

DOCKETED

Docket Number:	06-AFC-07C
Project Title:	Humboldt Bay Generating Station - Compliance
TN #:	205947
Document Title:	Notice of Determination Spare Transformer
Description:	N/A
Filer:	Jonathan Fong
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	8/31/2015 2:56:49 PM
Docketed Date:	8/31/2015

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**NOTICE OF DETERMINATION
PETITION TO MODIFY
HUMBOLDT BAY GENERATING STATION
(06-AFC-7C)**

On June 11, 2015, California Energy Commission Staff (staff) docketed a petition to modify submitted by Pacific Gas and Electric (PG&E) requesting an insignificant change to the Humboldt Bay Generating Station (HBGS) (TN204979). The 163-megawatt facility was certified by the Energy Commission in its Decision on September 24, 2008, and began commercial operation on October 1, 2012. The facility is located in the city of Eureka, in Humboldt County, California.

DESCRIPTION OF PROPOSED MODIFICATIONS

The modifications in the petition would allow HBGS to install a backup 60-kV transformer on-site. PG&E has requested a spare transformer be located at HBGS to enhance plant reliability should the existing transformer fail during project operation. The foundation for the spare transformer would use an existing 17 foot by 22 foot foundation, which would be expanded to 27 foot by 27 foot. The maximum depth of excavation for the foundation expansion would be 40 inches. A new containment wall would be built into the foundation. As part of the installation, the transformer will be provided with a new 480V/C-3 phase electrical line to keep the transformer's control panel warm and prevent condensation inside the panel, which would damage the electrical connections.

The Energy Commission's webpage for this facility, <http://www.energy.ca.gov/sitingcases/humboldt/>, has a link to the amendment petition on the right side of the webpage in the box labeled "Compliance Proceeding." Click on the "Documents for this Proceeding (Docket Log)" option.

ENERGY COMMISSION STAFF REVIEW AND DETERMINATION

Pursuant to section 1769(a)(2) of Title 20, California Code of Regulations, Commission approval of a petition to amend is not required "(w)here staff determines that there is no possibility that the modifications may have a significant effect on the environment, and if the modifications will not result in a change or deletion of a condition adopted by the commission in the final decision or make changes that would cause the project not to comply with any applicable laws, ordinances, regulations, or standards [LORS]...."

Energy Commission staff has determined for this petition that approval by the full, five-member Commission is not required, and the proposed modifications meet the criteria for approval at the staff level because:

- The modifications will not have any significant effect on the environment;
- Existing conditions of certification are sufficient to cover the proposed modifications without changes to, or deletions of, any conditions of certification; and
- The project as modified will maintain full compliance with applicable LORS.

Staff's conclusions for each technical or environmental area are summarized in the following table.

SUMMARY OF STAFF RESPONSES TO PETITION

TECHNICAL/ENVIRONMENTAL AREAS REVIEWED	STAFF RESPONSE			Revised Conditions of Certification Recommended
	Technical Area Not Affected	No Significant Environmental Impact or LORS Inconsistency*	Process As Amendment	
Air Quality		X	N/A	N/A
Biological Resources		X	N/A	N/A
Cultural Resources		X	N/A	N/A
Facility Design		X	N/A	N/A
Geological and Paleontological Resources		X	N/A	N/A
Hazardous Materials Management		X	N/A	N/A
Land Use	X		N/A	N/A
Noise & Vibration		X	N/A	N/A
Public Health	X		N/A	N/A
Socioeconomics		X	N/A	N/A
Soil & Water Resources		X	N/A	N/A
Traffic & Transportation		X	N/A	N/A
Transmission Line Safety & Nuisance	X		N/A	N/A
Transmission System Engineering	X		N/A	N/A
Visual Resources		X	N/A	N/A
Waste Management		X	N/A	N/A
Worker Safety & Fire Protection		X	N/A	N/A

*No Commission approval is necessary where staff determines there is no possibility that the proposed modifications would have a significant effect on the environment, and the modifications would not result in a change in or deletion of a condition adopted by the Commission in the Final Decision, or make changes that would cause project noncompliance with any applicable laws, ordinances, regulations, or standards (Cal. Code Regs., tit. 20, § 1769 (a)(2)).

Energy Commission technical staff reviewed the petition for potential environmental effects and consistency with applicable LORS. Staff has determined that the technical or environmental areas of Land Use, Public Health, Transmission Line Safety & Nuisance and Transmission System Engineering are not affected by the proposed changes.

For the technical areas of Air Quality, Biological Resources, Cultural Resources, Facility Design, Geological and Paleontological Resources, Hazardous Materials Management, Noise & Vibration, Socioeconomics, Soil & Water Resources, Traffic & Transportation, Visual Resources, Waste Management and Worker Safety & Fire Protection staff has determined the project would continue to comply with applicable LORS and no changes to any conditions of certification are necessary to ensure that no significant impacts occur. Therefore staff is proposing to process the request as a Staff Approved Project Modification. Staff notes the following for these technical areas:

- **Air Quality.** The project is not expected to result in any significant impacts to Air Quality. Based upon this description, the project is not expected to generate significant construction air quality construction impacts, and would not change staff's analysis of potential air quality impacts. Potential impacts to air quality are expected to continue to be less than significant with the implementation of the Air Quality Conditions of Certification.
- **Biological Resources.** The proposed project will be located within a previously disturbed area surrounded by industrial buildings and does not support special status plant or wildlife species. The excavation associated with the proposed project would have no impact on the biological resources at the project site. With the implementation of Conditions of Certification **BIO-5** (WEAP) and **BIO-11** (Mitigation Management to Avoid Harassment or Harm), the proposed project would have less than significant effect on biological resources in the project area.
- **Cultural Resources.** Staff has also reviewed the Cultural Resources Report (CRR), the Cultural Resources Monitoring and Mitigation Plan (CRMMP) and other materials submitted during the construction phase of the project. The information provided for the spare transformer modification indicates that ground disturbing activities (foundation excavation, trenching for a pipeline and electrical conduit, excavation for fence post holes) are proposed. The information provided by the project owner for the project modification indicates excavation for the drainage pipe would be approximately two feet below grade. Excavation depth for the enlarged foundation would be approximately three feet, four inches. Excavation depths for the electrical conduit and the fence post holes are unspecified. Those undertakings which will involve ground disturbance at levels deeper than previous excavations at the same or adjacent locations will require monitoring per **CUL-6**. There remains the potential to reach native soils in excavations exceeding the depths of previous excavations. Therefore, the requirements of **CUL-6** apply to the current project modification. PG&E has proposed "to have a Cultural Monitor present during initial foundation excavation to determine whether the culturally sensitive Horizon A is present" (TN204979; p 2). Energy Commission staff concurs. Beyond the foundation excavation, if native soils are encountered in the other areas of excavation or trenching, then a CRS or CRM must also be available per **CUL-6** (excerpted below).

CUL-6 from the Final Decision for the Humboldt Bay Repower Project specifies that *“The project owner shall ensure that the CRS, alternate CRS or CRMs monitor full-time all ground disturbance of native soils at the project site, along linear facilities and roads, and at parking and other ancillary areas, including wetlands mitigation areas, to ensure there are no impacts to undiscovered resources and to ensure that known resources are not impacted in an unanticipated manner”*.

Monitoring per **CUL-6** will ensure that the proposed modifications will not have a significant effect on the environment and will ensure the project remains in compliance with applicable LORS.

- **Facility Design.** Installation of the foundation and connections associated with this transformer must comply with the California Building Code (CBC) and related LORS. Implementation of the existing **Facility Design** conditions of certification adopted in the Energy Commission Decision would ensure this.

Geological and Paleontological Resources. Staff has reviewed the facility modification proposed in the petition to modify to determine if the proposed changes would result in any environmental impacts to geologic, mineralogic or paleontologic resources or be subject to geologic hazards that were not originally analyzed by the Energy Commission when it approved the project in September 2008.

As described in the Commission Decision, the site is underlain by at least 9 feet of fill and Holocene sediments which are considered to have negligible paleontological sensitivity. The maximum depth for ground disturbance associated with construction of the proposed spare transformer foundation is estimated to be 40 inches.

Therefore, no impact to paleontological resources is anticipated. Based on staff's review, the proposed modification will have no environmental impacts on geologic, mineralogic or paleontologic resources.

The site is subject to numerous significant geologic hazards. Those hazards were identified and addressed in the Commission Decision. All design and construction would be conducted in accordance with the specifications described in the existing conditions of certification. Based on this information, the proposed modification would not be subject to geologic hazards that are different from those originally analyzed and described in the Commission Decision. The facility modification would not have an impact on the facility's ability to comply with existing conditions of certification and applicable LORS.

- **Hazardous Materials Management.** During the installation of the spare 60-kV generator step up (GSU) transformer, several hazardous materials will be used onsite. Similar to equipment maintenance activities, these materials would include solvents, gasoline, lubricants, and welding gases which are already included in the annual compliance report under the existing **HAZ-1** condition. No extremely hazardous or regulated hazardous materials will be used on site specifically for the installation of the spare 60-kV GSU transformer. Therefore, with petitioner's continued compliance with existing conditions of certification, **HAZ-1** specifically, the

proposed modification would not have a significant effect on the environment and would continue to comply with all conditions of certification applicable LORS.

- **Land Use.** The project is entirely within the existing HBGS site and would not result in any additional disturbed areas beyond the licensed site. The proposed modification would not cause an impact under the California Environmental Quality Act Guidelines, Appendix G II and X or conflict with any applicable land use plan, policy, or regulation of Humboldt County.

The proposed modification would have no land use impacts and would not necessitate changes to the Land Use Conditions of Certification in the September 2008 Commission Decision for the HBGS.

- **Noise and Vibration.** Construction work associated with installation of this transformer would occur during the daytime hours and would be temporary. Any noise generated during this activity would result in a less-than-significant impact with implementation of the existing **Noise** conditions of certification adopted in the Energy Commission Decision. Operational noise impacts would not be affected by this petition.
- **Socioeconomics.** Foundation installation would occur in December 2015 and take approximately four weeks, requiring approximately six workers. The spare transformer is scheduled to be delivered to the HBGS site in early December 2015 and would be installed on the foundation upon arrival. It would take approximately two weeks and eight workers to set the transformer on the foundation, prepare it, and test it.

The proposed modification would not change the staff review of socioeconomics and would have a less than significant impact on socioeconomics criteria: induce substantial population growth in an area, either directly or indirectly; displace substantial numbers of people and/or existing housing, necessitating the construction of replacement housing elsewhere; or adversely impact acceptable levels of service for police protection, schools, and parks and recreation. Lastly, the proposed amendment would comply with applicable LORS.

The proposed modification would have no significant adverse socioeconomic impacts. Therefore, the proposed amendment would have a less than significant impact on any population, including the environmental justice population in the city of Eureka. The September 2008 Energy Commission Decision for the Humboldt Bay Generating Station contained no socioeconomics conditions of certification and no new conditions of certification are necessary.

- **Soil & Water Resources.** The installation of the spare transformer would not significantly impact soil resources. All construction work would be performed within the HBGS facility fence line (TN204979). No new equipment would require a foundation with a depth of excavation in excess of 40 inches. All work would be done in accordance with existing Conditions of Certification **SOIL&WATER-1**, **SOIL&WATER-2**, and **SOIL&WATER-4**. Compliance with these conditions of certification would avoid or reduce potential significant negative impacts to a level of less than significant.

SOIL&WATER-1 requires a construction Drainage, Erosion and Sedimentation Control Plan (DESCP) for any ground-disturbing work. **SOIL&WATER-2** requires the project owner to submit a notice of intent to the State Water Resources Control Board (SWRCB) to indicate that the project will operate under provisions of the General Construction Activity Storm Water Permit, if applicable.

- **Traffic and Transportation.** The petition notes the project traffic combined with HBGS operations staff traffic and Humboldt Bay Power Plant (HBPP) decommissioning traffic would be far less than the peak traffic associated with HBPP and HBGS commission and operations experienced in late 2009 through 2010, when an estimated 500 staff were on-site. During this time, there were no reported issues with traffic backing up onto King Salmon Avenue. Staff agrees with the petition contention that minimal traffic associated with workers and equipment for the project (modification) is not anticipated to result in traffic impacts along King Salmon Avenue.

The traffic and transportation analysis in the September 2008 Energy Commission Decision in the HBGS proceeding noted Level of Service (LOS) for the local area highways and roads was LOS A. The Energy Commission HBGS Decision's Conditions of Certification **TRANS-1** (construction traffic control and implementation plan), **TRANS-2** (repair of public right-of-way), **TRANS-3** (parking standards during construction), **TRANS-4** (California Highway Patrol notification prior to commercial operation), and **TRANS-5** (encroachment permit) would not apply to the project modification.

- **Visual Resources.** In the public view from U. S. Highway 101, the transformer could not be seen by a person who was not aware of it in advance, and looking for it. Even under these circumstances, it can only be seen after looking at it closely for an extended period of time.

While the transformer will introduce an additional man-made element to the landscape, which includes the HBGS, overhead transmission lines, and vegetation, it would not substantially degrade the existing visual character or quality of the site and its surroundings; it would have a less than significant effect for the purposes of the CEQA Guidelines and its aesthetic issues.

No new condition(s) of certification in addition to those in the Final Commission Decision for Humboldt Bay Repower Project dated September 2008, as amended, is/are necessary, or require deletion or modification for this petition request.

- **Waste Management.** The installation of the spare transformer would not significantly impact waste management. All construction work would be performed within the HBGS facility fence line (TN204979). No new equipment would require a foundation with a depth of excavation in excess of 40 inches. The hazardous and non-hazardous materials generated during construction would include paint, waste oil, empty containers, and possibly trace amounts of miscellaneous building materials. Existing Conditions of Certification **WASTE-2** and **5** would apply to the proposed petition.

Prior to the construction of HBGS the project parcel was a brownfield and excavation could unearth contaminated soil. Condition of Certification **WASTE-2** was originally required as mitigation in the event unanticipated contaminated soil conditions were encountered. **WASTE-2** would ensure that if contaminated soils are encountered they would be remediated appropriately and potential human health impacts would be mitigated. The project owner would also be required to comply with Condition of Certification **WASTE-5** and submit the actual construction totals for construction waste generated.

- **Worker Safety and Fire Protection.** By continuing to comply with the existing conditions of certification, the petitioner’s proposed installation of the spare 60-kV GSU transformer would not have a significant effect on the environment, and would continue to comply with all applicable LORS. The construction activities required for the installation of the spare GSU transformer would comply with worker safety and fire safety requirements already contained in health and safety plans utilized for construction of the main facility per Condition of Certification **WORKER SAFETY-1**.

The data in the **Environmental Justice Population Table** shows that almost 24 percent of the population living in the city of Eureka live below the federal poverty level and constitutes an environmental justice population based on the *Environmental Justice: Guidance Under the National Environmental Policy Act*. As shown in the table, the percent of people in poverty is similar to the percent in the larger geographic areas of the Eureka Census County Division and Humboldt County, but when compared with California as a whole, the population in the city of Eureka living below the poverty level is greater by almost 8 percent. For purposes of this analysis, staff considers this population an environmental justice population.

**ENVIRONMENTAL JUSTICE POPULATION TABLE
POVERTY DATA WITHIN THE PROJECT AREA**

	Total Population ¹			Population Below Poverty Level			Percent Below Poverty Level		
	Estimate	MOE ²	CV ³ (%)	Estimate	MOE	CV (%)	Estimate	MOE	CV (%)
Eureka city ⁴	26,215	±233	0.54	6,248	±714	6.95	23.83	±2.73	6.96
REFERENCE GEOGRAPHIES									
Eureka Census County Division	47,760	±993	1.26	9,537	±79	5.60	20.00	±1.9	5.78
Humboldt County	130,625	±430	0.20	26,600	±1,586	3.62	20.40	±1.2	3.58
California	36,913,404	±3,433	0.01	5,855,417	±40,552	0.42	15.9	±0.1	0.38

Notes: ¹ Population for whom poverty is determined. ² Margin of Error. ³ Coefficient of Variation (method of evaluating the reliability of the estimates. US Census staff recommends caution when interpreting estimates with more than 15 percent CV. ⁴ Eureka city, Eureka-Arcata-Fortuna, CA Micro Area. Source: U.S. Census Bureau 2009-2013 5-Year American Community Survey Estimates.

This Notice of Determination has been mailed to the Energy Commission's mail list of interested parties and property owners adjacent to the HBGS site. It has also been e-mailed to the facility listserv. The listserv is an automated Energy Commission e-mail system by which information about this facility is e-mailed to parties who have subscribed. To subscribe, go to the Commission's webpage for this facility, cited above, scroll down the right side of the project's webpage to the box labeled "Subscribe," and provide the requested contact information.

Any person may file an objection to staff's determination within 14 days of the date of this Notice on the grounds that the project modification does not meet the criteria set forth in section 1769(a)(2). Absent any relevant objections, the amendment petition will be approved 14 days after this Notice is docketed. To use the Energy Commission's electronic commenting feature to object to staff's determination, go to the Energy Commission's webpage for this facility, cited above, click on the "Submit e-Comment" link, and follow the instructions in the on-line form. Be sure to include the facility name in your comments. Once submitted, the Energy Commission Dockets Unit reviews and approves your comments, and you will receive an e-mail with a link to them.

Written comments may also be mailed or hand-delivered to:

California Energy Commission
Dockets Unit, MS-4
Docket No. 06-AFC-07C
1516 Ninth Street
Sacramento, CA 95814-5512

All comments and materials filed with and approved by the Dockets Unit will be added to the facility Docket Log and be publicly accessible on the Energy Commission's webpage for the facility.

If you have questions about this Notice, please contact Jonathan Fong, Compliance Project Manager, at (916) 654-5005, or by fax to (916) 654-3882, or via e-mail at Jonathan.Fong@energy.ca.gov.

For information on participating in the Energy Commission's review of the petition, please call the Public Adviser at (800) 822-6228 (toll-free in California) or send your e-mail to publicadviser@energy.ca.gov. News media inquiries should be directed to the Energy Commission Media Office at (916) 654-4989, or by e-mail to mediaoffice@energy.ca.gov.

Date 8/31/15


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