is expected to be required for construction of the concrete storage pad. The construction water needs are minimal and will be met by the construction contractor, likely via contract with the City of Victorville.

Construction activities will be performed in compliance with all applicable LORS and CEC Conditions of Certification.

2.3 Operation and Maintenance

Once implemented, the concrete storage pad will be utilized for storage and maintenance of the standby GSU. The GSU will be periodically inspected and maintained in general accordance with the manufacturer's recommendations.

The concrete storage pad will not require water usage during the operational phase. Once installed, the standby transformer will require minimal maintenance. Storage of the GSU is not expected to require use of new hazardous materials and/or to generate additional hazardous wastes in reportable quantities.

Given that the concrete storage pad will be located on a previously graded, disturbed, and non-vegetated area within the HDPP site, no operational impacts will occur associated with the presence of the new pad and standby GSU. The fenced pad and standby GSU will not present a visual impact in the context of the adjacent larger HDPP facility. The chain link fence to be constructed around the perimeter of the pad area will be non-reflective.

Operation of the Project will comply with all applicable LORS and CEC Conditions of Certification (Docket No. 97-AFC-1C) as discussed further in Section 5.3.2 and Appendix A.

3.0 NECESSITY OF PROPOSED CHANGE

This section addresses the requirements of Title 20, CCR, Section 1769(a)(1)(B).

The concrete storage project will provide improved reliability of the HDPP in the event of a transformer malfunction requiring replacement in a timely manner. The proposed change will better enable the HDPP to contribute to and maintain electrical grid reliability in the event of a transformer failure.

4.0 NEW INFORMATION OR CHANGE IN CIRCUMSTANCES THAT NECESSITATED THE CHANGE

This section addresses the requirements of Title 20, CCR, Section 1769(a)(1)(C).

The modifications are not based on information that was known during the certification proceeding. As described above, given current supply chain delays, having a spare GSU transformer readily available is prudent for maintaining HDPP's ability to provide uninterrupted power to the grid and support reliability. The project will increase the reliability of the HDPP to be available to help California meet its energy reliability needs, which have recently increased as evidenced by ongoing energy shortages in the State.

5.0 ANALYSIS OF THE EFFECTS THAT THE PROPOSED CHANGE WILL HAVE ON THE ENVIRONMENT AND MITIGATION MEASURES PROPOSED

5.1 Introduction

This section addresses the requirements of Title 20, CCR, Section 1769(a)(1)(D).

Compliance with existing conditions of certification will ensure that any potential impacts from the proposed change are minimized. Specifically, the Project Owner will implement the following conditions of certification:

- Conditions BIO-1 through BIO-4 and BIO-6: A pre-construction Biological Survey will be performed by an approved designated biologist and the applicable requirements in the Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) will be adhered to during the construction and operational phases.

- Conditions CUL-1 through CUL-9: The cultural resources protection measures specified in the Cultural Resources Mitigation and Monitoring Plan (CRMMP) involving monitoring of the project site during construction will be adhered to during the construction phase.

- Condition AQ-3: construction activities will be performed in compliance with the applicable fugitive dust and construction equipment tailpipe emission control measures. In addition, while not required by Condition AQ-3, Tier 4 construction equipment, as available, will be utilized.

- Conditions PAL-6/-7: Prior to the start of construction, and throughout the project construction period as needed for all new employees, the project owner shall provide the CPM-approved training to all project managers, construction supervisors, and workers who operate ground disturbing equipment.

- Excavated soil will be tested and handled in accordance with applicable regulations.

5.2 Air Quality and Greenhouse Gas (GHG)

The proposed project will have no effect on the HDPP's operational emissions and will not require any revisions to its hourly, daily, or annual emissions or operational limits to accommodate the project.

The proposed Project will involve minor tailpipe emissions from construction equipment and worker commute vehicles during the short-term construction period. Given the short and temporary duration of construction, in addition to the minor construction activities need to construct the Project, potential impacts on air quality and GHG emissions are expected to be less than significant. Compliance with existing Condition of Certification AQ-3 regarding control of fugitive dust and construction equipment tailpipe emissions during the construction phase will ensure that impacts are less than significant.

No new conditions of certification are proposed.

5.3 Public Health

Public health risks in the form of tailpipe emissions from worker vehicles, truck deliveries, and construction equipment will be negligible. Construction impacts are not expected to impact public health. No operational phase impacts would occur related to public health. Because the Project's impacts on public health are less than significant no new mitigation measures are proposed.

5.4 Worker Safety/Fire Protection

Because the HDPP would continue to comply with existing conditions of certification, the proposed concrete storage pad would not have a significant effect on worker safety or fire protection. Construction and operational phase activities would comply with worker safety and fire safety requirements already contained in the health and safety plans developed and utilized for the existing HDPP facility per COCs SAFETY-1 through -3 (CEC 2000). The proposed change does not require changes to the COCs for worker safety and fire protection.

5.5 Hazardous Materials Management

The proposed change to the HDPP will not result in the use of a new hazardous material onsite or increase the amount or delivery of hazardous materials used in excess of permitted quantities. Therefore, no adverse impacts from hazardous materials handling are expected. The proposed change will not create a significant impact from hazardous materials handling that will require additional mitigation measures, and no change to existing hazardous materials COCs are proposed.

5.6 Waste Management

The proposed change will involve excavation of soil in an already disturbed and graded area to properly prepare the site for installation of the concrete pad. The depth of excavation is expected to be up to approximately 4.2 feet and will encompass an area of approximately 50 feet by 50 feet to accommodate installation of the concrete pad. Grading and installation of the concrete pad will involve up to approximately 400 cubic yards of earthwork (50 feet by 50 feet by 4.2 feet deep) over an approximately 0.06-acre area over a one-month period. The excavated soil will be used for backfill that will be compacted to meet geotechnical standards prior to installation of the concrete pad components. Given the historical use of the HDPP site area as part of George Air Force Base, soil samples will be taken and analyzed to make sure that regulatory thresholds are not exceeded for the soil that is planned to be excavated and then reused as backfill. In the event that excavated soil does not meet applicable limits, soil will be handled and transported in an approved manner for offsite disposal and clean backfill will be imported. No significant impacts related to waste generation and management would occur.

The proposed change to the HDPP will not result in an increase of waste generation at the site during the operational phase. Therefore, no adverse impacts related to waste management are expected and no changes to existing COCs are proposed.

5.7 Biological Resources

The proposed change to the HDPP will not result in construction or operational phase related impacts to sensitive biological resources. The project will involve surface disturbance to a previously disturbed and graded area on the HDPP property of approximately 50 feet by 50 feet and subsurface excavation to a depth of approximately 4.2 feet. site. As shown on Figure 1, the site is not vegetated and there is no natural habitat for sensitive, threatened, or endangered species. Once the concrete pad is installed and the GSU set in place, the construction related activities will cease. No changes to existing operations will occur, with the exception of the addition of infrequent inspection and maintenance to keep the GSU in good working condition.

During construction of the proposed change, the Project Owner will implement the applicable requirements of CEC Conditions of Certification BIO-1 through BIO-6, and the following Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) requirements:

- General Preservation Measures (GPM) – GPM-1 through GPM-5
- Desert Tortoise Focused Measures – DTM-1 through DTM-12

Compliance with the applicable CEC Conditions and BRMIMP measures will ensure that sensitive biological resources, if present, are not adversely affected. A pre-construction biological survey by a CEC-approved Designated Biologist will be performed. In addition, the applicable BRMIMP conditions will be adhered to under the direction of the Designated Biologist. The CEC approved Designated Biologist will coordinate with the CEC Compliance Project Manager, owner representatives, and California Department of Fish and Wildlife representatives, as applicable, to ensure that the appropriate CEC Conditions and BRMIMP requirements are properly implemented during construction.

With adherence to the applicable BRMIMP requirements, operation and maintenance of the concrete storage pad will not result in activities that could adversely impact sensitive biological species. The proposed change will not create a significant impact on biological resources that will require additional mitigation measures. No changes to the COCs for biological resources are proposed.

5.8 Soil and Water Resources

Water use during construction will be limited primarily to water needed for fugitive dust control and compaction during backfilling operations prior to installation of the concrete pad. Soil

Figure 1. Photograph of HDPP Concrete Storage and Oil Containment Pad
(Photograph from September 2022 looking east across Site)

disturbance will be limited primarily to the 50-foot by 50-foot excavation area (approximately 0.06 acre). Approximately 390 cubic yards of soil will be excavated and then backfilled and compacted prior to pouring of the concrete pad foundation for the spare transformer including oil containment pad area (40 feet by 40 feet). Given the historical use of the HDPP site area as a part of the George Air Force Base, soil samples will be taken and analyzed to make sure that regulatory thresholds are not exceeded for the soil that is planned to be excavated and then reused as backfill. In the event that excavated soil does not meet applicable limits, soil will be handled and transported in an approved manner for offsite disposal and clean backfill will be imported. Excavated soil will be covered or stored in bins until it is put back into the excavation area and compacted or transported offsite for disposal.

The proposed change will comply with the applicable requirements of CEC Condition of Certification AQ-3 regarding control of fugitive dust. Potential impacts to soil and water related to potential erosion from wind and water will be less than significant. Once the concrete pad is

installed, the soil surface will no longer be exposed and erosion will not occur in the pad area. Operational phase impacts to soil erosion and sedimentation related to water resources will not occur.

In summary, no adverse impacts to soil and water resources associated with construction or operation from the proposed change are expected to occur, and no changes to existing COCs for soil and water resources are proposed.

5.9 Cultural Resources

The proposed concrete storage pad will be installed in an area that has been previously graded, and there is no exposed native soil at the surface. No known cultural resources have been identified within the HDPP site. A geotechnical study in the project site area included subsurface borings and determined that native soil may be encountered below a depth of approximately 1 foot below ground surface in the project location (Merrell Johnson 2022). The proposed excavation depth for the 40-foot by 40-foot concrete pad area is approximately 4.2 feet and thus it is expected that excavations may extend into native soil.

Compliance with existing cultural resources conditions of certification and implementation of applicable CRMMP measures will ensure that potential impacts to previously unknown unrecorded cultural resources are less than significant. Because the proposed change will not create a significant impact on cultural resources, no additional mitigation measures or changes to existing conditions of certification are proposed.

5.10 Paleontological Resources

The proposed change will not result in potential impacts to paleontological resources greater than those analyzed in the 2000 Commission Decision (CEC 2000) for the HDPP. Paleontological monitoring was conducted at the HDPP plant site in April of 2001 under the direction of a CEC approved Designated Paleontological Specialist. The paleontological monitors that were on site during this period observed excavations into Quaternary alluvial deposits. Based on observations made during the paleontological monitoring, the Designated Paleontological Specialist determined that it was not necessary to monitor for paleontological resources in excavations less than 5 feet deep into the alluvial deposits within the plant site (Raschke 2001). The Designated Paleontological Specialist made this determination based on the observation that the upper few feet of the plant site appear to be barren of fossil remains, which may be due to their relatively young geologic age. Given that excavations for the proposed change are planned to be less than 5 feet deep maximum, adverse impacts to sensitive paleontological resources are not expected due to the reported absence of fossiliferous resources in the upper 5 feet below ground surface

in the HDPP site. Furthermore, all employees and contractors will be trained in accordance with the CEC-approved paleontological resources training program as per CEC Condition of Certification PAL-7.

In summary, no adverse impacts related to paleontological resources associated with construction or operation of the HDPP Concrete Storage Pad and Oil Containment Project are expected to occur. Because the proposed change is not expected to result in significant impacts related to paleontological resources, no changes to existing conditions of certification are proposed.

5.11 Land Use

The HDPP site is subject to the City of Victorville's General Plan and is also covered by a Specific Plan. The power plant site is designated "I" for heavy industrial uses pursuant to the Specific Plan and is also zoned M-2 for heavy industrial uses. These designations permit power plants as an allowable use. The proposed change will not change or expand existing uses of the site for electrical generation. The proposed change will not result in significant impacts related to land use, and no changes to conditions of certification are proposed.

5.12 Traffic and Transportation

Installation of the concrete storage pad is planned to occur over an approximately 1-month period beginning in early- to mid-December 2022. The GSU transformer is planned to be moved onto the new concrete pad in mid-March 2023 (one day event). The permanent chain link fence with locking gate is planned to be installed during the first week of May 2023. Access to the site will be via an existing road that runs between Perimeter Road and the concrete storage pad location. The peak construction workforce is estimated to be up to about 10 workers over a period of approximately one month. A smaller workforce of 4 to 5 workers is planned for placement of the GSU on the concrete pad (one day event) and then again for installation of the perimeter fence with locking gate about 2 months later.

Truck traffic for deliveries of materials and equipment will include:

- 9 trucks for concrete delivery (approximately 90 cubic yards);
- 1 truck for delivery of an all-terrain forklift;
- 1 truck for water/dust control;
- 3 trucks for support tools;
- 1-2 trucks for fence construction materials; and
- 2 trucks for other.

The truck deliveries would be spread out and would not all occur on a daily basis. The truck deliveries will include oversize loads. Due to the low level of construction traffic and temporary nature, there is no possibility of significant traffic and transportation related impacts. No additional HDPP workers would be required for operations following the proposed change. Compliance with applicable Conditions of Certification will ensure that the proposed change conforms to applicable laws related to hazardous materials handling (TRANS-3) and oversize loads (TRANS-1 and TRANS-6) during construction. No changes to the COCs for traffic and transportation are proposed.

5.13 Socioeconomics

The Concrete Storage Pad and Oil Containment Project modifications will not result in a significant impact related to socioeconomics. No changes to socioeconomics COCs are proposed.

5.14 Noise and Vibration

The proposed change will not increase operational phase noise-producing activities at the site. Therefore, there is no possibility of a significant operational noise or vibration impact. No changes to the COCs for noise and vibration are proposed.

5.15 Visual Resources

The proposed change will be located within the overall 25-acre HDPP site and will not involve installation of any new visibly prominent structures within the context of the existing HDPP structures. The concrete storage pad and GSU will not be visible within from any nearby public viewing areas and will not alter the overall appearance of the existing HDPP. The project will not require installation of night-time lighting. The perimeter fence will be non-reflective in compliance with CEC Condition VIS-2. In summary, no significant visual resource related impacts from implementation of the proposed change are expected. No changes to existing COCs are proposed.

5.16 References

CEC. 2000. Commission Decision on the Application for Certification for the High Desert Power Project. Docket No. 97-AFC-1. May.

____. 2019. High Desert Power Project. Docket No. 97-AFC-01C, Conditions of Certification, as Amended. October 23.

Merrell Johnson. 2022. Geotechnical Investigation Report for Three Transformer Storage Pads, High Desert Power Project. Prepared for High Desert Power Project, LLC. May 19.

Raschke, R. 2001. Paleontological Monitoring at the High Desert Power Plant Construction Site. Letter to S. Pearson at URS Corp. May 15.

RMW. 2001. High Desert Power Project Paleontological Resources Mitigation and Monitoring Plan. Prepared for California Energy Commission. February 22.

URS Corporation. 2001. High Desert Power Project, Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP). Prepared for California Energy Commission. March 22.

WSA. 2002. High Desert Power Project Cultural Resources Mitigation and Monitoring Plan. Prepared for California Energy Commission. April 5.

6.0 LORS COMPLIANCE

CEC Siting Regulations, Title 20, CCR, Section 1769(a)(1)(E) requires "An analysis of how the proposed change would affect the project's compliance with applicable laws, ordinances, regulations, and standards". The proposed concrete storage pad will not affect the HDPP's compliance with applicable LORS.

7.0 POTENTIAL EFFECTS ON PUBLIC

This section discusses the potential effects on the public that may result from the modifications proposed in this Petition for Post-Certification Amendment, in accordance with CEC Siting Regulations (Title 20, CCR, Section 1769(a)(1)(F)).

The proposed concrete storage pad will have no adverse effect on the public. The HDPP will continue to comply with all conditions of certifications and applicable LORS, and there is no possibility of a significant adverse environmental impact. The installation and standby operation of the spare GSU will increase HDPP reliability with no change to the HDPP operational characteristics during normal operations. Therefore, no adverse effects on the public will occur because of the proposed change.

8.0 PROPERTY OWNERS

Section 1769(a)(1)(G) requires a "list of current assessor's parcel numbers and owners' names and addresses for all parcels within 500 feet of any affected project linears and 1,000 feet of the project site." Consistent with privacy considerations, a list of current assessor's parcel numbers

and owners' names and addresses for all parcels within 1,000 feet of the project site will be provided directly to the Compliance Project Manager.

9.0 MODIFICATIONS IMPACT ON THE PUBLIC AND NEARBY PROPERTY OWNERS

This section addresses potential effects of the project changes proposed in this Petition for Post-Certification Amendment on nearby property owners, the public, and parties in the application proceeding, in accordance with CEC Siting Regulations (Title 20, CCR, Section 1769 (a)(1)(H)).

The addition of a concrete storage pad to the HDPP will not adversely impact either the public or nearby property owners. The proposed change will result in minor, temporary impacts during the construction phase, but well within the existing permit conditions and in compliance with all applicable LORS. The HDPP will continue to comply with all conditions of certifications and applicable LORS, and there is no possibility of a significant adverse environmental impact. The installation and standby operation of the spare GSU will increase HDPP reliability with no change to the HDPP operational characteristics during normal operations. Therefore, no adverse effects on the public will occur because of the proposed change.

10.0 APPLICABLE CEQA EXEMPTIONS

Section 1769(a)(1)(I) requires a discussion of any exemptions from CEQA that may apply to approval of the proposed change.

The CEC's power plant siting process is a certified state regulatory program under the California Environmental Quality Act (Pub. Resources Code, § 21080.5; 14 C.C.R. §§ 15250-15253.) As such, it is exempt from the procedural elements of CEQA, though it must adhere to the substantive requirements of CEQA. The CEC's detailed certification process is commonly described as "CEQA-equivalent." CEQA defines a "Project" in pertinent part as "…an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Pub. Resources Code § 21065.)

In this case, HDPP was subject to environmental review in accordance with the CEC's certified regulatory program. The current operations of the HDPP are not a new CEQA "project," but are part of the existing environmental baseline. Once a project is approved, CEQA does not require that it be analyzed anew every time an action is required to implement the project. Where an EIR, or in this case the CEC's CEQA-equivalent certification, has been prepared for a project, CEQA expressly prohibits agencies from requiring a subsequent or supplemental EIR, except in specified circumstances, e.g., where the project will have more severe impacts as a result of substantial

changes to the project or the circumstances under which it is undertaken. (14 C.C.R. § 15162). As discussed below, the operations of HDPP with the addition of the concrete storage pad does not trigger any such requirement.

Even assuming that the proposed change was a CEQA "project," the activities are categorically exempt. First, the modifications are categorically exempt pursuant to Title 14, Section 15301 of the California Code of Regulations as a minor alteration to an existing facility. The proposed change described above includes activities that constitute a minor addition of spare electrical equipment to the existing electrical equipment at the HDPP. The changes will be within or adjacent to the HDPP's existing industrial footprint and will involve negligible or no expansion of the existing use of the HDPP for power generation.

In addition, the proposed change is also categorically exempt from CEQA pursuant to Section 15061(b)(3), the "Common Sense Exemption." This exemption provides that "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." (14 C.C.R. § 15061(b)(3).) In this case, there is no possibility that the proposed change may have a significant effect on the environment. Minor subsurface ground disturbance at the industrial site will be required, and noise levels will remain within applicable standards during the construction and operational phases. There would be no substantial adverse changes to existing baseline conditions at the HDPP site from the proposed change. Therefore, the proposed modifications are categorically exempt from CEQA pursuant to the "Common Sense Exemption."

11.0 CONCLUSIONS

For all the reasons set forth herein, the Project Owner respectfully requests that CEC Staff approve the petition pursuant to Title 20, California Code of Regulations, Section 1769(a)(3).