



**CEQA and COASTAL DETERMINATIONS  
and  
NOTICE OF APPROVAL**

Project: Upgrade of Turbine #2, Controls Upgrades and Engine Overhaul Project by CP Kelco  
Location: 2145 Belt Street, San Diego, CA 92113  
Parcel No.: 021-010  
Project No.: 2024-028  
Applicant: Marco Verduzco, Plant Manager, CP Kelco, 2025 East Harbor Drive, San Diego, CA 92113  
Date Approved: 05/17/2024

**PROJECT DESCRIPTION**

The proposed project would involve the overhaul of the engine of gas turbine #2 and the upgrade of the turbine and boiler controls at the plant operated by CP Kelco at 2145 Belt Street in the city of San Diego, California. The purpose of the proposed project is to increase reliability, efficiency, reduce nitrogen oxide emissions and to keep power generation running reliably. Control upgrades will include the latest industry standard package on the turbine and a National Fire Protection Association (NFPA) compliant system for the waste heat Boiler. The work would involve an engine rebuild, new instrumentation, and upgraded fuel delivery equipment. Work to complete the proposed project would include:

- Overhaul of Turbine #2 Engine
- Overhaul the fire suppression system
- Overhaul the Generator
- Overhaul the Boiler
- Upgrade the Turbine and Boiler controls

Construction of the project is anticipated to start in Summer 2024 and would take approximately sixty (60) days to complete. Construction hours would be between 6:00 am to 6:00 pm. Equipment used would include forklifts, a crane, a manlift, flatbed trucks for transport and steel plates for support. All overhaul work and staging for construction equipment would be conducted inside the existing CP Kelco plant leasehold. Once work is completed all overhaul equipment would be removed from the plant. During construction, the number of construction crew onsite would vary, with a maximum of 20 people onsite. The construction crew would park at the Applicant’s existing parking lot on Harbor Drive. CP Kelco would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition debris, hazards and hazardous materials, and stormwater.

The following categorical determinations are based on the project submittal and all project information known to the District as of the date of this determination.

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

***CATEGORICAL DETERMINATION***

Categorical Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities; SG §15302, Class 2/Section 3.b: Replacement or Reconstruction

3.a. Existing Facilities (SG § 15301) (Class 1): Includes operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

- (9) Restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety or permit requirements, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood.

AND/OR

- 3.b. Replacement or Reconstruction (SG § 15302) (Class 2): Includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity as the structure being replaced.

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Sections of the District's *Guidelines for Compliance with CEQA* as identified above. These are appropriate for the proposed project because it would: a) involve no expansion of use beyond that previously existing and would not result in a significant cumulative impact due to the continuation of the existing use; and, b) consist of the replacement/reconstruction of an existing structure/facility, would be located on the same site as the structure replaced, and would have substantially the same purpose and capacity. The District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

Pursuant to CEQA Guidelines Section 15062, a 35-day statute of limitations for this CEQA exemption shall apply from the date a Notice of Exemption is posted with the San Diego County Clerk, or a 180-day statute of limitations for this CEQA exemption shall apply if no Notice of Exemption is filed.

### **CALIFORNIA COASTAL ACT**

#### ***PORT MASTER PLAN CONSISTENCY***

Planning District: 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Land Use Designations: Marine Related Industrial

The proposed project conforms to the certified Port Master Plan because it would involve the overhaul of gas turbine #2, fire suppression system, generator and boiler and the upgrade of the turbine and boiler controls at the plant consistent with the existing certified Land use designation. The proposed project would not change the use of the site nor would it interrupt or expand the existing conforming uses of the site.

#### ***CATEGORICAL DETERMINATION***

Categorical Exclusions: Section 8.a: Existing Facilities; Section 8.b: Replacement or Reconstruction

- 8.a. Existing Facilities: The operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:
- (2) Public and private utilities used to provide electric power, natural gas, sewer, or other utility services

AND/OR

- 8.b. Replacement or Reconstruction: Replacement or reconstruction of existing structures and facilities where the new structure will be located essentially on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

The proposed project is determined to be Categorically Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above. These are appropriate for the proposed project because it would a) involve negligible or no expansion of use beyond that previously existing; and b) be located essentially on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

### **CALIFORNIA PUBLIC TRUST DOCTRINE**

The proposed project complies with Section 87.(a)(2) of the Port Act, which allows for all commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants and, facilities. The Port Act was enacted by the California

Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

RANDA CONIGLIO  
Acting President/CEO

Determination by:  
Betsy Viramontes  
Assistant Planner  
Development Services

Signature: Betsy Viramontes  
Date: 05/17/2024

Deputy General Counsel

Signature: Shiraz D. Tangri  
Date: 05/17/2024