

DOCKETED

Docket Number:	08-AFC-03C
Project Title:	Marsh Landing Generating Station Compliance
TN #:	203876
Document Title:	Notice of Determination - Petition to Modify the Project Description for the Marsh Landing Generating Station
Description:	Modular Building Modifications
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Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	3/13/2015 3:17:53 PM
Docketed Date:	3/13/2015

CALIFORNIA ENERGY COMMISSION

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**NOTICE OF DETERMINATION
PETITION TO MODIFY THE PROJECT DESCRIPTION
FOR THE MARSH LANDING GENERATING STATION
(08-AFC-3C)**

On January 13, 2015, the Facility Owner and Operator NRG Marsh Landing LLC filed a petition with the California Energy Commission (Energy Commission) requesting to modify the Final Decision for the Marsh Landing Generating Station (MLGS). The simple-cycle, natural gas-fired, 760-megawatt facility began commercial operation on May 1, 2013. The facility is located in the city of Antioch, in Contra Costa County, California.

DESCRIPTION OF PROPOSED MODIFICATION

The modifications proposed in the petition would install a 12-foot by 42-foot modular building, approximately 504 square feet in area and 12-foot 9-inches tall, on an existing asphalt-covered area. The modular building would be for document storage and staff training purposes. The only excavation will be for utility line trenches (two to three feet deep and six inches wide) from the existing Administration Building approximately 20 feet away. Because bathrooms and a kitchen are already provided at the Administration Building these facilities will not be included in the new building, therefore no new service water piping is required. Likewise, the required fire protection will consist of several wall-hanging fire extinguishers; therefore existing fire water system trenching will also not be required.

The Energy Commission's webpage for this facility, <http://www.energy.ca.gov/sitingcases/marshlanding/>, has a link to the petition on the right side of the webpage in the box labeled "Compliance Proceeding." Click on the "Documents for this Proceeding (Docket Log)" option.

ENERGY COMMISSION STAFF REVIEW AND DETERMINATION

Energy Commission technical staff reviewed the petition for potential environmental effects and consistency with applicable laws, ordinances, regulations, and standards (LORS). Staff has determined that the technical or environmental areas of Cultural Resources, Land Use, Public Health, Transmission Line Safety and Nuisance, Transmission System Engineering, are not affected by the proposed changes.

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

Summary of Staff Responses to Petition

TECHNICAL / ENVIRONMENTAL AREAS REVIEWED	STAFF RESPONSE			Revised Conditions of Certification Recommended
	Technical Area Not Affected	No Significant Environmental Impact*	Process As Amendment	
Air Quality		X	N/A	N/A
Biological Resources		X	N/A	N/A
Cultural Resources	X		N/A	N/A
Facility Design		X	N/A	N/A
Geological Resources		X	N/A	N/A
Hazardous Materials Management		X	N/A	N/A
Land Use	X		N/A	N/A
Noise & Vibration		X	N/A	N/A
Paleontological Resources	X		N/A	N/A
Public Health	X		N/A	N/A
Socioeconomics		X	N/A	N/A
Soil & Water Resources		X	N/A	N/A
Traffic & Transportation		X	N/A	N/A
Transmission Line Safety & Nuisance	X		N/A	N/A
Transmission System Engineering	X		N/A	N/A
Visual Resources		X	N/A	N/A
Waste Management		X	N/A	N/A
Worker Safety & Fire Protection		X	N/A	N/A

*There is no possibility that the proposed modifications would have a significant effect on the environment, and the modifications would not result in a change in or deletion of a condition adopted by the Commission in the Final Decision, or make changes that would cause project noncompliance with any applicable laws, ordinances, regulations, or standards (Cal. Code Regs., tit. 20, § 1769 (a)(2)).

For the technical areas of Air Quality, Biological Resources, Facility Design, Geological Resources, Hazardous Materials Management, Noise and Vibration, Paleontological Resources, Socioeconomics, Soils and Water Resources, Traffic and Transportation, Visual Resources, Waste Management, and Worker Safety and Fire Protection, staff has determined the modified project would continue to comply with applicable LORS and the existing conditions of certification in the Final Decision are sufficient to ensure the proposed modifications would not have a significant effect on the environment. Staff notes the following for these technical areas:

- **Air Quality.** Petitioner is proposing to install a new modular building. There are no grading activities associated with the installation, and trenching will be approximately two

to three feet deep and six inches wide for utility installation. Based upon this description, the project modification would not change staff's analysis of potential air quality impacts, and no significant adverse impacts to air quality are expected.

- **Biological Resources.** Construction of the new modular building would take place adjacent to the existing administration building and immediately north of the four air-cooled power blocks. There would be no direct impact to biological resources from construction of the new modular building, as it would take place within a previously disturbed and paved area within the existing MLGS site. However, potential indirect impacts to wildlife could occur if excavations are left open overnight without being backfilled or providing escape ramps. In addition, trash generated by additional workers could provide wildlife subsidies which could indirectly impact wildlife by drawing species into the construction area. Implementation of existing conditions of certification **BIO-4** (Worker Environmental Awareness Program (WEAP)) and **BIO-6** (Impact Avoidance and Mitigation Measures) would mitigate any potential impacts on biological resources to less than significant.
- **Facility Design.** Implementation of the current Facility Design conditions of certification in the Final Decision will satisfy the building code requirements for this proposal. No changes to the Facility Design conditions of certification are necessary.
- **Geologic and Paleontological Resources.** The proposed building is located within the 27-acre project site and in an area that was already disturbed and monitored during the original grading and construction of MLGS. The building will be placed on an engineered pier system, supported by the existing asphalt at grade level. Based on staff's review, the proposed project will have no environmental impacts on Geology and Paleontology. This determination is based on the fact that the proposed changes to MLGS would not require any significant excavations, no earth-moving activities, and the modular structure will be supported on a foundation that incorporates seismic design.
- **Hazardous Materials Management.** During the installation of the modular building, several hazardous materials will be used onsite. Similar to equipment maintenance activities, these materials would include solvents, gasoline, lubricants, and welding gases which are already included in the annual compliance report under existing Condition of Certification **HAZ-1**. No extremely hazardous or regulated hazardous materials will be used on site specifically for installation of the modular building, and none of these materials pose significant potential for off-site impacts as a result of the limited quantities on site, their low relative toxicity, their physical state and/or their environmental mobility. Therefore, with continued compliance to existing conditions of certification, specifically **HAZ-1**, the proposed modification would not have a significant effect on the environment and the project would continue to comply with all applicable LORS.

- **Noise and Vibration.** No changes to the Noise and Vibration conditions of certification are necessary. With the implementation of existing conditions of certification, the proposed installation of the on-site modular building would not have a significant adverse effect on the environment and the project would continue to comply with all applicable LORS.
- **Socioeconomics.** Staff has determined that the proposed modification would have no significant socioeconomic impacts. Condition of Certification **SOCIO-1**, which requires the payment of school development fees to the Antioch Unified School District, would apply to the modification. Staff notes that the petition states the project owner paid the Antioch Unified School District \$272 (\$0.54 per square foot) on January 13, 2015.
- **Soil and Water Resources.** The MLGS implemented a construction Storm Water Pollution Plan as required by Condition of Certification **SOIL&WATER-1**. On February 13, 2015, staff responded to a standardized comment letter provided by the Regional Water Quality Control Board (RWQCB). After discussing the proposed modifications, both Energy Commission and RWQCB staff agreed that none of the applicable LORS discussed in the RWQCB letter were likely to apply to the proposed modification. The proposed modular building installation would not require any significant excavations or earth-moving activities. The proposed modifications would not require any water above the 50 acre-feet per year allowed in the Final Decision.
- **Traffic and Transportation.** Conditions of Certification **TRANS-1** requiring a Construction Control Plan, and **TRANS-2** requiring a mitigation plan for Wilbur Avenue, would not apply to the proposed modifications. Given the small number of trucks needed for construction of the modular building, a significant adverse impact to Wilbur Avenue is unlikely. The proposed modification would have no significant adverse traffic and transportation impacts.
- **Visual Resources.** The proposed project modification would need to comply with Conditions of Certification **VIS-1** requirements for project structure surface treatments that minimize visual intrusion, and **VIS-3** requirements for limiting temporary and permanent exterior lighting in the Final Decision. Condition of Certification **VIS-2**, requiring additional perimeter landscape screening, would not apply to the proposed building. There would be no significant adverse visual resource impacts.
- **Waste Management.** The hazardous materials generated during construction would include dried paint and possibly trace amounts of miscellaneous building materials. Approved Conditions of Certifications **WASTE-4** and **WASTE-10** would ensure that if potentially contaminated soils are encountered during trenching for the utility line they would be remediated appropriately and potential human health impacts would be mitigated. Condition of Certification **WASTE-5** would apply to new construction within Antioch city limits if the project meets the thresholds defined in Antioch's Construction and Demolition Debris Recycling Ordinance No. 1018-C-S. If the proposed project

modification meets the requirements outlined in the ordinance, then the project owner would be required to comply with **WASTE-5** and prepare and implement a Construction and Demolition Debris Recycling Ordinance Waste Management Plan for all wastes generated during construction activities.

- **Worker Safety and Fire Protection.** With the implementation of existing conditions of certification, the proposed installation of the on-site modular building would not have a significant adverse effect on the environment and would continue to comply with all applicable LORS. The short duration of construction for the installation of the modular building shall comply with worker safety and fire safety measures contained in health and safety plans per Condition of Certification **WORKER SAFETY-1** utilized for construction of the main facility.

Section 1769(a)(2) of Title 20, California Code of Regulations, states, "(w)here staff determines that there is no possibility that the modifications may have a significant effect on the environment, and if the modifications will not result in a change or deletion of a condition adopted by the commission in the final decision or make changes that would cause the project not to comply with any applicable laws, ordinances, regulations, or standards, no commission approval is required...."

Pursuant to that section, Energy Commission staff has determined for this petition that approval by the full Commission is not required and the proposed modifications meet the criteria for approval at the staff level because:

- The modification[s] will not have any significant effect on the environment;
- Existing conditions of certification are sufficient to cover the proposed modification[s] without changes to, or deletions of, any conditions of certification; and
- The project as modified will maintain full compliance with applicable LORS.

This Notice of Determination has been mailed to the Commission's facility mail list of interested parties and property owners adjacent to the facility site. It has also been e-mailed to the facility listserv. The listserv is an automated Energy Commission e-mail system by which information about this facility is e-mailed to parties who have subscribed. To subscribe, go to the Commission's webpage for this facility, cited above, scroll down the right side of the project's webpage to the box labeled "Subscribe," and provide the requested contact information.

Any person may file an objection to staff's determination within 14 days of the date of this Notice on the grounds that the project modification does not meet the criteria set forth in section 1769(a)(2). Absent any relevant objections, the petition will be approved 14 days after this Notice is docketed. To use the Energy Commission's electronic commenting feature to object to staff's determination, go to the Energy Commission's webpage for this facility, cited above, click on the "Submit e-Comment" link, and follow the instructions in the

on-line form. Be sure to include the facility name in your comments. Once submitted, the Energy Commission Dockets Unit reviews and approves your comments, and you will receive an e-mail with a link to them.

Written comments may also be mailed or hand-delivered to:

California Energy Commission
Dockets Unit, MS-4
Docket No. 08-AFC-3C
1516 Ninth Street
Sacramento, CA 95814-5512

All comments and materials filed with and approved by the Dockets Unit will be added to the facility Docket Log and be publicly accessible on the Energy Commission's webpage for the facility.

If you have questions about this Notice, please contact Camille Remy Obad, Compliance Project Manager, at (916) 654-3940, or by fax to (916) 654-3882, or via e-mail at Camille.Remy-Obad@energy.ca.gov.

For information on participating in the Energy Commission's review of the petition, please call the Public Adviser at (800) 822-6228 (toll-free in California) or send your e-mail to publicadviser@energy.ca.gov. News media inquiries should be directed to the Energy Commission Media Office at (916) 654-4989, or by e-mail to mediaoffice@energy.ca.gov.

Date: 3/13/15



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