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CALIFORNIA ENERGY COMMISSION

CALIFORNIA NATURAL RESOURCES AGENCY

STATEMENT OF STAFF APPROVAL OF POST CERTIFICATION CHANGE

ALAMITOS ENERGY PROJECT (13-AFC-01C)

On August 2, 2022, the AES Alamitos Energy, LLC (AES), the project owner, filed a post certification petition with the California Energy Commission (CEC) requesting to amend the Alamitos Energy Center (AEC) Final Commission Decision (Final Decision).

The 1,040-megawatt project was certified by the CEC in April 2017 and began commercial operation in February 2020. The AEC is located at 690 North Studebaker Road in the City of Long Beach, Los Angeles County.

DESCRIPTION OF PROPOSED CHANGE

The project owner seeks approval to remodel the site entrance along North Studebaker Road and install a new security guard shack which will include the following:

- Demolition of the existing security guard booth.
- Installation of a modular security guard booth with a gross footprint of 392 square feet.
- Routing utilities to the new security guard booth (electrical, water, sewer, communications)
- Installation of traffic arms, card readers, sliding/swing gate, and ornamental steel security fence along the entrance way.
- Construction of 6-inch curb along the south side fence per the City of Long Beach standard.
- Placement of variable sections of new asphalt overlay pavement to match existing elevations. Pavement modifications include both 1-1/2-inch asphalt grind and overlay section and a new full pavement section composed of 4 inches of asphalt over 8-inches of aggregate base placed on 12 inches of recompacted soil.

To access the Petition to Amend (PTA), go to the CEC's project webpage, https://www.energy.ca.gov/powerplant/combined-cycle/alamitos-energy-center.

In the box labeled "Compliance Proceeding" click on the Docket Log (13-AFC-01C) and locate the petition by its transaction number, TN 244296-1.

CEC STAFF REVIEW AND CONCLUSIONS

California Code of Regulations, title 20, section 1769 requires a project owner to petition the CEC for the approval of any change the project owner proposes to the project design, operation, or performance requirements of a certified facility.

The CEC staff reviewed the petition for potential environmental effects and consistency with applicable laws, ordinances, regulations, and standards (LORS). The CEC staff's conclusions for all technical and environmental areas are summarized in **Table 1**.

TABLE 1
Summary of Conclusions for all Technical and Environmental Areas

Technical Areas Reviewed	CEQA				Conforms with applicable LORS
	Potentially Significant Impact	Less Than Significant Impact with Mitigation (with Revised or New COCs)	Less Than Significant Impact (with or without Existing COCs)	No Impact	
Air Quality			X		X
Biological Resources			X		X
Cultural Resources			X		
Efficiency				X	
Facility Design					X
Geological and Paleontological Resources			X		X
Hazardous Materials Management			X		
Land Use			X		X
Noise and Vibration			X		X
Public Health			X		X
Reliability					
Socioeconomics			X		
Soil and Water Resources			X		X
Traffic and Transportation			X		X
Transmission Line Safety and Nuisance				X	X
Transmission System Engineering					X
Visual Resources			X		X
Waste Management			X		X
Worker Safety and Fire Protection			X		

Areas shown in gray are not subject to CEQA consideration or have no applicable LORS the project must comply with.

Staff has determined that the modified project would continue to comply with applicable LORS, and the project change would not result in any significant adverse environmental impacts or require a change to any conditions of certification (COC). The bases for each of staff's conclusions are provided below:

AIR QUALITY

The proposed modification to the site entrance would result in air quality and greenhouse gas impacts due to the minimal construction activities. However, these impacts would be significantly less than those previously analyzed and approved as part of licensing and construction of the AEC. Construction activities would be relatively short-term (18 weeks) and the associated emissions would be well below the South Coast Air Quality Management District's (SCAQMD) thresholds of significance for construction. With the implementation of existing COCs, **AQ-SC1** through **AQ-SC5**, the impacts would be mitigated and less than significant.

BIOLOGICAL RESOURCES

Construction activities for the proposed modification are expected to continue into February of 2023 during the avian breeding season: January 1 through August 31. Nesting birds may use any of the trees or shrubs that will be removed during construction or adjacent to construction activities. Therefore, construction activities have the potential to affect nesting birds. Pre-construction bird surveys and biological monitoring during construction per COCs **BIO-2**, **BIO-4**, and **BIO-8** would ensure that any nesting birds are protected as well as any other wildlife. All best management measures shall be followed per **BIO-7** and all construction workers must undergo the Worker Environmental Awareness Program training per **BIO-5**. Implementation of the above Biological Resources COCs would ensure the project modification would have less than significant impacts on biological resources and the project would comply with all applicable LORS.

CULTURAL RESOURCES

The staff of the CEC's Cultural Resources Unit has reviewed the project owner's PTA the AEC with a remodeled entrance to the power plant. The PTA indicates that the deepest excavation proposed is about 3 feet below the current grade. The AEC property is covered with fill sediments; near the power plant entrance, fill reaches depths up to 6 feet thick below the current grade. Earth-disturbing construction activities are most likely to encounter buried cultural resources within native (non-fill) soils and sediments, although cultural resources can sometimes occur within fill. During construction of the AEC, ground disturbance unearthed 17 buried cultural resources. The AEC license contains eight COCs for cultural resources (**CUL-1** through **CUL-8**). These COCs include contingencies for the identification, evaluation, and mitigation of inadvertent

impacts on buried cultural resources. CEC Staff concludes that *implementation* of the existing cultural resources conditions would reduce any impacts resulting from inadvertent, construction-phase discoveries of cultural resources to a less-than-significant level.

The CEC staff consulted the City of Long Beach's General Plan, Southeast Area Specific Plan, and other local authorities to determine whether LORS applicable to the Amended AEC facility have changed as regards cultural resources. No cultural resources LORS applicable to the Amended AEC facility have changed since the Final Decision was published in 2017.

The CEC staff concludes that the activities described in the PTA would not cause impacts on cultural resources. Therefore, cultural resources impacts are nonexistent for any population within the project site's six-mile radius.

EFFICENCY

This petition to modify the front entrance on the project site would not impact the thermal efficiency of the plant. Thus, there would be no impact to thermal efficiency.

FACILITY DESIGN

The installation of the new guard shack and replacement of the entrance gate must be in accordance with the 2019 edition of the California Building Code. Implementation of the existing Facility Design COCs adopted in the Final Decision and construction compliance oversight by the CEC's delegate chief building official would ensure this compliance.

GEOLOGICAL AND PALEONTOLOGICAL RESOURCES

The PTA states, "the proposed modification will not result in significant ground disturbance, excavations, earth moving, or deep foundation installation and no additional geologic resources or geologic hazards have been identified in the project area" and thus "no impacts to geological and paleontological resources are expected." However, the maximum planned depth of excavation during construction of the improvements is not noted on the plans. Based on typical construction practices in the area the CEC anticipates ground disturbance related to the rerouting of utilities to be up to 5 feet below the existing ground surface. Therefore, ground disturbance within native undisturbed soils is anticipated.

The PTA states "no geological and paleontological resources impacts are expected from the proposed modification. Therefore, no additional mitigation measures are required." In the event excavation activities penetrate undisturbed native soils, the potential impacts to geological and paleontological resources could be effectively mitigated

through application of the existing Geological and Paleontological Resources COCs. Therefore, if the existing COCs **PAL-4** through **PAL-8** are effectively implemented, the PTA would have a less than significant impact to the geological or paleontological resources.

HAZARDOUS MATERIALS MANAGEMENT

The installation of new site guard entrance would not use extremely hazardous materials during construction. The only hazardous materials used during the construction phase would be paints, cleaners, solvents, gasoline, motor oil, welding gases, and lubricants and their use would conform with LORS. When not in use, any hazardous materials would be stored in designated construction areas in conformance with LORS. Therefore, the project would not have a significant impact on the offsite public or the environment.

LAND USE

The proposed modifications are minor changes that would occur onsite in support of the main use. The modifications would not physically divide an established community or cause a significant environmental impact due to a conflict with LORS adopted for the purpose of avoiding or mitigating an environmental effect. Further, the change would not result in the conversion of Farmland or forest land or conflicts with agricultural operations. There is no land use related COCs applicable to the change in the Final Decision. Therefore, impacts to land use would be less than significant.

NOISE AND VIBRATION

Construction associated with this PTA would be temporary and would occur during daytime hours that are consistent with the local ordinance (Long Beach General Plan). Any noise generated during these activities would result in a less-than-significant impact with implementation of the existing Noise COCs in the Final Decision.

The front entrance modification would not increase noise at nearby residences. Furthermore, the project would continue to meet operational noise requirements established by the Final Decision. Therefore, the changes in this PTA would create a less-than-significant impact due to operational noise.

PUBLIC HEALTH

The proposed modifications to the site entrance would result in public health impacts due to the release of diesel particulate matter (DPM) emissions from diesel-fueled construction equipment and vehicles. However, these impacts would be significantly less than those previously analyzed and approved as part of licensing and construction of the AEC. A screening health risk assessment was conducted to evaluate the potential

health risks associated with DPM exposure during construction and the results showed impacts well below the SCAQMD significance thresholds. With the implementation of existing COCs, **AQ-SC1** through **AQ-SC5**, the impacts would be mitigated and less than significant.

RELIABILITY

This petition to modify the front entrance on the project site would not impact the reliability of the plant to provide power to the electrical grid. Thus, there would be no impact to reliability.

SOCIOECONOMICS

The installation of a new guard shack, replacement of the entrance gate and fencing, and updating the security system hardware would take approximately 18 weeks to complete and require up to eight workers. The existing guard shack would be demolished and replaced with a new prefabricated guard shack. Construction activities, including running utility lines, pouring foundations, and installing asphaltic concrete, would be performed by a local contractor. The COC **SOCIO-1** (school impact fee) would apply to the proposed project. The COC **SOCIO-2** (police facility impact fee) would not apply as the new guard shack would not meet the minimum square footage for a nonresidential structure under Long Beach Municipal Code 18.15.110. There would be less than significant workforce related impacts on population, housing, and public services.

SOIL AND WATER

This PTA for post-certification license amendment proposes to remodel the site entrance along North Studebaker Road and replace the existing security guard shack. Based on the description of the proposed modification in the PTA document and the design drawings included as Attachment 2.1, construction activities would result in minor soil disturbance and only a slight increase in water consumption.

All proposed modifications would take place in previously disturbed areas within the project boundary that were previously analyzed during the original project licensing proceeding. Since the disturbed area would be smaller than 1.0 acre, the project would not be required to apply for coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit for Stormwater Discharges Associated with Construction administered by the State Water Resources Control Board. However, the PTA documents state that best management practices (BMPs) would be implemented to manage stormwater discharge during construction activities. Also, existing COC **SOIL&WATER-4** requires that the project maintain coverage under the NPDES permit for stormwater discharges associated with industrial activities. Implementation of the BMPs described in the PTA documents, as well as compliance

with **SOIL&WATER-4** would ensure that no contaminated stormwater from the disturbed areas would be discharged off-site.

Furthermore, the minimal increase in water consumption is not likely to cause the project to exceed the maximum amount of water of 130 acre-feet per year permitted during project operation according to COC **SOIL&WATER-6.** Compliance with existing COCs **SOIL&WATER-6** and **SOIL&WATER-7** would ensure that the proposed modification would not result in a significant impact on project water consumption and will comply with applicable LORS.

TRAFFIC AND TRANSPORTATION

Vehicle trips generated by the installation of the security guard shack, entrance gate and fencing, and security system hardware would consist of a maximum of eight construction workers who would commute to and from the site, and a maximum of two trips a day for the delivery of construction materials and equipment. A mobile crane would be required for one day for the placement of the prefabricated guard shack on its foundation. Construction worker parking and laydown area would be located onsite. The minimal number of truck trips required for the project modification would generate a negligible number of vehicle trips. The temporary construction activities are estimated to take 18 weeks to complete. Operations and maintenance of the AES would remain unchanged.

Installation and operation of the security guard shack and associated fencing and security system hardware would comply with COCs **TRANS-1** "Roadway Use Permits and Regulations", **TRANS-2** "Traffic Control Plan, Heavy Haul Plan, and Parking/Staging Plan", and **TRANS-5** "Encroachment into the Public Rights-of-Way" as applicable, including scheduling deliveries of heavy equipment during off-peak hours and obtaining heavy haul permits from the applicable jurisdictions, as required. Other transportation COCs were completed as part of the original project construction or would not be applicable to this project change.

The project would not conflict with local plans or ordinances addressing circulation; cause a significant increase in vehicle miles travelled in the area; and would not result in a substantial increase in hazards or inadequate emergency access. Therefore, potential transportation impacts would be less than significant.

TRANSMISSION LINE SAFETY AND NUISANCE

The proposed modifications to the site entrance would have no impact on Transmission Line Safety and Nuisance.

TRANSMISSION SYSTEM ENGINEERING

The proposed remodel the entrance, install a new security guard facility, and improve the security systems do not including activities with the transmission lines and would not impact the transmission grid. Therefore, there will be no impacts to Transmission System Engineering. In addition, the project will comply with applicable LORS, and will not require a change to any of the COCs.

VISUAL RESOURCES

The proposed modifications include replacement of the existing entrance gate and fencing along North Studebaker Road and installation of a new security guard building.

The facility is located on relatively flat land in a highly developed urban area. The AEC facility occupies approximately 21 acres of the 71.1-acre, privately owned brownfield Alamitos Generating Station site. The Los Cerritos Channel is to the west and the San Gabriel River is to the east.

There is no scenic vista or scenic resource as defined and discussed in the Visual Resources section in the Final Decision and as shown on aerial and surface imagery (e.g., Google Earth). The modifications would not have a substantial adverse effect on a scenic vista or substantially damage scenic resources.

The project is in an "urbanized area" as defined in Public Resources Code, section 21071. The modifications would not materially alter the physical appearance of the project from public views. Therefore, the project would continue to conform with applicable city zoning and other regulations governing scenic quality, as explained in the Visual Resources section in the Final Decision.

The modifications include new outdoor lighting. Light fixtures are to be shielded and directed away from residential areas and public streets. New lighting would not create a new source of substantial light, glare, or reflectance that would adversely affect day or nighttime views in the area with the implementation of existing COCs **VIS-1** and **VIS-4**.

The modifications would have a less than significant effect with the implementation of the existing adopted COCs for visual resources.

WASTE MANAGEMENT

This PTA proposes to remodel the site entrance along North Studebaker Road and install a new security guard shack. The proposed improvements would generate some construction wastes, primarily ground asphaltic cement, steel, and other demolition

wastes. Construction wastes would be recycled to the extent feasible, and any non-recyclable wastes would be disposed of consistent with the facility's approved operational waste management plan per COC **WASTE-8**. The project improvements would conform to applicable LORS related to waste management and do not require changes to the existing COCs. Therefore, the PTA is expected to have a less than significant impact to waste management.

WORKER SAFETY AND FIRE PROTECTION

During the installation of the new site guard entrance, continued compliance with existing COCs ensures that the project would not have a significant impact on worker safety and the environment.

CALENVIROSCREEN 4.0

The CEC staff reviewed CalEnviroScreen 4.0 data to determine whether the United States census tract where the Alamitos Energy Center is located (6037980007) is identified as a disadvantaged community. This science-based mapping tool is used by the California Environmental Protection Agency (CalEPA) to identify disadvantaged communities based on geographic, socioeconomic, public health, and environmental hazard criteria pursuant to Health and Safety Code section 39711 as enacted by Senate Bill 535 (De León, Chapter 830, Statutes of 2012). The project is located in a census tract that does not have an overall score due to unavailable or unreliable population data. However, the census tract scored in the highest 5 percent on CalEnviroScreen's Pollution Burden composite score and, thus, is identified as a disadvantaged community[1].

ENVIRONMENTAL JUSTICE

Environmental Justice Figure 1 shows 2020 census blocks in the six-mile radius of the AEC 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

[1] The four categories of geographic areas identified by CalEPA as disadvantaged are: 1) Census tracts receiving the highest 25 percent of overall scores in CalEnviroScreen 4.0, 2) Census tracts lacking overall scores in CalEnviroScreen 4.0 due to data gaps, but receiving the highest 5 percent of CalEnviroScreen 4.0 cumulative pollution burden scores, 3) Census tracts identified in the 2017 DAC designation, regardless of their scores in CalEnviroScreen 4.0, and 4) Lands under the control of federally recognized Tribes. Source: CalEPA Final Designation of Disadvantaged Communities: May 2022 https://calepa.ca.gov/envjustice/ghginvest/

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 data in the **Environmental Justice Table 1**, CEC staff concluded that the percentage of those living in the Ocean View, Garden Grove Unified, and Westminster 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. Thus, it is 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 district are in relation to the six-mile radius around the AEC site.

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

ORANGE COUNTY SCHOOL DISTRICTS IN SIX-MILE RADIUS	Enrollment Used for Meals	Free or Reduced-Price Meals	
Cypress Elementary	3,414	1,474	43.2%
Garden Grove Unified	38,560	27,677	71.8%
Los Alamitos Unified	9,133	1,467	16.1%
Ocean View	6,942	3,959	57.0%
Westminster	8,203	6,189	75.4%
REFERENCE GEOGRAPHY			
Orange County	448,729	208,756	46.5%
LOS ANGELES COUNTY SCHOOL DISTRICTS IN SIX-MILE RADIUS	Enrollment Used for Meals	Free or Reduced-Price Meals	
ABC Unified	18,889	10,596	56.1%
Long Beach Unified	67,573	36,356	53.8%
REFERENCE GEOGRAPHY			
Los Angeles County	1,336,558	898,036	67.2%
Source: CDE 2022. California Department of Education, DataQuest, Free or Reduced Price Meals, District level data for the year 2021-2022, http://dq.cde.ca.gov/dataquest/.			

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, Waste Management, and Worker Safety and Fire Protection.

FIGURE 1

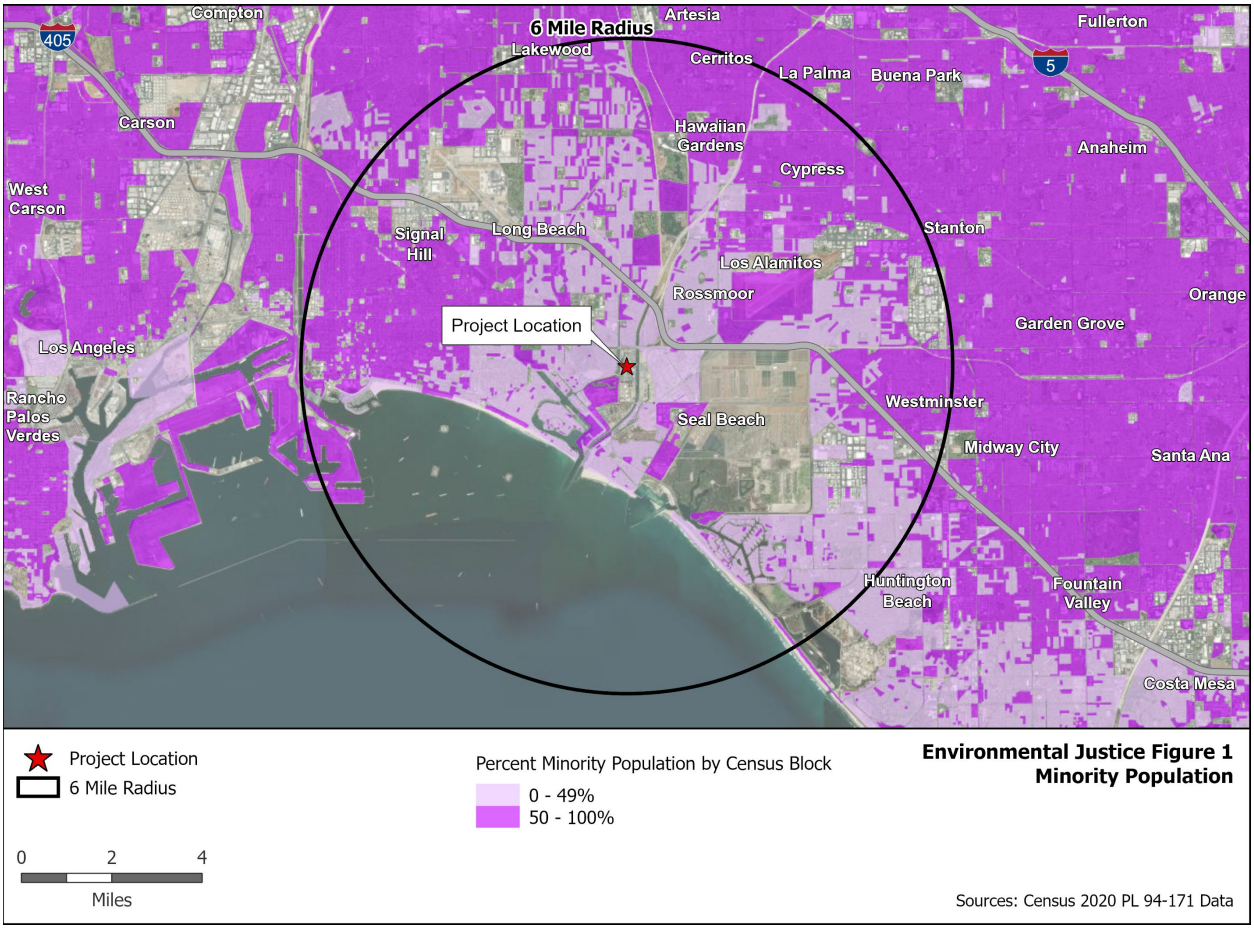
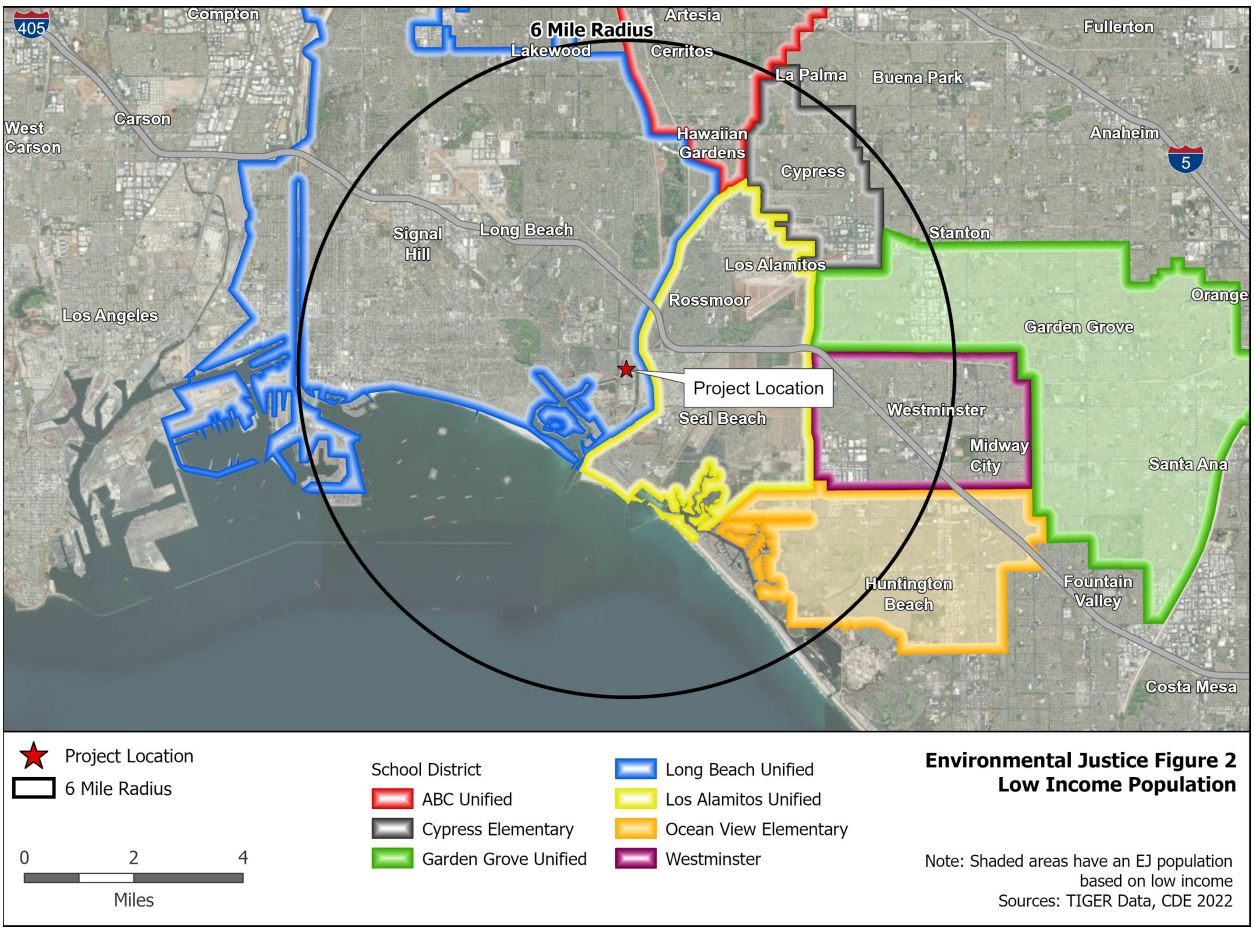

6 Mile Radius
Project Location
Compton
Artesia
Fullerton
Lakewood
Cerritos
La Palma
Buena Park
Carson
Hawaiian Gardens
Anaheim
Cypress
West Carson
Signal Hill
Long Beach
Stanton
Los Alamitos
Rossmoor
Orange
Garden Grove
Los Angeles
Rancho Palos Verdes
Westminster
Seal Beach
Midway City
Santa Ana
Huntington Beach
Fountain Valley
Costa Mesa
405
5
Project Location
6 Mile Radius
0 2 4
Miles
Percent Minority Population by Census Block
0 - 49%
50 - 100%
Environmental Justice Figure 1
Minority Population
Sources: Census 2020 PL 94-171 Data

FIGURE 2



Environmental Justice Conclusions

For the technical areas that address EJ and would be affected by the project change – Air Quality, Cultural Resources, Noise and Vibration, Public Health, Socioeconomics, Traffic and Transportation, and Visual Resources – staff concludes that impacts would be less than significant, and thus impacts on the EJ population, represented in **Figures 1** and **2**, and **Table 2**, would be less than significant.

CEC STAFF DETERMINATION

The CEC staff has determined for this petition that approval by the Commissioners at a noticed business meeting or hearing is not required and the proposed changes meet all of the criteria for approval by staff because:

Pursuant to California Code of Regulations, title 20, section 1769(a)(3)(A):

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 changes would not cause the project to fail to comply with any applicable laws, ordinances, regulations, or standards; and

iii. The changes 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 none of the findings specified in 1748(b) apply to the proposed changes and the proposed changes do not meet any of the criteria requiring the production of subsequent or supplemental review pursuant to Public Resources Code section 21166.

WRITTEN COMMENTS

This statement of the CEC staff approval of the proposed project changes has been filed in the docket for this project. Pursuant to California Code of Regulations, title 20, section 1769(a)(3)(C), any person may file an objection to CEC staff's determination within 14 days of the filing of this statement on the grounds that the project change does not meet the criteria set forth in sections 1769(a)(3)(A) or (a)(3)(B). Absent any objections as specified in section 1769(a)(3)(C), this petition will be approved 14 days after this statement is filed.

The CEC's project webpage, https://www.energy.ca.gov/powerplant/combined-cycle/alamitos-energy-center, has a link to the petition and the Staff Analysis on the right side of the webpage in the box labeled "Compliance Proceeding." Click on the "Docket Log (13-AFC-01C)" option. If approved, the CEC's Order approving this petition will also be available from the same webpage.

Written comments or objections to staff's determination may be submitted using the CEC's e-Commenting feature, as follows: Go to the CEC's project webpage and click on either the "Comment on this Proceeding," or "Submit e-Comment" link. When your comments are filed, you will receive an email with a link to them.

Written comments or objections may also be mailed to:

California Energy Commission
Docket Unit, MS-4
Docket No. 13-AFC-01C
715 P Street

Sacramento, CA 95814-5512

All comments and materials filed with the Docket Unit will be added to the facility Docket Log and be publicly accessible on the CEC's project webpage.

If you have questions about this document, please contact Compliance Project Manager Joseph Douglas, Safety and Reliability Office, Compliance Monitoring and Enforcement Unit, at (916) 956-9527, or via email at Joseph.Douglas@energy.ca.gov.

For information on public participation, please contact the CEC's Office of Public Advisor, Energy Equity, and Tribal Affairs at (916) 957-7910 or email at 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.

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