

## DOCKETED

<b>Docket Number:</b>	08-AFC-03C
<b>Project Title:</b>	Marsh Landing Generating Station Compliance
<b>TN #:</b>	203440
<b>Document Title:</b>	Order No. 14-1117-8 - Approving Modifications to Air Quality and Biological Resources Conditions of Certification
<b>Description:</b>	N/A
<b>Filer:</b>	Camile Remy-Obad
<b>Organization:</b>	California Energy Commission
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**CALIFORNIA ENERGY COMMISSION**

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**STATE OF CALIFORNIA  
 ENERGY RESOURCES CONSERVATION  
 AND DEVELOPMENT COMMISSION**

<b>In the Matter of:</b>	)	
<b>Marsh Landing Generation Station</b>	)	<b>Docket No. 08-AFC-3C</b>
	)	<b>Order No. 14-1117-8</b>
<b>NRG Marsh Landing, LLC</b>	)	<b>ORDER APPROVING</b>
	)	<b>Petition to Amend</b>
	)	
	)	

On July 8, 2014, NRG Marsh Landing, LLC, the owner/operator of the Marsh Landing Generation Station (MLGS), submitted a Petition to Amend the California Energy Commission's Final Decision dated August 25, 2010. MLGS proposes installation of a new diesel backup generator, a diesel fire pump engine and 150 feet of fire loop piping. MLGS formerly used a fire suppression system of a neighboring retired facility, that system will no longer be maintained. Staff proposed five new air quality (AQ) conditions of certification (**AQ-41, AQ-42, AQ-43, AQ-44, AQ-45**) addressing diesel engine operation and monitoring, and modification of one existing AQ condition of certification (**AQ-SC7**) and one biological resources (BIO) condition of certification (**BIO-8**) requiring surrender of additional emission reduction credits and increased annual mitigation payments to offset a slight nitrogen deposition increase

**STAFF RECOMMENDATION**

Energy Commission staff reviewed the petition and finds that it complies with the requirements of Title 20, Section 1769(a) of the California Code of Regulations and recommends approval of NRG Marsh Landing, LLC's petition to modify the MLGS Project and amend the above mentioned Conditions of Certification.

## ENERGY COMMISSION FINDINGS

Based on staff's analysis, the Energy Commission concludes that the proposed changes will not result in any significant impact to public health and safety, or the environment. The Energy Commission finds that:

- The petition meets all the filing criteria of Title 20, section 1769(a) of the California Code of Regulations concerning post-certification project modifications;
- The modification will not change the findings in the Energy Commission's Final Decision pursuant to Title 20, section 1755;
- The project will remain in compliance with all applicable laws, ordinances, regulations, and standards, subject to the provisions of Public Resources Code section 25525;
- The proposed modifications to the Air Quality and Biological Resources Conditions of Certification will result in a beneficial change by ensuring that the MLGS has adequate fire suppression equipment that no longer pulls fire suppression water from the San Joaquin River.
- There has been a substantial change in circumstances since the Energy Commission certification justifying the modification because MLGS can no longer share a fire suppression system with the retired neighboring facility.

## CONCLUSION AND ORDER

The California Energy Commission hereby adopts Staff's recommendations and approves the following changes to the Commission Decision for the Marsh Landing Generation Station. New language is shown as **bold and underlined**, and deleted language is shown in ~~strikeout~~.

## CONDITIONS OF CERTIFICATION

**AQ-SC7** The project owner shall provide emission reductions in the form of offsets or emission reductions credits (ERCs) in the quantities of at least 78.93 tons per year (tpy) NO<sub>x</sub>, 14.267 tpy VOC, 31.70 tpy PM<sub>10</sub>, and 4.95 tpy SO<sub>x</sub> emissions. The project owner shall demonstrate that the reductions are provided in the form required by the Bay Area Air Quality Management District.

**Verification:** The project owner shall submit to the CPM records showing that the project's offset requirements have been met prior to initiating construction. If the CPM approves a substitution or modification to the list of ERCs, the CPM shall file a statement of the approval with the project owner and the Energy Commission docket. The CPM shall maintain an updated list of approved ERCs for the project.

Conditions for the Emergency Standby Diesel Generator, Caterpillar C15 ATAAC, 779 bhp, 4.9 MMBtu/hour (S-7), and the Diesel Fire Pump, Cummins CFP9E-F20 or equivalent, 299 bhp, 2.1 MMBtu/hour (S-8)

AQ-41 The project owner shall not exceed 50 hours per year per engine for reliability-related testing. (Basis: Title 17, California Code of Regulations, Section 93115, ATCM for Stationary CI Engines)

Verification: The project owner shall verify compliance with this Condition of Certification in each quarterly report required by Condition of Certification AQ-SC8.

AQ-42 The project owner shall operate each emergency standby engine only for the following purposes: to mitigate emergency conditions, for emission testing to demonstrate compliance with a District, State or Federal emission limit, or for reliability related activities (maintenance and other testing, but excluding emission testing). Operating while mitigating emergency conditions or while emission testing to show compliance with District, State or Federal emission limits is not limited. (Basis: Title 17, California Code of Regulations, Section 93115, ATCM for Stationary CI Engines)

Verification: The project owner shall verify compliance with this Condition of Certification in each quarterly report required by Condition of Certification AQ-SC8.

AQ-43 The project owner shall operate each emergency standby engine only when a non-resettable totalizing meter (with a minimum display capability of 9,999 hours) that measures the hours of operation for the engine is installed, operated and properly maintained. (Basis: Title 17, California Code of Regulations, Section 93115, ATCM for Stationary CI Engines)

Verification: The project owner shall make the site available for inspection by representatives of the District, ARB and the Commission.

AQ-44 Records: The project owner shall maintain the following monthly record in a District-approved log for at least 36 months from the date of entry (60 months if the facility has been issued a Title v Major Facility Review Permit or a Synthetic Minor Operating Permit). Log entries shall be retained on-site, either at a central location or at the engine's location, and made immediately available to the District staff and CPM upon request.

- a) Hours of operation for reliability-related activities (maintenance and testing).
- b) Hours of operation for emission testing to show compliance with emission limits.
- c) Hours of operation (emergency).
- d) For each emergency, the nature of the emergency condition.
- e) Fuel usage for each engine(s).

(Basis: Title 17, California Code of Regulations, Section 93115, ATCM for Stationary CI Engines)

**Verification: The project owner shall make the site and records available for inspection by representatives of the District , ARB and the Commission.**

**AQ-45 At School and Near-School Operation: If the emergency standby engine is located on school grounds or within 500 feet of any school grounds, the following requirements shall apply:**

**The project owner shall not operate each stationary emergency standby diesel-fueled engine for non-emergency use, including maintenance and testing, during the following periods:**

- a) **Whenever there is a school sponsored activity (if the engine is located on school grounds).**
- b) **Between 7:30 a.m. and 3:30 p.m. on days when school is in session.**

**“School” or “School Grounds” means any public or private school used for the purposes of the education of more than 12 children in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in a private home(s). “School” or “School Grounds” includes any building or structure, athletic field, or other areas of school property but does not include unimproved school property.**

**(Basis: Title 17, California Code of Regulations, Section 93115, ATCM for Stationary CI Engines)**

**Verification: The project owner shall make the site and records available for inspection by representatives of the District , ARB and the Commission.**

**BIO-8** The project owner shall provide an annual payment to the California Wildlife Foundation or other third party approved by the CPM in coordination with the USFWS performing similar work to assist in noxious weed management and other activities that benefit state and/or federally protected species, including Lange’s metalmark butterfly, Contra Costa wallflower, and Antioch Dunes evening primrose at the Antioch Dunes National Wildlife Refuge. Management activities funded may include but are not limited to: captive breeding and release of Lange’s metalmark butterfly; propagation and transplantation of naked-stem buckwheat, Contra Costa wallflower, and Antioch Dunes evening primrose; and noxious weed eradication using grazing animals, hand tools and/or appropriate mechanical equipment. The first annual payment shall be at least equal to ~~\$2,805.00~~ **\$2,962.00**.

Each subsequent annual payment as calculated above shall be adjusted for inflation in accordance with the Employment Cost Index – West or its successor, as reported by the U.S. Department of Labor’s Bureau of Labor Statistics. Payment shall be made annually for the duration of project operation.

The project owner has voluntarily offered to contribute additional annual funding for weed management and other activities that benefit native habitat and species at the Antioch Dunes National Wildlife Refuge in an amount equal to \$20,000 per year and has agreed to include that additional payment as a requirement in this condition of

certification. The additional annual payment shall be made at the same time as the annual payment specified above and shall be made for the duration of project operation, but shall not be adjusted for inflation.

**Verification:** No later than 30 days following the start of project operation, the project owner shall provide written verification to the CPM, USFWS, and CDFG that the first annual payment was made to the California Wildlife Foundation or other third party approved by the CPM in coordination with the USFWS performing similar work in accordance with this condition of certification. The project owner shall provide evidence that it has specified that its annual payment can be used only to assist in noxious weed management and other management activities as required under BIO-8 as directed by the USFWS. Thereafter, within 30 days after each anniversary date of the commencement of project operation, the project owner shall provide written verification to the CPM, USFWS, and CDFG that payment has been made to the California Wildlife Foundation or other third party approved by the CPM in coordination with the USFWS performing similar work in accordance with this condition of certification. This verification shall be provided annually for the operating life of the project. The project owner also shall request an annual report from California Wildlife Foundation or other third-party approved by the CPM in coordination with the USFWS performing similar work documenting how each annual payment required hereunder was used and applied to assist in noxious weed management and other management activities as required under **BIO-8** at the Antioch Dunes National Wildlife Refuge. The project owner shall provide copies of such reports to the CPM within thirty (30) days after receipt.

**IT IS SO ORDERED.**

CERTIFICATION

*The undersigned Secretariat to the Commission 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 California Energy Commission held on November 17, 2014.*

AYE: Weisenmiller, Douglas, McAllister, Scott

NAY: None

ABSENT: Hochschild

ABSTAIN: None



Harriet Kallemeyn,  
Secretariat