

<b>DOCKETED</b>	
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<b>Project Title:</b>	GWF Tracy (Compliance)
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<b>Document Title:</b>	STATEMENT OF STAFF APPROVAL OF POST CERTIFICATION CHANGE FOR SPRING 2022 OUTAGE LAYDOWN AREA
<b>Description:</b>	STATEMENT OF STAFF APPROVAL OF POST CERTIFICATION CHANGE FOR SPRING 2022 OUTAGE LAYDOWN AREA re: MRP San Joaquin Energy LLC
<b>Filer:</b>	Anwar Ali
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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## **STATEMENT OF STAFF APPROVAL OF POST CERTIFICATION CHANGE TRACY COMBINED CYCLE PROJECT (08-AFC-07C)**

On June 21, 2021, Middle River Power (MRP) San Joaquin Energy, LLC, the project owner of Tracy Combined Cycle Project (Tracy), filed a post certification petition with the California Energy Commission (CEC). Tracy is a 330-MW combined cycle generating facility that occupies a fenced, 16.3-acre site located within a 40-acre parcel in an unincorporated portion of the City of Tracy, approximately 20 miles southwest of Stockton, San Joaquin County. The project was certified by the CEC on March 24, 2010 and commenced commercial operation on November 1, 2012.

### **DESCRIPTION OF PROPOSED CHANGE**

The petition requests approval for the construction of a temporary laydown yard to accommodate the anticipated increased equipment and personnel needs during the April 2022 major planned outage, for a period of approximately 30-45 days. Tracy plans to setup the laydown area approximately one month prior to the outage and return the area to its current state within a month of the completion of the planned outage.

The petition is available on the CEC's Tracy webpage at <https://www.energy.ca.gov/powerplant/combined-cycle/tracy-combined-cycle-power-plant>.

### **CEC 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 (staff) reviewed the petition for potential environmental effects and consistency with applicable laws, ordinances, regulations, and standards (LORS). Staff's conclusions for all technical and environmental areas are summarized in **Table 1**.

Staff has determined that the technical or environmental areas of Efficiency, Geological and Paleontological Resources, Hazardous Materials Management, Land Use, Reliability, Transmission Line Safety and Nuisance, Transmission System Engineering, Waste Management, and Worker Safety and Fire Protection, are not affected by the proposed changes.

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For the technical areas of Air Quality, Biological Resources, Cultural Resources, Facility Design, Noise and Vibration, Public Health, Socioeconomics, Soil and Water Resources, Traffic and Transportation, and Visual Resources, staff has determined the 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 in the Final Commission Decision (Decision).

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

### **AIR QUALITY**

The temporary laydown area has been subject to previous ground disturbance activities and there is no anticipation of ground disturbances greater than those assessed in the Decision. The construction of the temporary laydown yard will only involve minor grading of previously disturbed land to clear the area. Therefore, staff expects the construction emissions would be less than significant and would be limited by existing Conditions of Certification **AQ-SC1** through **AQ-SC5**.

### **BIOLOGICAL RESOURCES**

The land has been previously disturbed by industrial and agricultural uses and is characterized as ruderal non-native grassland. The area would be accessed via an existing gravel road and would be covered with road mix or gravel in the necessary areas to prevent any unnecessary erosion and allow for water drainage should a rain event occur. Construction of the proposed temporary modifications would be located outside the fence line of the existing Tracy facility site. Since there are no new emission sources, there would be no increase in the annual emissions from the project. The temporary laydown yard would be located within 34.6 acres of habitat, the loss of which was previously mitigated under the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) as part of the Tracy Peaker Project in 2002.

Construction activities would occur near known biologically-sensitive areas and potential impacts to wildlife could occur without implementation of SJMSCP pre-activity surveys, nesting bird surveys, and periodic monitoring by the Designated Biologist or Biological Monitor. Implementation of Conditions of Certification **BIO-1** through **BIO-7** in the Decision would ensure impacts to biological resources would be less than significant.

In compliance with **BIO-6**, Item 4, the project owner is required to contact San Joaquin Council of Governments (SJCOG) early in 2022, prior to any preconstruction activities, to schedule new biological pre-activity surveys due to the potential presence of wildlife covered under the SJMSCP (e.g., western burrowing owls or San Joaquin kit fox). The project is required to perform updated biological surveys in 2022 for the area being impacted to ensure the project is prescribed updated Incidental Take Minimization Measures (ITMMs) by SJCOG for the conditions at the time of the disturbance. The project owner must contact SJCOG and the Compliance Project Manager (CPM) in January 2022, but not later than early February 2022, to schedule surveys with SJCOG

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prior to the start of construction in March 2022. The new SJMSCP-required ITMMs shall be incorporated into the project's Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) and implemented as well. No additional compensatory mitigation would be required.

### **CULTURAL RESOURCES**

Ground disturbance to establish the temporary laydown area has the potential to unearth and damage as-yet-unidentified, buried cultural or tribal cultural resources such as Native American or Euro-American artifacts. Implementation of Conditions of Certification **CUL-1** through **CUL-7** in the Decision would mitigate such impacts. **CUL-1** through **CUL-7** form a comprehensive monitoring and mitigation program for cultural and tribal cultural resources. These conditions of certification require the project owner to retain qualified cultural resource professionals during ground-disturbing activities (**CUL-1**), provide cultural resources personnel with necessary project documents (**CUL-2**), prepare and implement a cultural resources mitigation and monitoring plan (**CUL-3**), instruct construction personnel in their environmental stewardship responsibilities (**CUL-5**), deploy cultural resource personnel to observe and monitor construction activities in discovery areas (**CUL-6**), adhere to stop-work and response procedures if cultural or tribal cultural resources are identified during construction (**CUL-7**), and prepare a final cultural resources report after the close of construction activities (**CUL-4**). No LORS applicable to the project have changed since the Decision was published in March 2010.

### **FACILITY DESIGN**

Site grading for the laydown area must comply with the 2019 edition of the California Building Code. Implementations of the existing Facility Design conditions of certification adopted in the Decision would ensure compliance with applicable LORS.

### **NOISE AND VIBRATION**

Construction associated with this project would be temporary and would occur during daytime hours consistent with the local ordinance (San Joaquin County General Plan). Any noise generated during construction would result in a less than significant impact with the implementation of the existing Noise conditions of certification in the Decision. The addition of temporary laydown area would not increase noise level at nearby residents. Furthermore, the project would continue to meet operational noise requirements established in the Decision. Therefore, the proposed changes would create a less than significant impact on operational noise.

### **PUBLIC HEALTH**

Staff determined that project impacts would be less than significant with the implementation of the Conditions of Certification **AQ-SC1** through **AQ-SC5**.

## **SOCIOECONOMICS**

The proposed modification to construct a temporary laydown yard to accommodate trailers, parking, and staging equipment would require approximately 5 to 10 workers and take one week to complete. From a socioeconomics standpoint, the proposed modification would have insignificant workforce-related impacts on housing and community services.

## **SOIL AND WATER RESOURCES**

Since the proposed area that would be disturbed is less than 1.0 acre, the project would not be required to obtain coverage under the Storm Water Construction General Permit (CGP). All of the proposed modifications are in areas that were originally analyzed and certified during the proceeding to license the original project and subsequent modification proceedings and found not to have a significant impact on the environment. Therefore, the proposed modification would not have any additional environmental impacts compared to what was analyzed for the final decision. Staff therefore concludes that the original Drainage, Erosion, and Sedimentation Control (DESCP) documents, required in accordance with Conditions of Certification **SOIL&WATER-2** and the General Industrial Activities Storm Water permit required by Condition of Certification **SOIL&WATER-3** are adequate for the project with the proposed modifications.

### **Water Supply**

The use of the temporary laydown area would require additional water for dust suppression. The project owner estimates that a maximum of approximately 650 gallons per day (GPD) of water would be needed for dust suppression when necessary. Use of such a small amount of water for the dust suppression would not be anticipated to affect groundwater or stormwater or have an impact on other water resources. Gravel/Grizzly pads would be utilized as necessary at the entrance and exit of the temporary laydown yard to prevent track out of soil.

## **TRAFFIC AND TRANSPORTATION**

The proposed modification to construct a temporary laydown yard to accommodate trailers, parking, and staging equipment would generate a negligible amount of temporary vehicle trips and would result in less than significant impacts on traffic and transportation.

## **VISUAL RESOURCES**

Conditions of Certification **VIS-1**, **VIS-2**, and **VIS-3** apply to the proposed laydown yard, the implementation of which would reduce the visibility of construction equipment, materials, and activities; restore the ground surface to the original condition or better; and ensure that direct light trespass is prevented. Impacts to visual resources would be less than significant.

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**Table 1**  
**Summary of Impacts for all Technical and Environmental Areas**

Technical Areas Reviewed	Technical Area Not Affected	CEQA			Conforms with applicable LORS	Revised or New Conditions of Certification requested or 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	X	
Efficiency	X					
Facility Design				N/A	X	
Geological and Paleontological Resources	X					
Hazardous Materials Management	X					
Land Use	X					
Noise and Vibration				X	X	
Public Health				X	X	
Reliability	X					
Socioeconomics				X	X	
Soil and Water Resources				X	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**

**Figure 1** shows the 2010 census blocks within the six-mile radius of the Tracy facility 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 data in **Table 2**, staff concludes that the percentage of those living in the Mountain House Elementary School District (within the 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*. **Figure 2** shows where the boundaries of the school district are in relation to the six-mile radius around the Tracy site.

**Table 2  
 Low Income Data within the Project Area**

<b>SAN JOAQUIN COUNTY SCHOOL DISTRICTS IN SIX-MILE RADIUS</b>	<b>Enrollment Used for Meals</b>	<b>Free or Reduced Price Meals</b>	
Jefferson Elementary	2,236	481	21.5%
Lammersville Joint Unified	6,397	846	13.2%
Tracy Joint Unified	15,577	7,970	51.2%
REFERENCE GEOGRAPHY			
San Joaquin County	151,179	94,925	62.8%
<b>ALAMEDA COUNTY SCHOOL DISTRICT IN SIX-MILE RADIUS</b>	<b>Enrollment Used for Meals</b>	<b>Free or Reduced Price Meals</b>	
Mountain House Elementary	16	12	75.0%
REFERENCE GEOGRAPHY			
Alameda County	222,573	90,247	40.5%
<b>Source:</b> CDE 2021. California Department of Education, DataQuest, Free or Reduced Price Meals, District level data for the year 2020-2021, < <a href="http://dq.cde.ca.gov/dataquest/">http://dq.cde.ca.gov/dataquest/</a> >			

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, Traffic and

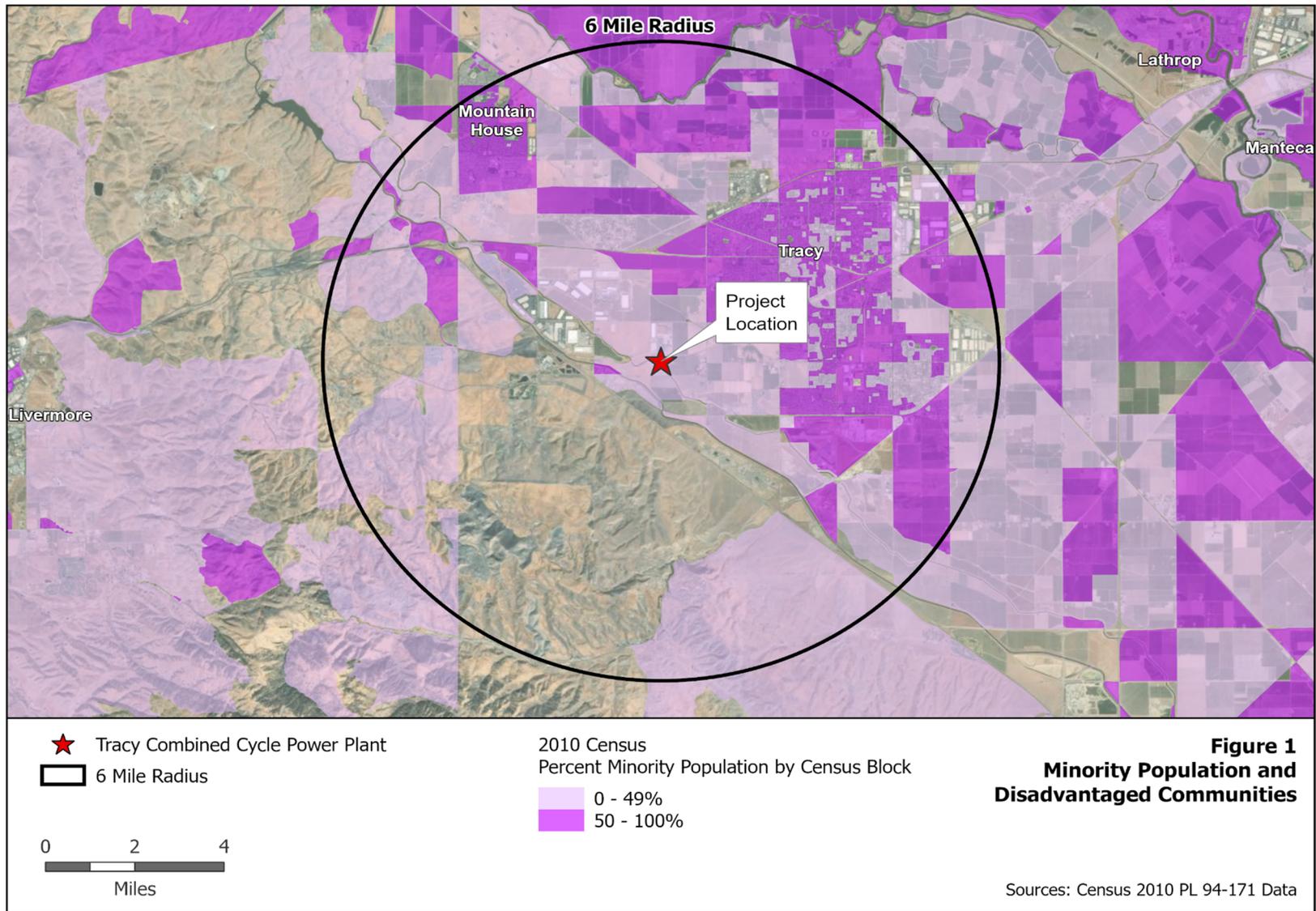
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Transportation, Transmission Line Safety and Nuisance, Visual Resources, Waste Management, and Worker Safety and Fire Protection.

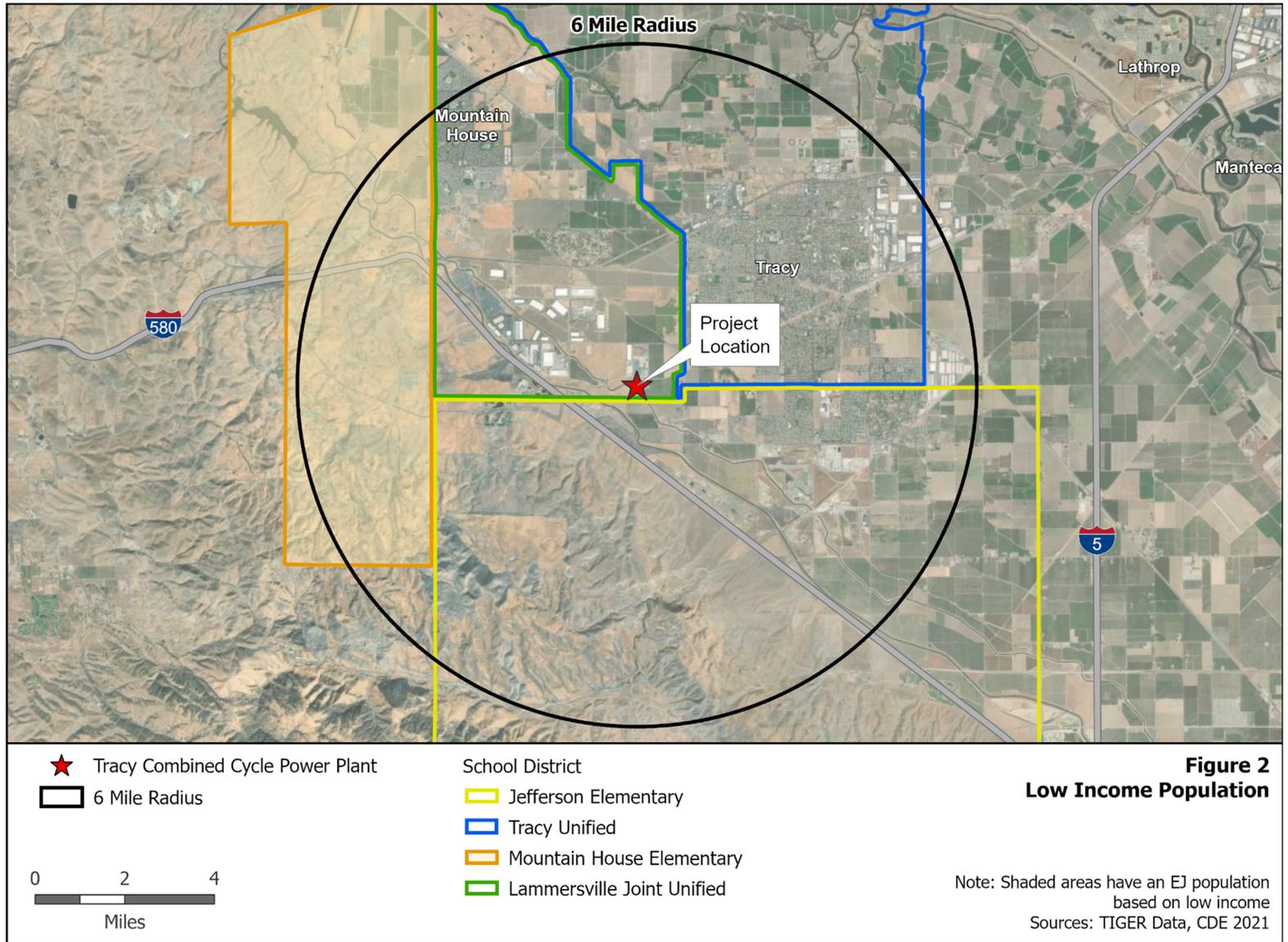
### **Environmental Justice Conclusions**

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.

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## CEC 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 Commission 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 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-07C**  
715 P Street  
Sacramento, CA 95814

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 notice, please contact Anwar Ali, the Compliance Project Manager, at (916) 698-7498, or via email at [Anwar.Ali@energy.ca.gov](mailto:Anwar.Ali@energy.ca.gov).

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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 email 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 email at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov).

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