

DOCKETED

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Project Title:	Pittsburg District Energy Facility - Commission Adoption Order (Order No. 99-0817-01)
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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

LOS MEDANOS ENERGY CENTER

DOCKET 98-AFC-01C

**ORDER APPROVING POST
CERTIFICATION PETITION**

I. INTRODUCTION

On March 8, 2021, Los Medanos Energy Center, LLC, filed a post certification petition for a project change (TN237030) for the Los Medanos Energy Center (LMEC) with the California Energy Commission (CEC) to conduct a demonstration phase of transferring 1 percent of the stack gas for carbon dioxide (CO₂) removal.

The LMEC is a nominal 500-megawatt (MW) natural-gas-fired combined-cycle energy facility that includes heat recovery steam generator (HRSG) units, steam turbine generator units, transformers, and water treatment and cooling towers. The project was certified by the CEC on August 17, 1999, and the facility began commercial operation in October 2001. The facility, formerly known as Pittsburg District Energy Facility, is in the City of Pittsburg, in eastern Contra Costa County.

The project owner seeks approval for a petition that would allow LMEC to conduct a demonstration phase of transferring approximately 1 percent of the stack gas for CO₂ removal. The stack gas flow will be through the flue gas pipe, which will be controlled by a damper installed at the point of interconnection between the pipe and the stack. The flue gas pipe will be supported on a new pipe rack within the LMEC site for a short distance and then will align with existing steam and condensate lines that leave LMEC to support its cogeneration thermal host being developed by San Francisco Bay Aggregates. The pipe from LMEC will run the length of the property (approximately 80 feet) and interconnect to the San Francisco Bay Aggregate pipe at the fence line of the facility and combine it with locally sourced demolished or returned concrete to produce new CO₂-sequestered and upcycled rock products.

II. BACKGROUND

California Code of Regulations, title 20, section 1769 requires a project owner to petition the CEC for the approval of any change it proposes to the project design, operation, or performance requirements of a certified facility. Pursuant to California Code of Regulations, title 20, section 1769(a)(3)(A), staff is required to approve a proposed change to the CEC for consideration and a decision if staff determines (1) there is no

possibility the proposed change may have a significant effect on the environment or the proposed change is exempt from the California Environmental Quality Act (CEQA); (2) the proposed change would not cause a project to fail to comply with any applicable laws, ordinances, or standards; and (3) the proposed change will not require a change to or a deletion of a condition of certification adopted by the CEC in the final decision or subsequent amendments. California Code of Regulations, title 20, section 1769(a)(4)(D) also allows staff to submit the matter to the commission for consideration and a decision.

California Code of Regulations, title 20, section 1769(a)(4)(A) requires the CEC to issue an order approving, rejecting, or modifying the petition or assign the matter for further proceedings before the CEC or an assigned committee or hearing officer and, additionally if applicable, requires the CEC to approve the proposed change only if it can make the findings specified in California Code of Regulations, title 20, section 1748(b).

Lastly, California Code of Regulations, title 14, section 15162(a) specifies that, when an environmental impact report (EIR) has been certified or a negative declaration adopted for a project, a subsequent EIR does not need to be prepared unless the agency determines one or more of the following: (1) substantial changes are proposed that will require major revisions of the EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions to the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; or (3) new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows specified significant effects or mitigation measures.

III. STAFF RECOMMENDATION

On February 23, 2022, staff filed their review of the petition and concluded that approving the petition is consistent with California Code of Regulations, title 20, sections 1769(a)(3)(D) and 1769(a)(4)(A) because the proposed change will (1) not have a significant effect on the environment or is exempt from CEQA; (2) not cause the project to fail to comply with any applicable laws, ordinances, regulations, and standards; and (3) not require a change to or deletion of a condition of certification adopted by the CEC in the final decision or subsequent amendments. Additionally, staff determined the findings required to be made by the CEC pursuant to California Code of Regulations, title 20, section 1769(a)(4)(A), and as specified in California Code of Regulations, title 20, section 1748(b), do not apply.

Lastly, staff concluded the proposed change does not meet the criteria requiring the production of subsequent or supplemental review consistent with California Code of Regulations, title 14, section 15162(a).

IV. FINDINGS

Pursuant to California Code of Regulations, title 20, section 1769(a)(4), the CEC concurs with staff's recommendation and finds that the petition will: (1) not have a significant effect on the environment or is exempt from CEQA; (2) not cause the project to fail to comply with any applicable laws, ordinances, regulations, and standards; and (3) not require a change to or deletion of a condition of certification adopted by the CEC in the final decision or subsequent amendments. The CEC also concurs with staff's recommendation that the findings required to be made by the CEC pursuant to California Code of Regulations, title 20, section 1769(a)(4)(A), and as specified in California Code of Regulations, title 20, section 1748(b), do not apply. Lastly, the CEC concurs with staff and finds that the proposed change does not meet the criteria requiring the production of subsequent or supplemental review consistent with California Code of Regulations, title 14, section 15162(a).


The CEC hereby adopts staff's recommendation and grants the petition allowing for the installation of a flue gas pipe for the delivery of approximately 1 percent of the flue gas from LMEC to be delivered offsite to San Francisco Bay Aggregates for a carbon dioxide demonstration project that will use the flue gas to manufacture upcycled rock products.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on March 9, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE



Liza Lopez
Secretariat