



STATEMENT OF STAFF APPROVAL OF PROPOSED CHANGE

WILDFLOWER LARKSPUR ENERGY FACILITY (01-EP-01C)

On September 3, 2021, Diamond Generating Corporation (project owner) filed a post certification petition for a project change for the Wildflower Larkspur Energy Facility (LEF). The 90-megawatt (MW) simple-cycle, natural gas project was certified by the California Energy Commission (CEC) on April 4, 2001 and began commercial operation on July 16, 2001. The facility is at 9355 Otay Mesa Road in San Diego, San Diego County.

DESCRIPTION OF PROPOSED CHANGE

The project owner seeks approval for the conversion of existing diesel tanks to water storage units. LEF has not operated using diesel fuel or conducted tests using the fuel for over a decade. The project owner is seeking to repurpose the existing fuel tanks on the project site by removing the diesel fuel from these tanks, cleaning them, and using them instead for water storage.

The petition is available on the [CEC's facility webpage](https://www.energy.ca.gov/powerplant/simple-cycle/wildflower-larkspur-energy-facility) at <https://www.energy.ca.gov/powerplant/simple-cycle/wildflower-larkspur-energy-facility>.

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 and environmental staff reviewed the petition for potential environmental effects and consistency with applicable laws, ordinances, regulations, and standards (LORS).

The proposed work does not entail ground disturbance or alteration of the project footprint or historic structures. There will be no installation of new equipment or removal of existing equipment, therefore no alteration of the historic viewshed or appearance to the facility. There will be no impact on the off-site public or environment, no major equipment making significant noise, and no impact to worker health and safety.

[Additional information provided](#) (TN 240178) by the project owner notes that the cleaning of the tank will occur during plant operation and the area will be barricaded off while this work is occurring. The red dye diesel will be pumped out and taken to a reclamation facility by using bulk tankers. There will be 8-9 bulk tanker loads each day, over a 3-day period, using the secondary entrance so this will not interfere with normal operations. All equipment will be properly grounded and/or bonded during any transfer or pumping of liquids and a secondary containment will be installed for use while loading bulk tankers. An experienced tank cleaning contractor with project experience in this field capable of executing the project safely, will be used. This work will take place behind the 10-foot high noise barrier that has been built along the property line.

Staff has determined that for the technical or environmental areas of Air Quality, Biological Resources, Cultural Resources, Efficiency, Facility Design, Geological Resources, Hazardous Materials Management, Land Use, Paleontological Resources, Public Health, Reliability, Socioeconomics, Soil and Water Resources, Transmission Line Safety and Nuisance, Transmission System Engineering, Visual Resources, and Waste Management the proposed changes would have no impact on the environment and would not cause the project to fail to comply with any LORS. No changes to, or deletions of conditions of certification in the final Commission Decision (Commission Decision) are required.

For the technical areas of Noise and Vibration, Traffic and Transportation, and Worker Safety and Fire Protection, 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 these technical areas:

NOISE AND VIBRATION

All proposed work would take place next to the tank and behind the 10-foot-high noise barrier that has been built along the property line. No major equipment would be used for this conversion. Activities would occur during daytime hours that are consistent with the local ordinance (San Diego County General Plan). Any noise generated during these activities would result in a less-than-significant impact with implementation of the existing Noise conditions of certification in the Commission Decision.

TRAFFIC AND TRANSPORTATION

Conversion of fuel tanks to water tanks would generate minimal construction trips and no operation trips. A tank cleaning contractor would use smaller bulk

tankers over a three-day period, with eight to nine bulk tankers loaded each day, to pump out the fuel and take it to a reclamation facility. Therefore, the proposed modification would not generate significant vehicle miles traveled. All construction would occur on-site and would not obstruct any components of the local transportation network. The project's existing conditions of certification would ensure that impacts would remain less than significant. Applicable conditions include TRANS-1 and TRANS-3, which require that the project owner obtain any required oversize and overweight permits and permits and/or licenses for the transport of hazardous materials. Impacts to the transportation system from the project modification would be less than significant.

WORKER SAFETY AND FIRE PROTECTION

Existing Condition of Certification WORKER SAFETY-1 covers worker health and safety requirements for construction activities, including activities to be performed to complete the proposed project modifications. By continuing to comply with existing conditions of certification, the petitioner's proposed conversion of an existing diesel fuel tank to a water tank does not have a significant impact on worker health and safety and would comply with all applicable laws, ordinances, regulations, and statutes.

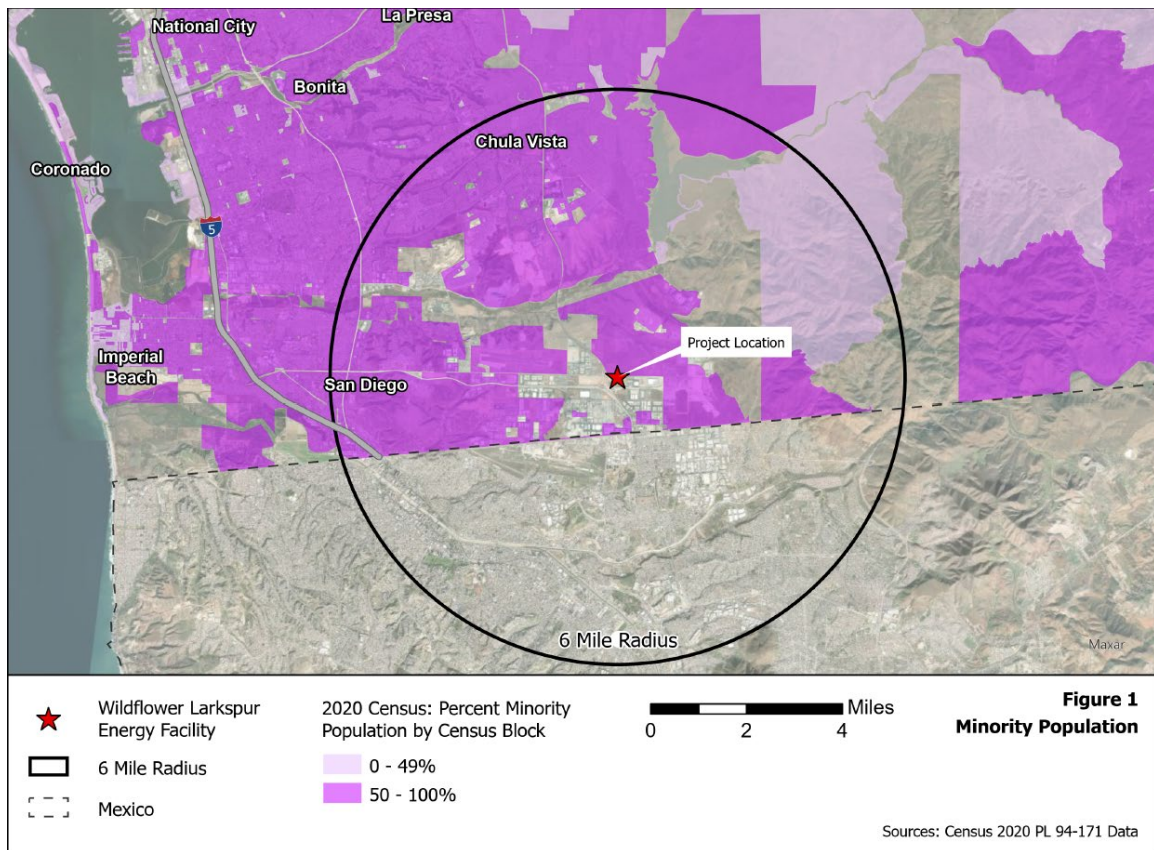
Staff's conclusions for each technical or environmental area are summarized in the following table.

Table 1
Summary of Impacts for all Technical and Environmental Areas

Technical Areas Reviewed	CEQA				Complies 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	No Impact		
Air Quality				X	X	
Biological Resources				X	X	
Cultural Resources				X	X	
Efficiency				X	X	
Facility Design				X	X	
Geological Resources				X	X	
Hazardous Materials Management				X	X	
Land Use				X	X	
Noise and Vibration			X		X	
Paleontological Resources				X	X	
Public Health				X	X	
Reliability				X	X	
Socioeconomics				X	X	
Soil and Water Resources				X	X	
Traffic and Transportation			X		X	
Transmission Line Safety and Nuisance				X	X	
Transmission System Engineering				X	X	
Visual Resources				X	X	
Waste Management				X	X	
Worker Safety and Fire Protection			X		X	

Environmental Justice

Environmental Justice – Figure 1 shows 2010 census blocks in the six-mile radius of the LEF 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.



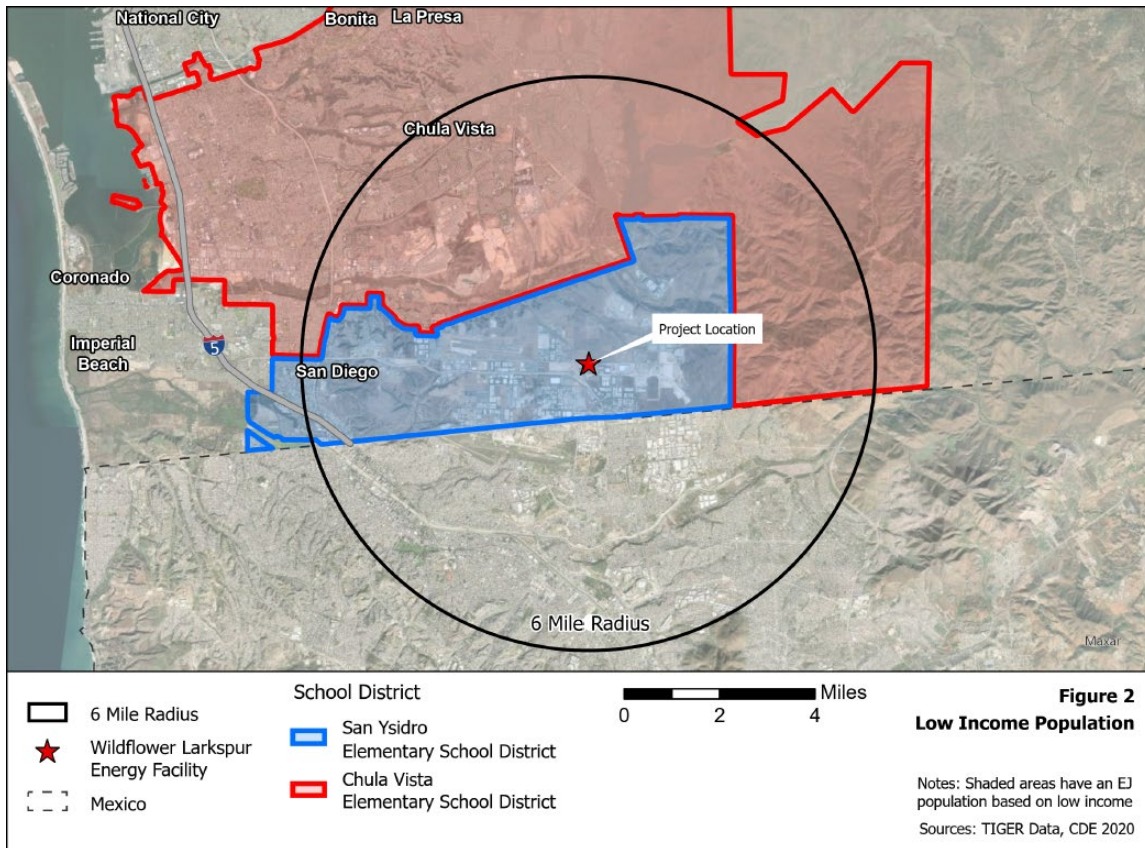
Based on California Department of Education data in the **Environmental Justice – Table 1**, staff concluded that the percentage of those living in the Chula Vista Elementary and San Ysidro Elementary school districts (in a six-mile radius of the project site) and enrolled in the free or reduced price 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 – Table 1
Low Income Data within the Project Area

School Districts in Six-Mile Radius	Enrollment Used for Meals	Free or Reduced-Price Meals	
Chula Vista Elementary	29,478	15,445	52.4%
San Ysidro Elementary	4,419	3,279	74.2%
Reference Geography			
San Diego County	490,068	240,102	49.0%

Source: CDE 2021. California Department of Education, DataQuest, Free or Reduced-Price Meals, District level data for the year 2020-2021, <<http://dq.cde.ca.gov/dataquest/>>.

Environmental Justice – Figure 2 shows where the boundaries of the school districts are in relation to the six-mile radius around the LEF site.



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

Staff concludes that there would be no impacts as a result of the proposed change, and thus no impacts on the EJ population represented in **Environmental Justice – Figure 1, Figure 2, and Table 1.**

CALIFORNIA 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 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, or the change is exempt from the California Environmental Quality Act;
- 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 commission 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) and (B). 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. 01-EP-01C
715 P 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 project webpage](#).

If you have questions about this notice, please contact Mary Dyas, Office of Compliance Monitoring and Enforcement, Compliance Project Manager, at (916) 628-5418, or via email at mary.dyas@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 email to 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.

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