

**DOCKETED**

<b>Docket Number:</b>	08-AFC-10C
<b>Project Title:</b>	Lodi Energy Center Project
<b>TN #:</b>	233330
<b>Document Title:</b>	Statement of Staff Approval of Proposed Change
<b>Description:</b>	N/A
<b>Filer:</b>	Cenne Jackson
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	6/4/2020 3:56:42 PM
<b>Docketed Date:</b>	6/4/2020

**CALIFORNIA ENERGY COMMISSION**

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CEC-57 (Revised 1/19)



## **STATEMENT OF STAFF APPROVAL OF PROPOSED CHANGE**

### **LODI ENERGY CENTER (08-AFC-10C)**

On March 11, 2020, Northern California Power Agency (NCPA), filed a post certification petition for a project change for the Lodi Energy Center (LEC). The 296-megawatt project was certified by the California Energy Commission (CEC) on April 21, 2010 and began commercial operation on November 1, 2012. The LEC is located in the City of Lodi, San Joaquin County, California.

### **DESCRIPTION OF PROPOSED CHANGE**

NCPA is requesting to amend the LEC project description to include an additional 2.323 acres of laydown area adjacent to the LEC site. This additional acreage is to be used during maintenance and repair outages for parking, equipment storage and pre-assembly of parts. The petition is available on the CEC's project webpage at [Lodi Energy Center](#).

### **ENERGY COMMISSION STAFF REVIEW AND CONCLUSIONS**

Title 20, California Code of Regulations, section 1769 states that a project owner shall petition the CEC for approval of any change it proposes to the project design, operation, or performance requirements.

CEC technical staff reviewed the petition for potential environmental effects and consistency with applicable laws, ordinances, regulations, and standards (LORS). Staff has determined that the technical or environmental areas of Cultural Resources, Efficiency, Facility Design, Geological Resources, Hazardous Materials Management, Noise and Vibration, Paleontological Resources, 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 or environmental areas of Air Quality, Biological Resources, Land Use, Socioeconomics, Traffic and Transportation, and Visual Resources, staff has determined the project would continue to comply with applicable LORS, and the project changes

would not result in any significant adverse environmental impacts or require a change to any conditions of certification.

Staff notes the following for these technical areas affected by the proposed change:

- **Air Quality.** The proposed change would not result in significant impact on air quality or greenhouse gases. The project as modified would remain in compliance with applicable LORS. Existing conditions of certification are sufficient to cover the proposed change without new or modification of any conditions of certification.
- **Biological Resources.** The proposed 2.323-acre permanent storage area is located to the west of the LEC site and adjacent to NCPA's Combustion Turbine Project #2 power plant. It is bounded to the north by an irrigated agricultural field and its southern boundary is located about 200 feet north of an irrigation canal that drains into White Slough. An east-west oriented drainage ditch occurs approximately 180 feet south from the proposed storage area, north of the irrigation canal. This area was previously identified as temporary Laydown Area F for the construction phase of the facility, but ultimately was not used. In anticipation of using Laydown Area F for construction, the project owner mitigated for temporary impacts to biological resources in this area. Under the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, temporary impacts are considered equal with permanent impacts; therefore, mitigation is considered complete for this area. Currently, the area is being used for storage by the City of Lodi for concrete conveyance materials (pipe segments and vaults). A biological reconnaissance survey was performed on December 19, 2019 within the proposed permanent storage area. There is no native habitat remaining at this location, and therefore, permanent use of this area for storage would not result in the loss of habitat.

Two sensitive species: the giant garter snake (both State and Federally-threatened) and Swainson's hawk (State-threatened), may utilize habitat offsite. Potential impacts from use of the storage area (construction noise, light, and disturbance associated with common laydown uses) would be mitigated by implementation of Biological Resource Conditions of Certification BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, and BIO-11. Implementation of these measures would avoid any adverse impacts and ensure the project remains in compliance with all applicable LORS.

- **Land Use.** Impacts would be less than significant for land use. The additional permanent laydown and staging areas would be consistent with land use designation and zoning regulations and Condition of Certification LAND-1, which requires that design and construction of the project is in accordance with applicable development standards in the City of Lodi Municipal Code.

- **Socioeconomics.** Impacts would be less than significant for socioeconomics. The work to establish the additional permanent laydown and staging area would require a limited workforce for approximately two months. There is an ample supply of workforce in the project area (Stockton-Lodi Metropolitan Statistical Area [San Joaquin County]). With this ample workforce, workers would not be moving closer to the project, thus there would not be a substantial unplanned population influx, there would not be an increased usage of parks to the point deterioration would occur, and there would not be an increase in the demand for fire or police protection, or schools, to the point that a new or rehabilitated facilities need to be provided.
- **Traffic and Transportation.** The work to establish the additional permanent laydown and staging area would generate approximately 25 vehicle trips over a two-month period. All project activities would be on the project site and would not interfere with any transportation systems, including roadways, railways, or areas used by aircraft. The project would remain in compliance with applicable LORS and impacts that may result from the project change would be less than significant with the implementation of Conditions of Certification TRANS-1 which requires a transportation control and implementation plan, and TRANS-2, which requires repairs of any damage by project traffic on Eight Mile Road, North Thornton Road, I-5 Frontage, or Cord Road.
- **Visual Resources.** Impacts would be less than significant for visual resources and the project would continue to comply with applicable LORS. The additional permanent laydown and staging area would require limited grading to create level placement areas and internal access roadways for Conex (shipping) containers and open storage areas. There are no scenic vistas and the use of the area for storage would have no effect on scenic resources. Implementation of Conditions of Certifications VIS-1 (if temporary lighting is used), VIS-4 (if permanent lighting is installed), and VIS-5 (building surface treatment) would ensure impacts on visual character or quality would be less than significant.

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

**SUMMARY OF STAFF RESPONSES TO PETITION**

TECHNICAL and ENVIRONMENTAL AREAS REVIEWED	Technical Area Not Affected	CEQA			Conforms with Applicable LORS	Revised Conditions of Certification Recommended
		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact		
Air Quality				X	X	
Biological Resources				X	X	
Cultural Resources	X					
Efficiency	X					
Facility Design	X					
Geological and Paleontological Resources	X					
Hazardous Materials Management	X					
Land Use				X	X	
Noise and Vibration	X					
Public Health	X					
Reliability	X					
Socioeconomics				X	X	
Soil and Water Resources	X					
Traffic and Transportation				X	X	
Transmission Line Safety and Nuisance	X					
Transmission System Engineering	X					
Visual Resources				X	X	
Waste Management	X					
Worker Safety and Fire Protection	X					

**Environmental Justice**

**Environmental Justice - Figure 1** shows 2010 census blocks in the six-mile radius of the Lodi Energy Center 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 Lodi Unified 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, 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 Lodi Energy Center site.

**TABLE 1 - LOW INCOME DATA WITHIN THE PROJECT AREA**

<b>SCHOOL DISTRICTS IN SIX-MILE RADIUS**</b>	<b>Enrollment Used for Meals</b>	<b>Free or Reduced Price Meals</b>	<b>Percent of Those Receiving Free or Reduced Price Meals (%)</b>
Lincoln Unified	9,420	5,900	62.6%
Lodi Unified	31,394	21,571	<b>68.7%</b>
REFERENCE GEOGRAPHY			
San Joaquin County	148,965	95,917	64.4%

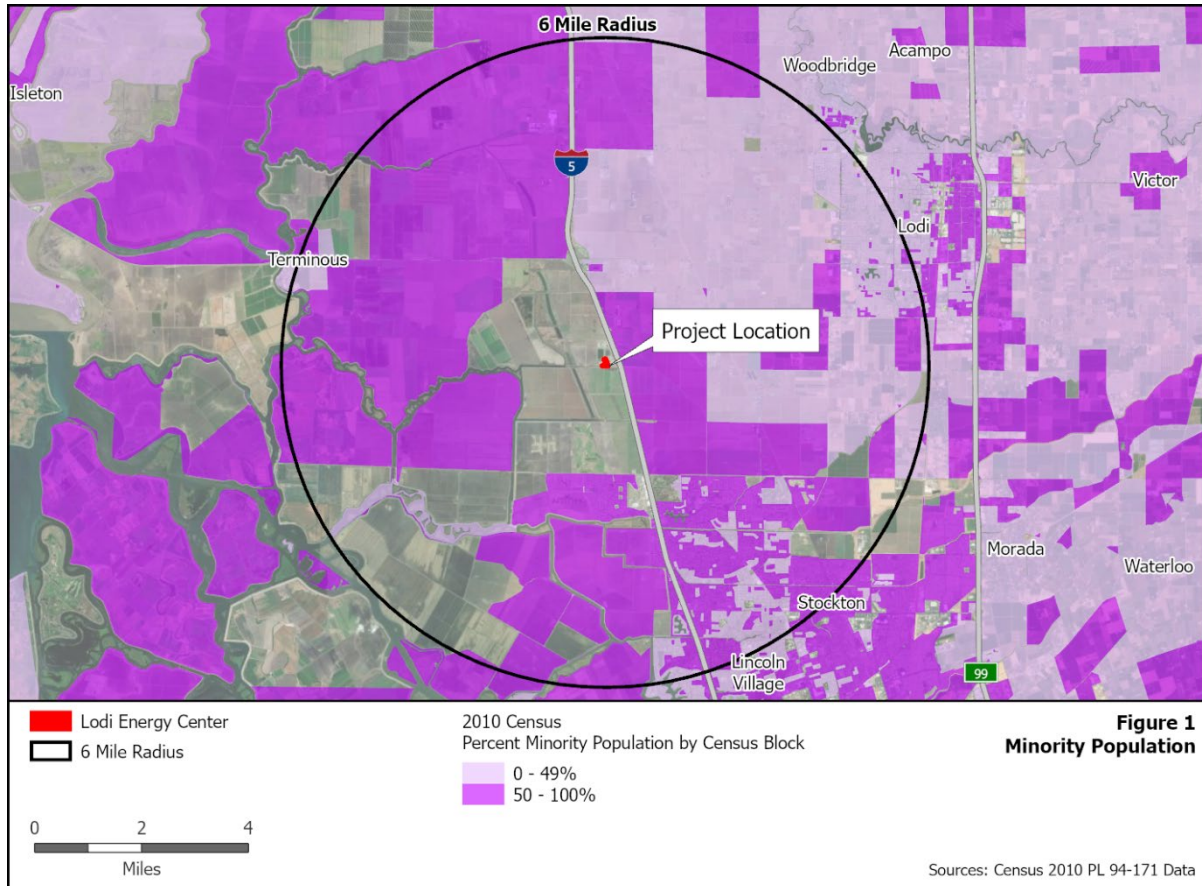
Note: **Bold** text indicates geographic area or school district where the population is determined to be an EJ population based on a low income population.

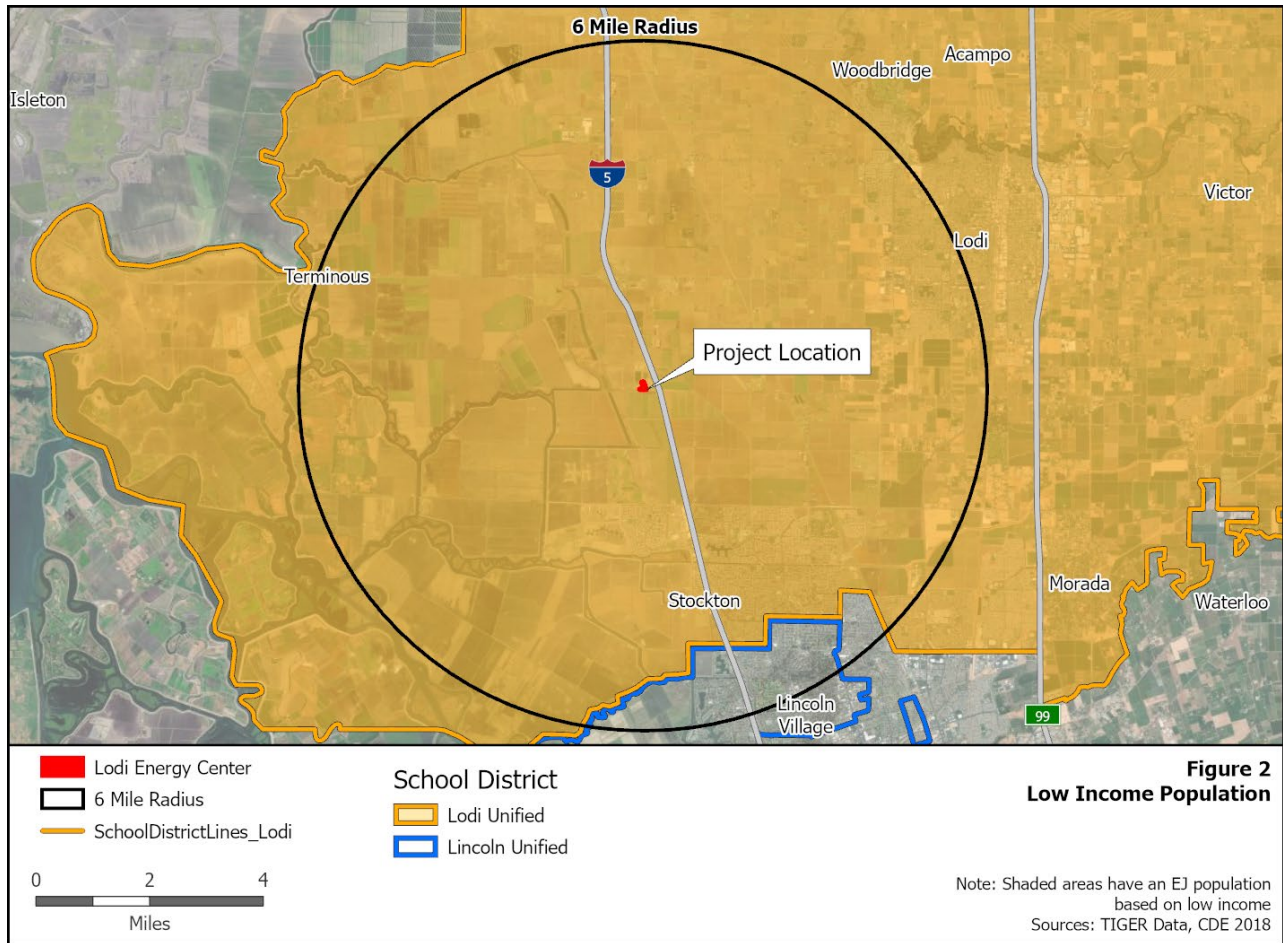
Sources: CDE 2018. California Department of Education, DataQuest, Free or Reduced Price Meals, District level data for the year 2018-2019, <http://dq.cde.ca.gov/dataquest/>

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.

## Environmental Justice Conclusions

For the technical areas affected by the project changes – Air quality, Land Use, Socioeconomics, Traffic and Transportation, and Visual Resources – staff concludes that impacts 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

Pursuant to Title 20, California Code of Regulations, section 1769(a)(3)(A), CEC staff has determined for this petition that approval by the CEC at a noticed business meeting or hearing is not required and the proposed changes meet the criteria for approval by staff because:

- i. there is no possibility that the change may have a significant impact on the environment;
- ii. the change would not cause the project to fail to comply with any applicable laws, ordinances, regulations, or standards; and
- iii. the change will not require a change to, or deletion of a condition of certification adopted by the CEC in the final decision or subsequent amendments.

Staff also concludes that the proposed changes do not meet the criteria requiring production of subsequent or supplemental review as specified in Title 14, California Code of Regulations, section 15162(a).



## WRITTEN COMMENTS

This Statement of staff Approval of the proposed project changes has been filed in the docket for this project. Pursuant to section 1769(a)(3)(C), any person may file an objection to 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). Absent any objections as specified in 1769(a)(3)(C), this petition will be approved 14 days after this statement is filed.

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. 08-AFC-10C  
1516 Ninth Street  
Sacramento, CA 95814-5512

All comments and materials filed with the Dockets 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 Chris Davis, Compliance Office Manager, at (916) 654-4842, or via e-mail at: [chris.davis@energy.ca.gov](mailto:chris.davis@energy.ca.gov).

For information on public participation, please contact the Public Advisor, at (916) 654-4489 or (800) 822-6228 (toll-free in California) or send your e-mail to [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov).

News media inquiries should be directed to the CEC Media Office at (916) 654-4989, or by e-mail at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov).

List Serve: Lodi