

**DOCKETED**

<b>Docket Number:</b>	16-AFC-01C
<b>Project Title:</b>	Stanton Energy Reliability Center - Compliance
<b>TN #:</b>	232811
<b>Document Title:</b>	Stanton Energy Reliability Center - Compliance
<b>Description:</b>	The project owner proposes to use an additional 0.71-acre offsite for the use of temporary construction laydown and staging, parking, and temporary offices.
<b>Filer:</b>	John Heiser
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	4/22/2020 7:21:48 AM
<b>Docketed Date:</b>	4/22/2020



## **STATEMENT OF STAFF APPROVAL OF POST CERTIFICATION CHANGE STANTON ENERGY RELIABILITY CENTER (16-AFC-01C)**

On February 28, 2020, Stanton Energy Reliability Center, LLC (project owner), filed a petition ([TN#: 232260](#)) with the California Energy Commission (CEC) requesting to temporarily use three offsite locations for construction laydown and staging, worker parking, and offices for the remainder of the construction period of the Stanton Energy Reliability Center (SERC). Due to delays in project construction, continued use of the parking lot at Bethel Romanian Pentecostal Church for construction worker parking is no longer possible.

This petition requests a change to the project description only. It does not request changes to project operation or changes to any of the conditions of certification in the Final Commission Decision (Decision).

On October 26, 2016, the project owner filed an [Application for Certification](#) (16-AFC-01C) with the CEC to construct and operate the SERC, a 98-megawatt (MW) power facility with 10 MW of integrated battery storage at 10711 Dale Avenue in the City of Stanton. The CEC approved the AFC on November 7, 2018 and construction of the facility began on February 12, 2019. The facility is expected to begin operating by the second quarter of 2020.

### **DESCRIPTION OF PROPOSED CHANGE**

The project owner proposes to use an additional 0.71-acre offsite for project use that comprises three areas near the SERC facility. The requested areas would be for temporary construction laydown and staging, parking, and temporary offices. The proposed locations include an existing paved parking area at 10680 Fern Avenue (Assessor's Parcel: APN 126-591-10 and 126-591-11), an existing warehouse building at 10680 Fern Avenue (APN: 126-591-11), and an existing warehouse/office building with paved parking area at 8322-A Standustrial Street (APN: 126-591-12). The project owner has indicated that the temporary use of the additional construction laydown and staging area, parking, and offices would be no longer needed by the end of July 2020.

The petition requesting the project change has been docketed and is available on the CEC's website at: <https://ww2.energy.ca.gov/sitingcases/stanton/>

Project construction activities within the proposed additional areas include the following:

#### Worker parking

- Storage of tools and equipment
- Equipment parking
- Construction management offices

### Locations of Proposed Offsite Areas



- LEGEND
- ▭ SERC Project Site
  - ▭ Proposed Construction Parking and Laydown Area



**Proposed Additional Construction Parking, Laydown, Warehouse, and Office Areas for Power Plant Construction**

<b>Assessor's Parcel Numbers</b>	<b>Street Address</b>	<b>Dimensions</b>	<b>Acreage</b>	<b>Description</b>
<b>A</b> - 126-591-10 126-591-11	Portions of 10680 Fern Avenue	60' x 175'	0.24	Asphalt parking lot with shrub planter
<b>B</b> - 126-591-11	Portions of 10680 Fern Avenue	60' x 100'	0.14	Warehouse building
<b>C</b> - 126-591-12	Portions of 8322-A Standustrial Street	120' x 120'	0.33	Warehouse and office building with paved parking areas

**Area A** - consists of an approximately 0.24-acre parking area located off of Fern Avenue. This area would be used for worker parking and is currently a parking lot.

**Area B** – is a corrugated metal-clad warehouse within the same assessor’s parcel as Area A. It would be used for warehousing/laydown.

**Area C** – is an existing industrial office building, warehouse, and parking lot. The project owner proposes to use approximately one half of the building, the parking lot between the building and Standustrial Street, and the open lot area between the building and the adjacent building to the east. This property would be used for offices, parking, and warehousing/laydown. A gate presently located at the southeast corner of the open lot area of the fenced property would be moved to a more central location along the fence line to enable access to the previously approved SCE laydown area (TN: 228809) located to the south of Area C.

**ENERGY COMMISSION STAFF REVIEW AND CONCLUSIONS**

CEC staff reviewed the petition for potential environmental effects and consistency with applicable laws, ordinances, regulations, and standards (LORS). Staff has concluded that the technical areas of Cultural Resources, Efficiency, Facility Design, Geological and Paleontological Resources, Hazardous Materials Management, Land Use, Public Health, Reliability, Soil and Water Resources, Transmission Line Safety and Nuisance, Transmission System Engineering, Waste Management, and Worker Safety and Fire Protection are not affected by the proposed changes.

For the technical areas of Air Quality, Biological Resources, Noise and Vibration, Socioeconomics, Traffic and Transportation, and Visual Resources, staff has concluded that impacts on the environment are less than significant and the project would remain in compliance with all applicable LORS with the continued implementation of existing conditions of certification in the Decision. In addition, the project change would not affect any population including the environmental justice population as shown in **Environmental Justice Figure 1, Figure 2, and Table 1.**

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

### Summary of Staff Conclusions

<b>TECHNICAL/ENVIRONMENTAL AREAS REVIEWED</b>	<b>CEQA/LORS CONCLUSIONS</b>			Revised Conditions of Certification Recommended
	Technical Area Not Affected	No Significant Environmental Impact or LORS Inconsistency	Potential for Significant Environmental Impact or LORS inconsistency	
Air Quality		X		
Biological Resources		X		
Cultural Resources	X			
Efficiency	X			
Facility Design	X			
Geological and Paleontological Resources	X			
Hazardous Materials Management	X			
Land Use	X			
Noise and Vibration		X		
Public Health	X			
Reliability	X			
Socioeconomics		X		
Soil and Water Resources	X			
Traffic and Transportation		X		
Transmission Line Safety and Nuisance	X			
Transmission System Engineering	X			
Visual Resources		X		
Waste Management	X			
Worker Safety and Fire Protection	X			

Staff concludes the following for the technical areas affected by the proposed change:

- Air Quality.** Project activities within the laydown areas include worker parking, storage of tools and equipment, equipment parking, and construction management offices. A gate presently located at the southeast corner of the open lot area in Area C would also be moved to a more central location along the fence line. These activities would result in emissions from the vehicles and fugitive dust, however these emissions would be classified as short term. Existing Conditions of Certification **AQ-SC1** through **AQ-SC5** in

the Decision address all SERC construction/demolition activities, which would include preparation of the additional laydown area.

In addition, any construction and equipment used for the proposed project change would be temporary and stationary source air permits would not be required through the local air district. Any diesel equipment used would still be required to meet the State of California diesel requirements. As applicable, the diesel equipment used would need to be registered through the Statewide Portable Equipment Registration Program or Diesel Off-road On-line Reporting System and associated equipment permits would be retained onsite.

- **Biological Resources.** Use of the additional areas would occur during the breeding season: January 1 through August 31. Nesting birds have already been documented nesting within 200 feet of Area A and C during a survey on February 28, 2020. Therefore, activities at these sites have the potential to affect nesting birds. Pre-construction surveys and frequent biological monitoring during construction per Conditions of Certification **BIO-1**, **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 conditions of certification would ensure the project change would have less than significant impacts on biological resources and continued compliance with all applicable LORS.
- **Noise and Vibration.** Noise would not increase significantly from use of the additional parking and construction laydown areas. The use of these areas would be temporary and would occur during the daytime hours. Noise generated during these activities would be controlled with implementation of the existing Noise and Vibration conditions of certification in the Decision.
- **Socioeconomics.** The project change would not require any additional construction workers or employees, just new temporary parking spaces to accommodate them through July 2020. The construction needs for the project change would not affect the workforce of the Anaheim-Santa Ana-Irvine Metropolitan Division (Orange County). Condition of Certification **SOCIO-1** (school fees) in the Decision is not applicable to the proposed change. From a socioeconomics standpoint, the proposed modification would have insignificant workforce-related impacts on housing and community services.
- **Traffic and Transportation.** With continued implementation of the Traffic Control Plan required under Condition of Certification **TRANS-2**, impacts on transportation would be less than significant. The number of construction workers commuting to the project site and the number of heavy haul trucks accessing the site would not change. The three additional parking and construction laydown areas would not generate any new vehicle trips. Also, use of the new areas would be temporary and only occur during a short period of project construction.

- **Visual Resources.** With continued implementation of Condition of Certification **VIS-3**, Site Lighting for Project Construction and Commissioning, impacts on visual resources would be less than significant. The three additional parking and construction laydown areas would not cause new sources of unmitigated night lighting that could cause significant lighting impacts. Use of the new areas would be temporary and only occur during project construction.

**Environmental Justice Figure 1** shows 2010 census blocks in the six-mile radius of the SERC project site 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 staff's EJ analysis.

Based on California Department of Education and American Community Survey data in the **Environmental Justice Table 1**, staff concluded that the percentage of those living in the Westminster, Centralia Elementary, Buena Park Elementary, Magnolia Elementary, Savanna Elementary, Garden Grove Elementary, and Anaheim Elementary 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, and thus are 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 districts and cities are in relation to the six-mile radius around the SERC site.

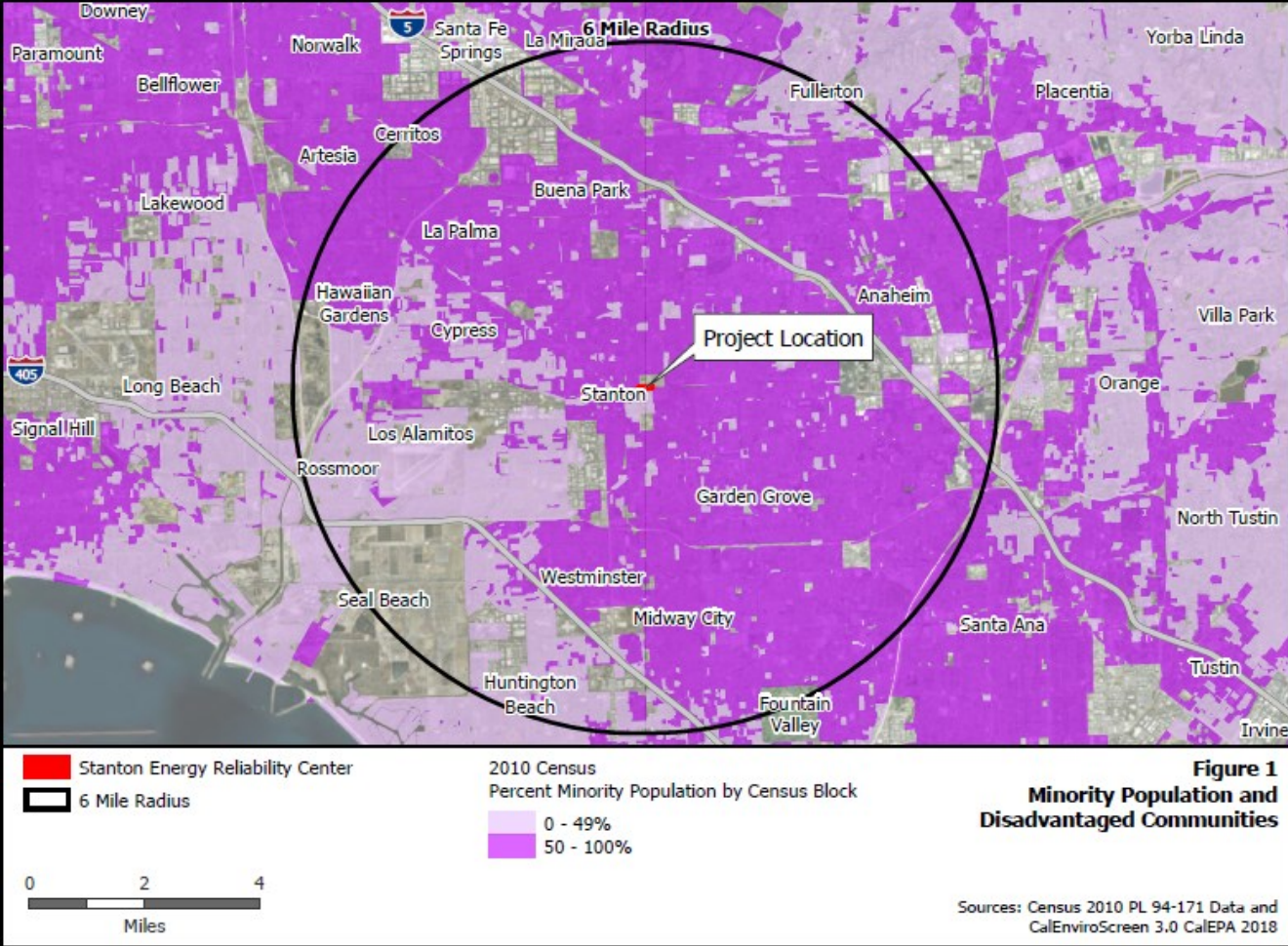


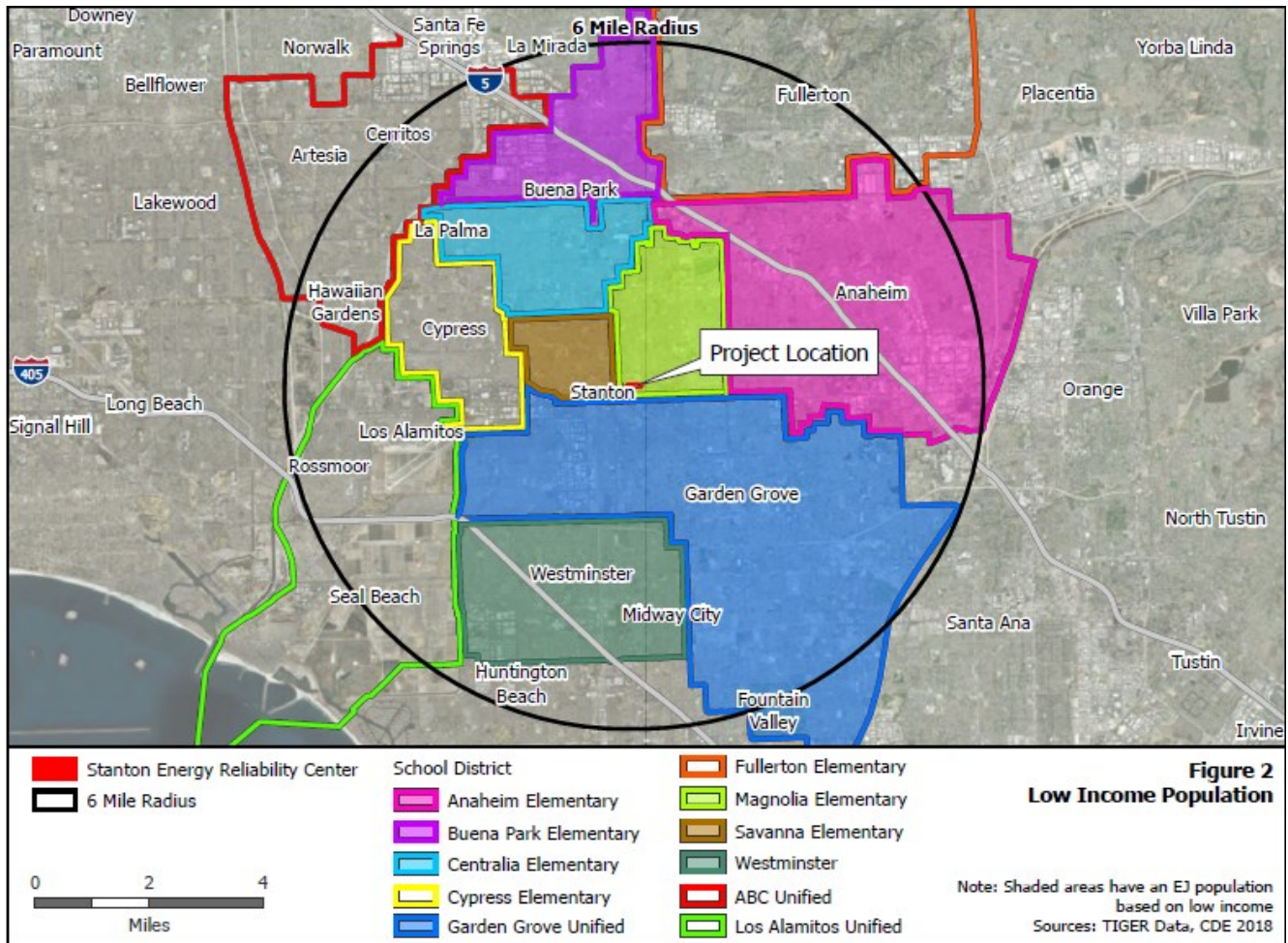
**Environmental Justice Table 1  
 Low Income Data within the Project Area**

<b>ORANGE COUNTY SCHOOL DISTRICTS IN SIX-MILE RADIUS</b>	<b>Enrollment Used for Meals</b>	<b>Free or Reduced Price Meals</b>	
<b>Westminster School District</b>	<b>9,264</b>	<b>6,625</b>	<b>71.5%</b>
<b>Centralia Elementary School District</b>	<b>4,327</b>	<b>2,536</b>	<b>58.6%</b>
<b>Buena Park Elementary School District</b>	<b>4,684</b>	<b>3,533</b>	<b>75.4%</b>
<b>Magnolia Elementary School District</b>	<b>6,080</b>	<b>5,136</b>	<b>84.5%</b>
<b>Savanna Elementary School District</b>	<b>2,272</b>	<b>1,657</b>	<b>72.9%</b>
<b>Garden Grove Unified School District</b>	<b>43,163</b>	<b>30,711</b>	<b>71.2%</b>
<b>Anaheim Elementary School District</b>	<b>17,911</b>	<b>15,410</b>	<b>86.0%</b>
<b>Cypress Elementary School District</b>	<b>3,957</b>	<b>1,405</b>	<b>35.5%</b>
<b>Fullerton Elementary School District</b>	<b>13,307</b>	<b>5,009</b>	<b>37.6%</b>
<b>Los Alamitos Unified School District</b>	<b>9,833</b>	<b>1,648</b>	<b>16.8%</b>
<b>REFERENCE GEOGRAPHY</b>			
<b>Orange County</b>	<b>485,841</b>	<b>239,334</b>	<b>49.3%</b>
<b>LOS ANGELES COUNTY SCHOOL DISTRICTS IN SIX-MILE RADIUS</b>	<b>Enrollment Used for Meals</b>	<b>Free or Reduced Price Meals</b>	
<b>ABC Unified School District</b>	<b>20,550</b>	<b>10,589</b>	<b>51.5%</b>
<b>REFERENCE GEOGRAPHY</b>			
<b>Los Angeles County</b>	<b>1,492,735</b>	<b>1,034,525</b>	<b>69.3%</b>
Source: CDE 2018. California Department of Education, DataQuest, Free or Reduced Price Meals, District level data for the year 2017-2018, < <a href="http://dq.cde.ca.gov/dataquest/">http://dq.cde.ca.gov/dataquest/</a> >.			

The following technical areas (if affected by the project change) 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, and Waste Management.

For this petition, staff has concluded that the effects in the areas of Air Quality, Noise and Vibration, Socioeconomics, Traffic and Transportation, and Visual Resources would be less than significant, and thus would be less than significant on the EJ population represented in **Environmental Justice Figure 1, Figure 2, and Table 1.**





## ENERGY COMMISSION STAFF DETERMINATION

Section 1769(a)(3)(A), Title 20, California Code of Regulations states, "(s)taff shall approve the change where staff determines:

- (i) that there is no possibility that the change may have a significant effect on the environment, or the change is exempt from the California Environmental Quality Act;
- (ii) that the change would not cause the project to fail to comply with any applicable laws, ordinances, regulations, or standards; and
- (iii) that the change will not require a change to, or deletion of, a condition of certification adopted by the commission in the final decision or subsequent amendments."

CEC staff has determined the proposed change to the project meets the criteria for approval at the staff level.

## WRITTEN COMMENTS

Any person may file an objection to staff's determination within 14 days of the date of this statement on the grounds that the project change does not meet the criteria set forth in section 1769(a)(3)(A). As specified in 1769(a)(3)(C), any such objection must make a showing supported by facts that the change does not meet the criteria. Absent any such objection, this petition will be approved 14 days after this statement is docketed.

This statement is being provided to interested parties and property owners adjacent to the facility site, is being mailed to the SERC mail list, and sent electronically to the SERC listserv. Any person may comment on the petition. To use the CEC's electronic commenting feature, go to the CEC'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.

Written comments may also be mailed to:

California Energy Commission  
Docket Unit, MS-4  
Docket No.16-AFC-01C  
1516 Ninth Street  
Sacramento, CA 95814-5512

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

If you have questions about this notice, please contact John Heiser, Project Manager, at (916) 653-8236 or via email at [John.Heiser@energy.ca.gov](mailto:John.Heiser@energy.ca.gov).

For information on participating in the CEC's review of the Stanton Energy Reliability Center petition, please contact the CEC's Public Advisor at (916) 654-4489, or at (800) 822-6228 (toll-free in California). The Public Advisor's Office can also be contacted via email at [publicadvisor@energy.ca.gov](mailto: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](mailto:mediaoffice@energy.ca.gov).

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Stanton Energy Reliability Center listserv