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CALIFORNIA ENERGY COMMISSION

CALIFORNIA NATURAL RESOURCES AGENCY

STATEMENT OF STAFF APPROVAL OF POST CERTIFICATION CHANGE

HIGH DESERT ENERGY PROJECT (97-AFC-01C)

On September 20, 2022, High Desert Power Project, LLC, the project owner, filed a post certification petition TN#246374 with the California Energy Commission (CEC) for changes in project design, operation or performance and amendments to the CEC Final Decision (Decision) for the High Desert Energy Project (HDPP) project.

The HDPP is an 830-megawatt, combined-cycle power plant that was certified by the CEC on May 2000, and began commercial operations in April 2003. The facility is in the city of Victorville, in San Bernardino County.

DESCRIPTION OF PROPOSED CHANGE

The project owner seeks approval for the following:

- Installation of a small concrete storage pad to store a separate generator step-up (GSU) transformer to enhance HDPP reliability in the event the in-service GSU transformer fails.

To access the petition to amend, go to the CEC's project webpage, https://www.energy.ca.gov/powerplant/combined-cycle/high-desert-power-plant. In the box labeled "Compliance Proceeding" click on the Docket Log (98-AFC-02C) and locate the petition by the transaction number noted above.

CEC STAFF REVIEW AND CONCLUSIONS

California Code of Regulations, title 20, section 1769(a)(3)(c) 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 petition may be approved by the CEC staff only if the following criteria are met:

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.

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		X
Efficiency				X	
Facility Design					X
Geological Resources			X		X
Hazardous Materials Management			X		
Land Use			X		X
Noise and Vibration			X		X
Paleontological Resources			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
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.

The CEC 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 (COCs). The bases for each of staff's conclusions are provided below:

AIR QUALITY

The proposed modification to construct a concrete storage pad 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 HDPP. Construction activities would be relatively short-term (6 weeks total), and the associated emissions would be mitigated and less than significant with the implementation of existing COC, **AQ-3** in the Decision.

BIOLOGICAL RESOURCES

This petition would allow the project owner to build a concrete storage pad on previously disturbed earthen substrate, to store a spare generator step-up transformer. The concrete pad would be 40 feet by 40 feet, with a depth of 6 inches, and enclosed by a three-foot-tall concrete wall, with a chain-link fence around the entire storage pad area. Within this concrete storage pad area would be a newly constructed 25-foot by 15-foot generator step-up transformer pad, elevated 3 feet above the concrete pad; these efforts would be outside the nesting bird season, and no specific COCs would be necessary. Additionally, these work efforts are in the middle of an operational power plant on previously disturbed lands.

Existing COCs will ensure that these activities have no significant adverse effect on biological resources. These COCs are **BIO-1**, designation of CEC-approved designated biologist, **BIO-2**, enumeration of the designated biologist's duties, **BIO-3**, the project owner's supervising construction and operating engineer shall comply with the recommendation of the designated biologist, **BIO-4**, the project owner shall develop and implement a Worker Environmental Awareness Program, and **BIO-6**, development and implementation of a Biological Resources Mitigation and Implementation Plan (BRMIMP). The BRMIMP (**BIO-6**) is the sole document which shall be specifically updated for this amendment's activities.

The project owner has already mitigated for the presence of the state and federally listed threatened desert tortoise (*Gopherus agassizii*), (**BIO**-**7**, **8**, and **10**), and holds a United States Fish and Wildlife Service (USFWS) Section 7 Incidental Take Permit, as well as a California Department of Wildlife (CDFW) Section 2081 Incidental Take Permit. However, the project's perimeter fencing does not incorporate desert tortoise exclusion fencing. Although the risk is considered low, there is the possibility of a tortoise moving

onto the project site during construction. To avoid incidental "take"[1] such as accidental crushing of a tortoise due to equipment movement and storage, the project owner has recommended implementation of the following measures from the BRMIMP: General Preservation Measures (GPM), GPM-1 through GPM-5, and Desert Tortoise Focused Measures (DTM), DTM-1 through DTM-12.

These measures would ensure the project would remain in compliance with applicable LORS for biological resources. With implementation of these existing COCs, the proposed modifications would not result in a significant adverse direct, indirect, or cumulative impact to biological resources.

CULTURAL RESOURCES

The project site is within the Historic George Air Force Base (P-36-025787). This resource has been evaluated as likely eligible for the National Register of Historic Places and the California Register of Historical Resources; however, the proposed installation would not significantly impact this resource. There are no other known cultural resources on the project site that could be impacted by the proposed project changes; however, new proposed ground disturbance could still unearth previously unknown buried cultural resources. If cultural resources are encountered during construction of the proposed project changes, implementation of COCs **CUL-1** through **CUL-16** would mitigate any potentially significant impacts during construction and would ensure LORS conformance.

EFFICENCY

There would be no impact to the thermal efficiency of the power plant as the result of this petition to amend.

FACILITY DESIGN

Installation of the new concrete pad and concrete wall for the installation of the GSU transformer on the High Desert Power Plant site must be in accordance with the 2022 edition of the California Building Standards Code (CBSC). Implementations of the existing Facility Design COCs adopted in the Decision and construction compliance oversight by the DCBO would ensure this compliance.

GEOLOGICAL AND PALEONTOLOGICAL RESOURCES

The GSU transformer storage pad would be located within the overall concrete containment pad area and would have dimensions of approximately 25 feet by 15 feet

[1] Fish and Game Code § 86: "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. Cal. Code Regs., tit. 14, §§ 783.2-783.8).

and would be elevated 3 feet above the pad base elevation. Grading and installation of the concrete pad would involve up to 400 cubic yards of earthwork (50 feet by 50 feet by 4.2 feet deep). Based on the results of a site-specific geotechnical investigation, excavation activities would extend to about 3.2 feet into native soil. The excavated soil would be used for engineered backfill prior to the installation of the concrete pad components.

Paleontological monitoring was conducted during the original construction of the HDPP 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. 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, adverse impacts to sensitive paleontological resources are not expected. All employees and contractors would be trained in accordance with the CEC-approved paleontological resources training program as per CEC COC **PAL-7**.

No adverse impacts related to paleontological resources associated with the construction or operation of the HDPP concrete storage pad and oil containment project are expected to occur. Compliance with applicable LORS along with adherence to the requirements of the existing paleontological resources COCs would ensure that impacts related to paleontological resources would be less than significant. No changes to existing COC are proposed.

Geological resources were not addressed in the original 2001 COCs; however, the section on General COCs included in **GEO-1** and **GEO-2** address tasks to be conducted by a certified engineering geologist or appropriately licensed geotechnical engineer. These include monitoring the geologic COCs during construction and preparation and submittal of an Engineering Geologic Report to the chief building official. Compliance with current and applicable LORS would ensure that impacts related to geological resources would be less than significant.

HAZARDOUS MATERIALS MANAGEMENT

The proposed modification to construct a concrete storage pad would not use extremely hazardous materials during construction. The only hazardous materials used during the construction phase would be cleaners, solvents, gasoline, motor oil, welding gases and lubricants and their use would be in compliance with LORS. When not in use, any hazardous materials stored in designated construction areas in compliance with LORS. Therefore, the proposed project modification would not have a significant impact on the offsite public or the environment.

LAND USE

The HDPP site is subject to the City of Victorville's General Plan and is also covered by the Southern California Logistics Airport 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 would not change or expand existing uses of the site for electrical generation. The proposed change would not result in significant impacts related to land use, and no changes to land use COCs are required.

NOISE AND VIBRATION

Activities associated with this petition to amend would be temporary and would occur during the daytime hours of that are consistent with the local noise ordinance (City of Victorville Section 13.01). Any noise generated during these activities would result in a less-than-significant impact with implementation of the existing Noise COCs in the Decision. The operational noise would not be affected as the result of this petition to amend.

PUBLIC HEALTH

The proposed modifications to construct a concrete storage pad would result in public health impacts due to the release of diesel particulate matter 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 HDPP. With the implementation of existing COC, **AQ-3**, and the project owner's commitment to use Tier 4 diesel equipment as available, the impacts would be mitigated and less than significant.

RELIABILITY

There would be no impact to plant reliability as the result of this petition to amend. However, the addition of a spare GSU would increase plant reliability to service the grid should the primary GSU fail to operate.

SOCIOECONOMICS

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. No operational workforce changes would occur associated with the presence of the new pad and standby GSU. The modifications would not result in a significant impact related to socioeconomics. No changes to socioeconomics COCs are required.

SOIL AND WATER

The proposed concrete storage pad would be located on the southwest corner of the HDPP power block on a previously disturbed dirt area. The concrete storage pad would 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. Grading and excavation of approximately 390 cubic yards to support concrete pad construction would impact an area 50 feet long by 50 feet wide by 4.2 feet deep. The GSU transformer storage pad would be located within the concrete containment pad area and would have dimensions of approximately 25 feet long by 15 feet wide and would be elevated 3 feet above the pad base elevation.

Based on the historical use of the HDPP site area as part of George Air Force Base activities, soil samples would be collected and analyzed to confirm regulatory thresholds are not exceeded for the soil planned to be reused as backfill. If the excavated soil does not meet applicable limits, the impacted soil would be transported offsite for disposal in an approved manner and clean backfill would be imported.

Water use associated with the project would be limited to fugitive dust control and compaction of soil backfill during concrete pad construction. Therefore, no adverse impacts related to soil and water resources would be expected to occur during either the construction or the operational phases of the project. No changes to existing COCs are proposed. Compliance with applicable LORS along with adherence to the requirements of the existing COCs would ensure that impacts related to soil and water resources would be less than significant.

TRAFFIC AND TRANSPORTATION

Access to the site will be via an existing road that runs between Perimeter Road and the concrete storage pad location. Truck traffic for deliveries of materials and equipment would 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 daily. The truck deliveries would include oversize loads. Due to the low level of construction traffic and temporary nature, no significant traffic and transportation related impacts would occur. No additional HDPP workers would be required for operations following the proposed change. Compliance with applicable COCs would 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 required.

TRANSMISSION LINE SAFETY AND NUISANCE

The proposed modifications to construct a concrete storage pad would have no impact to Transmission Line Safety and Nuisance.

TRANSMISSION SYSTEM ENGINEERING

The proposed change to build a concrete storage pad to store a spare generator step-up transformer at the existing HDPP site would not include activities with the transmission lines and would not impact the transmission grid. Therefore, there would be no impacts to Transmission System Engineering. In addition, the project would comply with applicable LORS, and would not require a change to any of the COCs.

VISUAL RESOURCES

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

WASTE MANAGEMENT

The HDPP Concrete Storage Pad and Oil Containment Project would involve the excavation of soil in an already disturbed area. Grading and installation of the concrete pad would involve up to 400 cubic yards of earthwork. The excavated soil would be used for engineered backfill prior to the installation of the concrete pad components. Given the historical use of the HDPP site area as part of the George Air Force Base, soil samples would be analyzed to confirm regulatory thresholds are not exceeded for the soil planned to be used as backfill. In the event the excavated soil does not meet applicable limits, the soil would be transported in an approved manner for offsite disposal and clean backfill would be imported.

The proposed change to the HDPP would 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 COC are proposed. No new or additional waste streams would be generated during construction or operation. Therefore, with compliance with the existing LORS and COC the impacts of the project to waste management would be less than significant.

WORKER SAFETY AND FIRE PROTECTION

Continued compliance with existing COC **SAFETY-1** would ensure that the proposed modification would not have a significant impact on worker safety or the offsite public and would continue to comply with applicable LORS.

CALENVIROSCREEN 4.0

The CEC staff reviewed CalEnviroScreen 4.0 data to determine whether the United States census tract where the High Desert Power Plant is located (6071980200) 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 census tract (6071980200) does not have a CalEnviroScreen 4.0 overall percentile score because of a low population or the socioeconomic and/or health data are unreliable. The CalEnviroScreen 4.0 cumulative pollution score for this census tract is 4.25 and, thus, is not identified as a disadvantaged community[2].

ENVIRONMENTAL JUSTICE

Environmental Justice Figure 1 shows 2020 census blocks in the six-mile radius of the High Desert Power Plant 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

[2] 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/

within a six-mile radius around a project site based on the parameters for dispersion modeling used in staff's air quality analysis. Air quality impacts are generally the type of project impacts that extend the furthest from a project site. Beyond a six-mile radius, air emissions have either settled out of the air column or mixed with surrounding air to the extent the potential impacts are less than significant. The area of potential impacts would not extend this far from the project site for most other technical areas included in staff's EJ analysis.

Based on California Department of Education data in the **Environmental Justice Table 1**, staff concluded that the percentage of those living in the Lemoore Union Elementary School District (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 – Table 1
Low Income Data within the Project Area

SCHOOL DISTRICTS IN SIX-MILE RADIUS	Enrollment Used for Meals	Free or Reduced-Price Meals	
Adelanto Elementary	8,044	6,204	77.1%
Victor Elementary	12,470	10,878	67.2%
Oro Grande	5,359	3,989	74.4%
REFERENCE GEOGRAPHY			
San Bernardino County	398,648	268,060	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

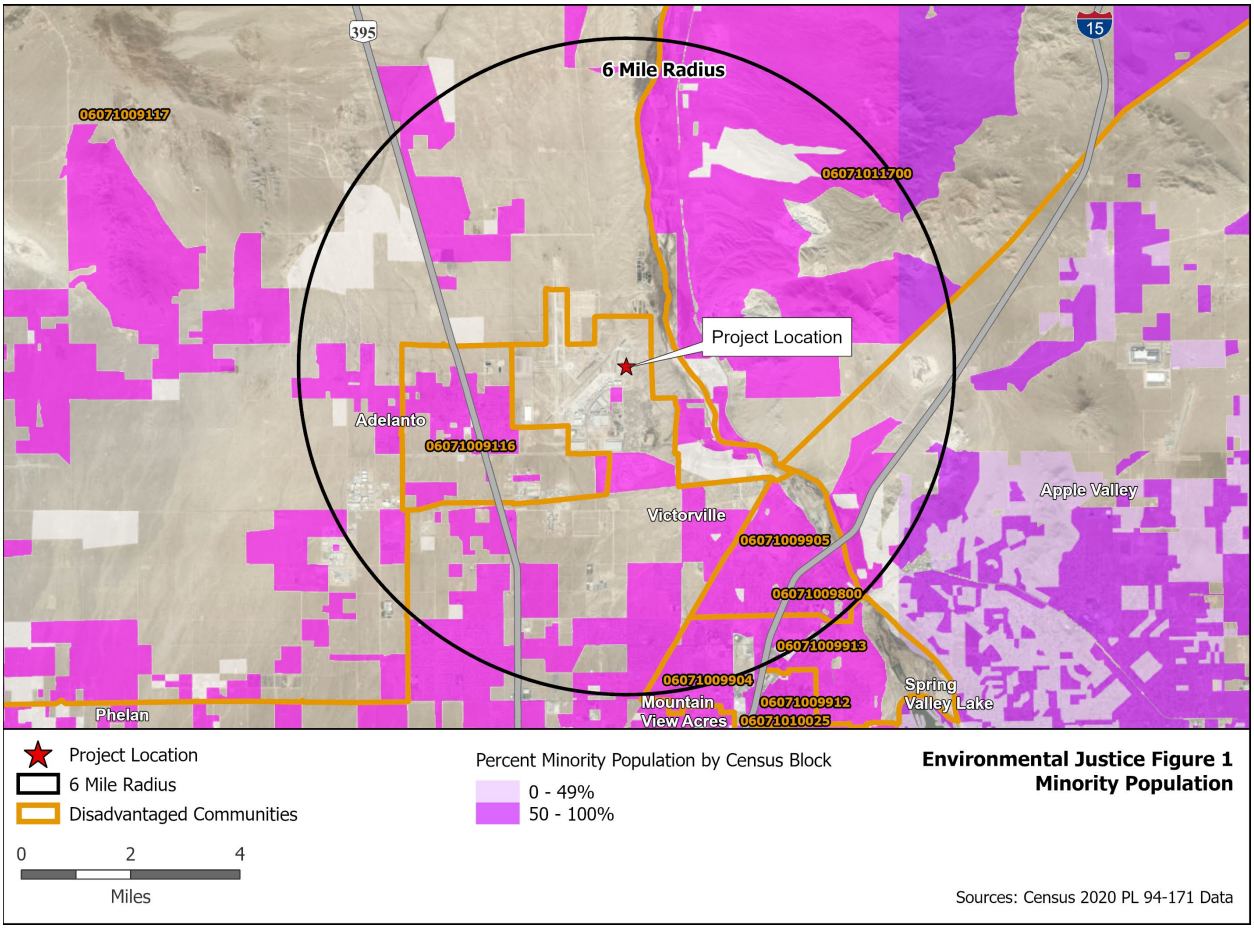
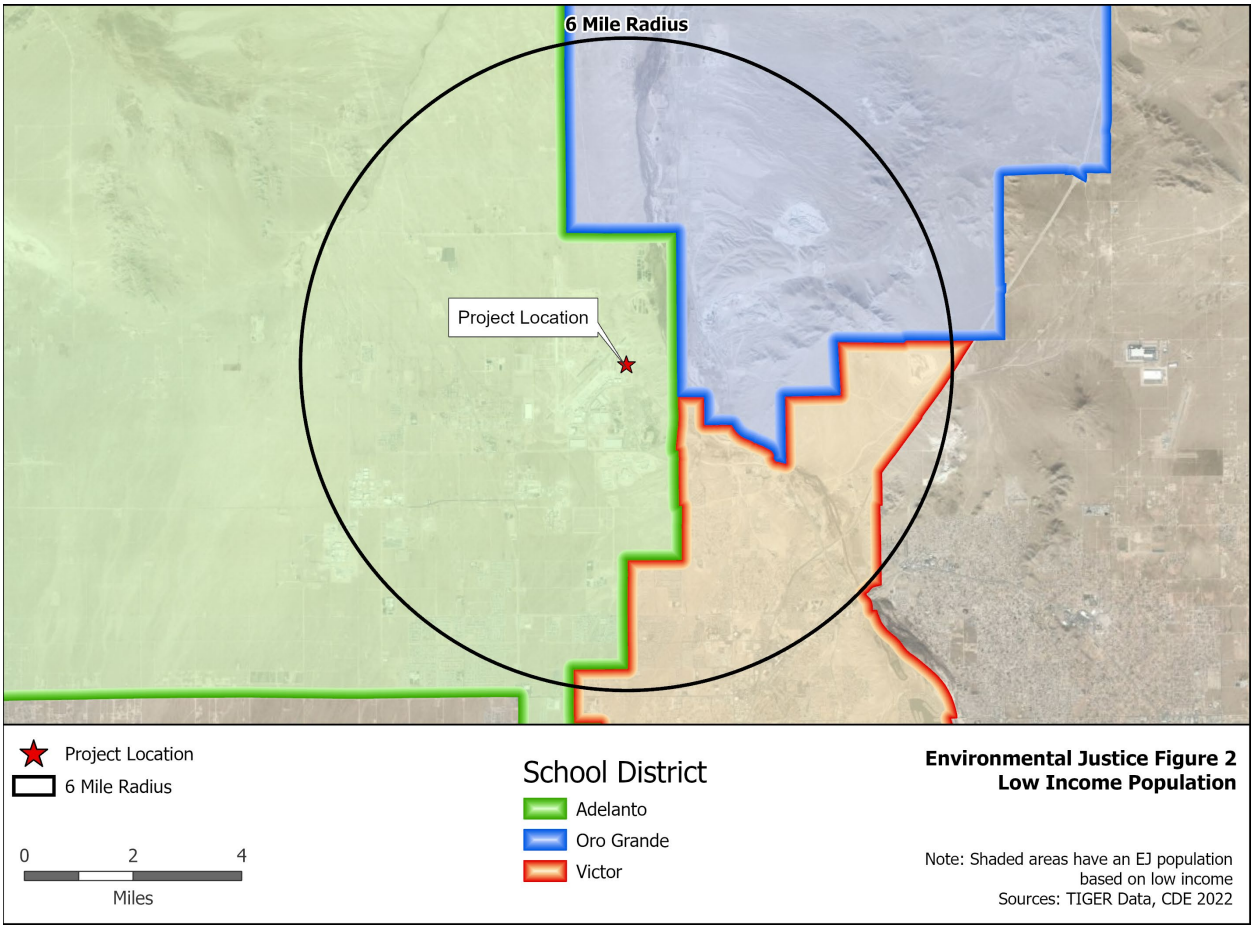

395
15
6 Mile Radius
060710091117
060710111700
Project Location
Adelanto
060710091116
Victorville
Apple Valley
060710099905
060710099800
060710099913
060710099904
060710099912
060710100025
Mountain View Acres
Spring Valley Lake
Phelan
Project Location
6 Mile Radius
Disadvantaged Communities
0
2
4
Miles
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

Except for Transmission Line Safety and Nuisance, all the technical areas that address EJ and would be affected by the project change. 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 that the petition meets the criteria for approval by staff, and therefore, submission to the Commission for approval is not required. Specifically, based on the environmental and other analysis set forth above, staff has determined the proposed changes described in the petition meet the following requirements:

1. 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;
2. The changes would not cause the project to fail to comply with any applicable laws, ordinances, regulations, or standards; and
3. 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 and California Code of Regulations, title 20, section 15162.

WRITTEN COMMENTS

This statement of the CEC staff summary and 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/high-desert-power-plant, has a link to the petition and this Statement of Staff Approval on the right side of the webpage in the box labeled "Compliance Proceeding." Click on the "Docket Log (98-AFC-02C)"option.

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. 97-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 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.

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