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Filer:	susan fleming
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STATEMENT OF STAFF APPROVAL OF POST-CERTIFICATION CHANGE

HUNTINGTON BEACH ENERGY PROJECT (12-AFC-02C)

On August 2, 2022, the AES Huntington Beach Energy, LLC (AES), the project owner, filed a post-certification petition with the California Energy Commission (CEC) requesting to amend the Huntington Beach Energy Project (HBEP) Final Commission Decision (Final Decision).

The 844-megawatt project was certified by the CEC in May 2017 and began commercial operation in June 2020. The HBEP is located at 21730 Newland Street in the City of Huntington Beach, Orange County.

DESCRIPTION OF PROPOSED CHANGE

The project owner seeks approval to remodel the site entrance along Newland Street and install a new security guard shack. The Petition to Amend (PTA) includes the following modifications to the facility's entrance:

- Installation of a modular security guard booth. The booth would have a gross footprint of 392 square feet.
- Routing utilities to the security guard booth (electrical, water, sewer, communications).
- Relocation of an existing facility fire hydrant and light pole.
- Widening of the front entrance interior asphalt driveway by one lane to allow for a total of two entrance lanes and one exit lane. This includes associated concrete cement curbing modifications. Pavement modifications include both a 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.
- Installation of traffic arms, card readers, sliding/swing gate, and wrought iron fence. The new fence would match the existing decorative see-through security fencing as described in the HBEP Landscaping Plan.

- Installation of approximately 68 linear feet of private pedestrian access sidewalk.
- Replacing the existing entrance gate and fencing.
- Updating the security system hardware with NERC-compliant equipment.

To access the petition to amend, go to the CEC's project webpage, https://www.energy.ca.gov/powerplant/combined-cycle/huntington-beach-energy-project. In the box labeled "Compliance Proceeding" click on the Docket Log (12-AFC-02C) and locate the petition by its transaction number, TN 244965-1.

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 (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		
Traffic and Transportation			X		X
Transmission Line Safety and Nuisance				X	X
Transmission System Engineering				X	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 modifications 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 HBEP. 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 COC **AQ-SC1**, and compliance with SCAQMD Rule 403, 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 (WEAP) 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 PTA indicates that the deepest excavation proposed is about 3 feet below the current grade. The HBEP property is covered with fill sediments to depths of 2–3 feet. Earth-disturbing construction activities are most likely to encounter buried cultural resources within the native (non-fill) soils and sediments, although cultural resources can sometimes occur within fill. During construction of the HBEP, for instance, four historic artifacts were identified, all on the ground surface or within fill soils. The HBEP 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. The CEC staff concludes that implementation of the existing cultural resources COCs 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 Huntington Beach's General Plan and other local authorities to determine whether LORS applicable to the Amended HBEP facility have changed as regards cultural resources (see City of Huntington Beach 2017). No cultural resources LORS applicable to the Amended HBEP 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 an impact on cultural resources. Therefore, cultural resource impacts are nonexistent for any environmental justice population within the project site's six-mile radius.

EFFICIENCY

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 on 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. Implementations 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 would be 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 on geological and paleontological resources could be effectively mitigated through application of the existing Geological and Paleontological Resources COCs. Therefore, if the existing COCs **PAL-5** 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 be compliant with LORS. When not in use, any hazardous materials would be stored in designated construction areas in compliance 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 of the site. 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 proposed changes 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 (Huntington 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 residents. 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 HBEP. A screening health risk assessment (HRA) 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 COC **AQ-SC1**, 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 8 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 COCs **SOCIO-1** (school impact fee) and **SOCIO-2** (police facilities development impact fee and Parkland Acquisition and Park Facilities Development Impact Fees) would apply to the project. 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 Newland Street that includes installing a new guard shack structure.

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 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's (SWRCB). 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.

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 eight construction workers who would commute to and from the site, and a maximum of three trips a day for the delivery of construction materials and equipment. A mobile crane would be required for one day for placement of the prefabricated guard shack on its foundation. Construction worker parking and material 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 HBEP would remain unchanged.

Installation of the security guard shack and associated fencing and security system hardware would comply with COCs **TRANS-3** "Traffic Control Plan" and **TRANS-4** "Encroachment into 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 Newland Street and installation of a new security guard building within the City of Huntington Beach.

The facility is located on relatively flat land in a highly developed urban area. Magnolia Marsh part of a complex of restored wetlands is to the southeast of the power plant site. A state beach and the Pacific Ocean are to the west.

There is no scenic vista or scenic resource as defined and discussed in 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-4**, **VIS-5**, and **VIS-6** related to lighting management, as applicable.

The modifications would have a less than significant effect, would conform with LORS, and would comply with the existing COCs for visual resources.

WASTE MANAGEMENT

This PTA proposes to remodel the site entrance along Newland Street 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-7**. The project improvements would conform to applicable LORS related to waste management and do not require changes to the existing COCs. Therefore, the PTA would 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 COC **WORKER SAFETY-1** 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 Huntington Beach Energy Project is located (6059099220) is not 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 CalEnviroScreen 4.0 overall percentile score for this census tract is 28 and, thus, is not identified as a disadvantaged community[1].

ENVIRONMENTAL JUSTICE

Environmental Justice – Figure 1 shows 2020 census blocks in the six-mile radius of the HBEP 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 CEC 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 Elementary School District (in a six-mile radius of the project site) and enrolled in the free or reduced-price meal program are 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*.

[1] Source: CalEPA Proposed SB 535 Disadvantaged Communities: October 2021 https://calepa.ca.gov/envjustice/ghginvest/

Environmental Justice – Figure 2 shows where the boundaries of the school district are in relation to the six-mile radius around the HBEP site.

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

SCHOOL DISTRICTS IN SIX-MILE RADIUS	Enrollment Used for Meals	Free or Reduced Price Meals	
Fountain Valley Elementary	5,998	1,288	21.5%
Huntington Beach City Elementary	5,224	1,041	19.9%
Newport-Mesa Unified	17,962	6,037	33.6%
Ocean View Elementary	6,942	3,959	57.0%
REFERENCE GEOGRAPHY			
Orange County	448,729	208,756	46.5%

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

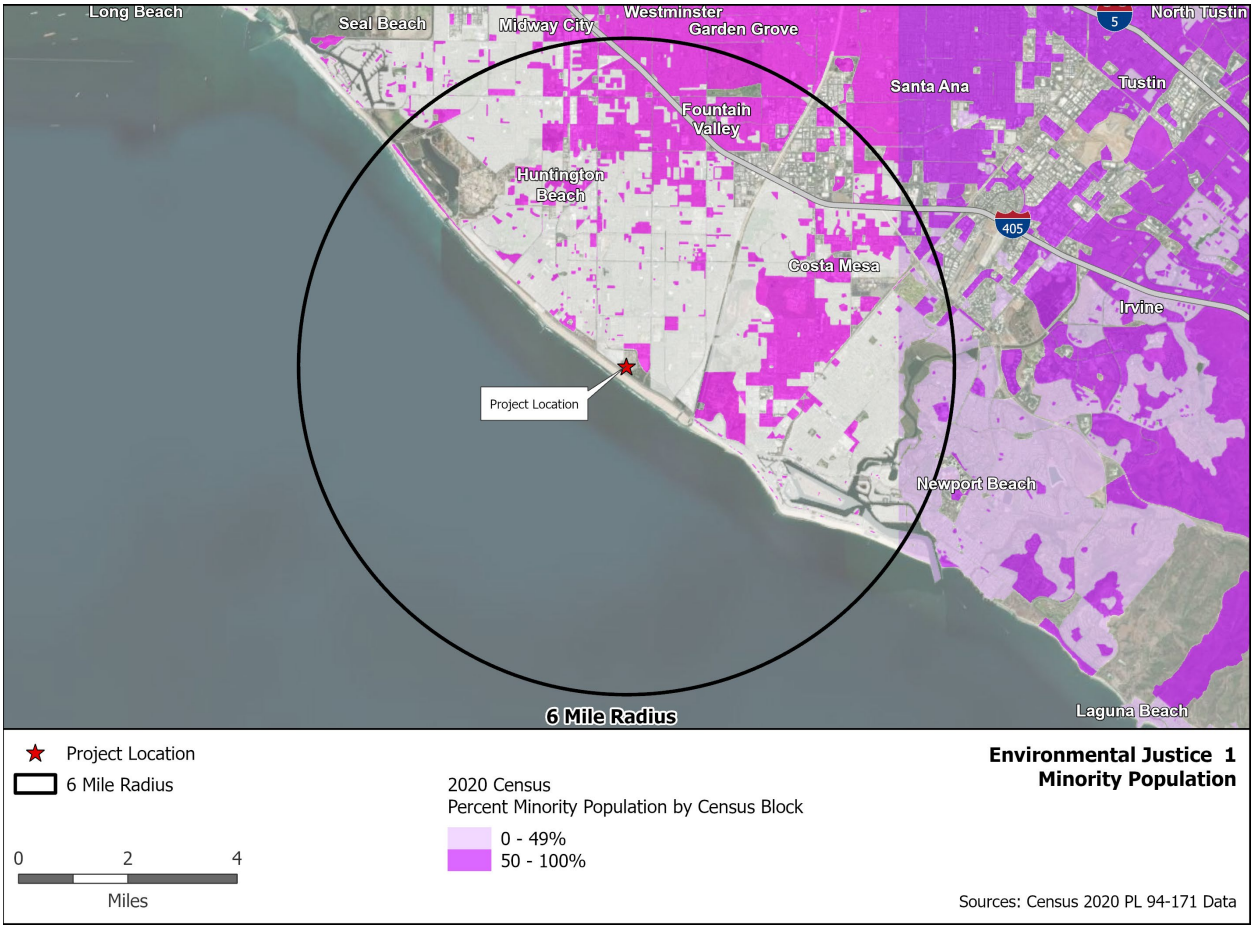
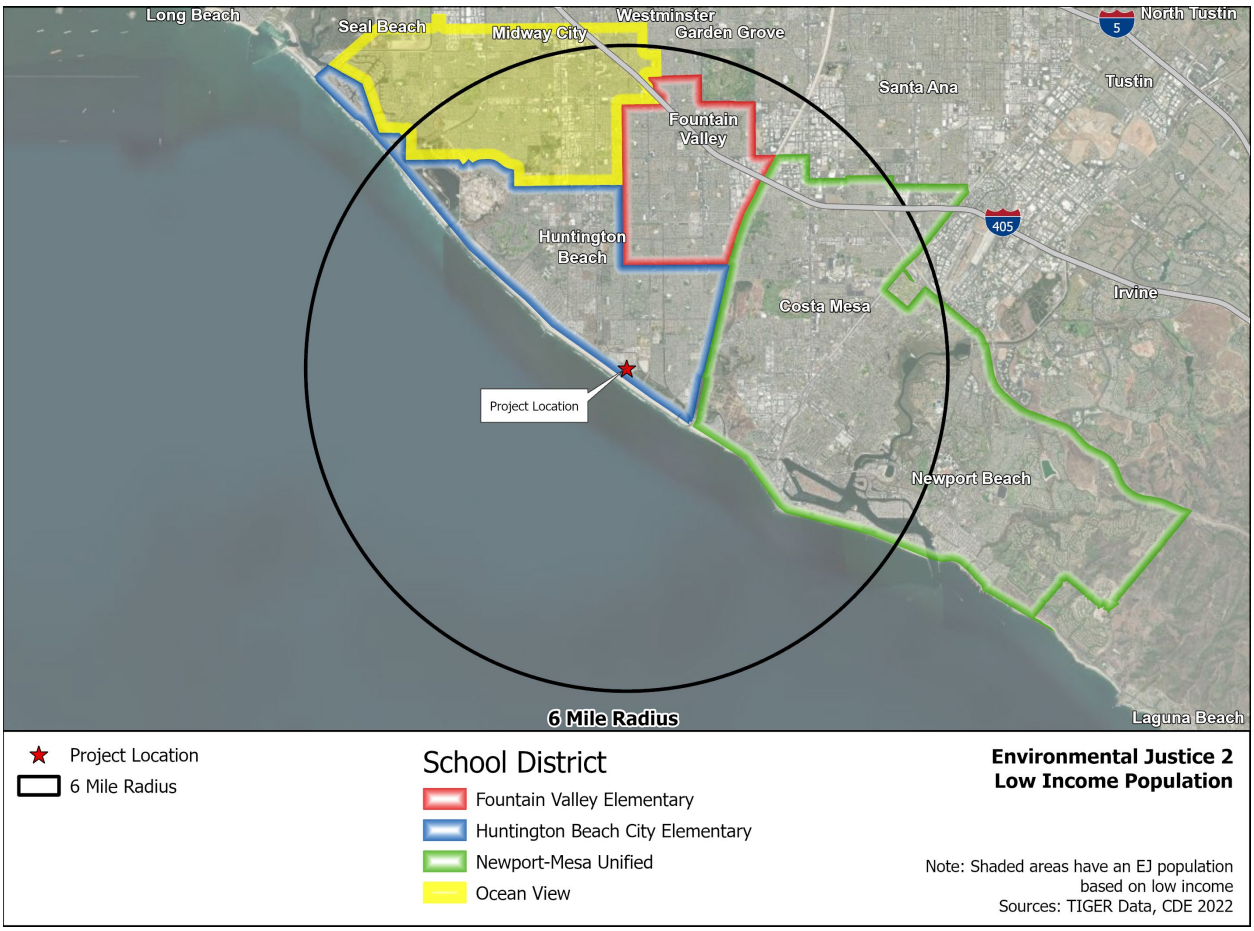

Long Beach
Seal Beach
Midway City
Westminster
Garden Grove
North Tustin
5
Santa Ana
Tustin
Fountain Valley
Huntington Beach
405
Costa Mesa
Irvine
Project Location
Newport Beach
6 Mile Radius
Laguna Beach
Project Location
6 Mile Radius
0
2
4
Miles
2020 Census
Percent Minority Population by Census Block
0 - 49%
50 - 100%
Environmental Justice 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 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/huntington-beach-energy-project, 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 (12-AFC-02C)" 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. 12-AFC-02C
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 Branch, 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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