

## DOCKETED

<b>Docket Number:</b>	08-AFC-07C
<b>Project Title:</b>	GWF Tracy (Compliance)
<b>TN #:</b>	202440
<b>Document Title:</b>	Request for Approval of Proposed Project Minor Modification
<b>Description:</b>	N/A
<b>Filer:</b>	Paul Kihm
<b>Organization:</b>	Latham & Watkins LLP
<b>Submitter Role:</b>	Applicant Representative
<b>Submission Date:</b>	6/9/2014 3:13:04 PM
<b>Docketed Date:</b>	6/9/2014

Michael J. Carroll  
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(714) 540-1235

STATE OF CALIFORNIA  
ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF: ) DOCKET NO. 08-AFC-07C  
)  
GWF Tracy Combined Cycle Power Plant ) REQUEST FOR APPROVAL OF  
) PROPOSED PROJECT MINOR  
) MODIFICATION  
)  
\_\_\_\_\_ )

On March 24, 2010, the California Energy Commission (“Commission”) issued a license to GWF Energy LLC (“GWF”) for the GWF Tracy Combined Cycle Power Plant (“GWF Tracy”) project. GWF Tracy occupies a 16.38-acre, fenced site within the existing GWF-owned 40-acre parcel in an unincorporated portion of San Joaquin County immediately southwest of Tracy, California, and approximately 20 miles southwest of Stockton, California. Under the Commission’s license, GWF converted the Tracy Peaker Plant into the GWF Tracy plant by converting the facility into a combined cycle power plant.

As part of the conversion project at the site that commenced on February 22, 2011, and ended on November 1, 2012, trailers were brought to the site to serve as temporary office space to support the construction efforts. GWF intended to remove the trailers from the site following the conclusion of the construction efforts, but given the need for office space at GWF Tracy, on December 13, 2012 GWF requested a temporary allowance from the Commission to allow the trailers to remain at the site to serve as offices to support GWF Tracy. On December 13, 2012, Commission Staff agreed to allow the trailers to remain at GWF Tracy for one year. *See* Attachment 1.

Because the need for office space at GWF Tracy persists, GWF has determined that the most efficient way to address the need for office space is to maintain the trailers at the site, and to add an additional trailer. Likewise, GWF requests, pursuant to Cal. Code Reg. tit. 20, § 1769, that the Commission approve a minor modification to GWF Tracy allowing for the current trailers to remain at the site, and to allow for an additional trailer to be brought to the site.

This request meets all of the requirements of § 1769, and because the proposed minor modifications will not have a significant effect on the environment, will not result in a change or

deletion of any Condition of Certification, and will not cause non-compliance with any applicable laws, ordinances, regulations, or standards (“LORS”), this minor modification can be, and should be, approved by Staff pursuant to § 1769(a)(2).

Below is an item by item listing of the information required to be included with this request by § 1769, as well as information supporting GWF’s assertion that Staff may approve this request pursuant to § 1769(a)(2).

**A. Description of Proposed Project Changes**

Section 1769(a)(1)(A) requires “a complete description of the proposed modification, including new language for any conditions that will be affected.”

First, GWF requests is that the existing trailers remain on site permanently. The existing trailers are a single wide (16’ x 90’) trailer and a double wide (24’ x 90’) trailer. Second, GWF requests permission to install an additional single wide trailer adjacent to the existing double wide trailer.

Attachment 2 includes a site map with a mark-up showing the existing trailers and the proposed new trailer. No conditions will be affected by this change.

**B. Necessity of Proposed Change**

Section 1769(a)(1)(B) requires “a discussion of the necessity for the proposed modifications.”

The existing office space at GWF Tracy is too small for the existing staff at the plant. Personnel are currently doubled up in offices, and administrative space is extremely limited given the scope of operations at the facility, making the proposed modifications necessary.

**C. Modification Is Based on Information Not Available During the Certification Proceeding**

Section 1769(a)(1)(C) requires “if the modification is based on information that was known by the petitioner during the certification proceeding, an explanation why the issue was not raised at that time.”

It was not determined at the time of the certification proceeding that the office space would be insufficient. This was determined during the course of initial operations of the facility over the past year.

**D. Modification Is Not Based on New Information That Undermines the Final Decision**

Section 1769(a)(1)(D) requires “if the modification is based on new information that changes or undermines the assumptions, rationale, findings, or other bases of the final decision, an explanation of why the change should be permitted.”

Here, the modification is not based on any information that changes any basis of the final decision, as the modification requested is minor and would not affect any of the areas analyzed in the final decision.

**E. Environmental Impact of Modification**

Section 1769(a)(1)(E) requires “an analysis of the impacts the modification may have on the environment and proposed measures to mitigate any significant adverse impacts.”

There will be no impact on the environment. The existing single and double wide trailers have been in the same location since construction. The location for the additional single wide trailer is where a trailer was previously located during construction. No disturbance to the soil or any other impacts will occur.

Because the proposed minor modifications will not have a significant effect on the environment, this minor modification is allowed to be approved by Staff pursuant to § 1769(a)(2).

**F. Modification’s Impact on LORS Compliance**

Section 1769(a)(1)(F) requires “a discussion of the impact of the modification on the facility’s ability to comply with applicable laws, ordinances, regulations, and standards.”

The modification will have no impact GWF Tracy’s ability to comply with LORS because the modification is minor and will not impact operations at GWF Tracy.

Because the proposed minor modifications will not cause non-compliance or impact the facility’s ability to comply with any applicable LORS, this minor modification is allowed to be approved by Staff pursuant to § 1769(a)(2).

**G. Modification’s Impact on the Public and Nearby Property Owners**

Sections 1769(a)(1)(G), (H), and (I) require a discussion of how the modification affects the public, a list of potentially affected property owners, and the effects on nearby property owners, the public, and the parties in the application proceeding.

Based on the location of the property owners, the local geography, and existing approved plant equipment, visual impact on nearby property owners is minimal to non-existent. The GWF Tracy facility is surrounded completely by a sand colored slatted fence which further minimizes the impact of the trailers.

Attachment 3 shows a list of potentially impacted property owners in the vicinity of the GWF Energy Facility in Tracy, CA with a map of the area, a summary of the nearby property owners, a map showing the general area surrounding the facility, and images from various viewpoints looking at the facility. The trailers are not visible by residential property owners north and east of the facility.

**H. Conclusion**

GWF requests that the Commission Staff approve a minor modification to the GWF Tracy project to allow for the trailers brought in to serve as temporary office space during construction to stay permanently, and to also allow the addition of one more trailer for additional office space. As set out above, this request meets the requirements of, and contains all of the information required by, Cal. Code Regs. tit. 20, § 1769.

Additionally, because this minor modification will not affect the environment, not require changes to any Condition of Certification, and will not hinder compliance with LORS by GWF Tracy, this request meets the requirements of § 1769(a)(2) for Staff approval. Likewise, GWF requests that Staff approve this minor modification request.

DATED: June 9, 2014

Respectfully submitted,

*/s/ Michael J. Carroll*

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Michael J. Carroll  
LATHAM & WATKINS LLP  
Counsel to Applicant

**Attachment 1:  
Communication with  
CEC regarding Trailers**

S23CC CEC RE COMP-14 approval 121312  
From: Hoffman, Craig@Energy <Craig.Hoffman@energy.ca.gov>  
Sent: Thursday, December 13, 2012 11:34 AM  
To: Castillo, Mary  
Cc: Kehoe, Mark; shamica.zenn@us.bureauveritas.com  
Subject: RE: COMP-14

Mary

Your request for use of the temporary trailers up to 12 months is approved.

This is exactly what we have discussed the past few months.

You do not need to send me a hard copy.

Craig Hoffman  
Project Manager

California Energy Commission  
Siting, Transmission and Environmental Protection Division  
1516 Ninth Street, MS 2000  
Sacramento, CA 95814-5512

phone: 916-654-4781  
fax: 916-654-3882

From: Castillo, Mary [mailto:mcastillo@gwfpower.com]  
Sent: Thursday, December 13, 2012 11:20 AM  
To: Hoffman, Craig@Energy  
Cc: Kehoe, Mark; shamica.zenn@us.bureauveritas.com; Castillo, Mary  
Subject: FW: COC: COMP-14

Sorry forgot to include the attachments!

Mary

From: Castillo, Mary  
Sent: Thursday, December 13, 2012 11:13 AM  
To: Hoffman, Craig@Energy  
Cc: Kehoe, Mark; Sichau, Ron; shamica.zenn@us.bureauveritas.com; Castillo, Mary  
Subject: COC: COMP-14

Craig,

Attached please find Transmittal Memo\_Comp-14\_12-13-2012 and supporting document.

Best regards,

Mary Castillo  
14950 W. Schulte Road  
Tracy, CA 95377  
925-766-9845  
mcastillo@gwfpower.com

NOTICE: This communication is intended only for the person to whom it is addressed, is not encrypted, may be attorney-client privileged and may contain confidential information. If you are not the intended recipient or  
Page 1

S23CC CEC RE COMP-14 approval 121312  
believe that you may have received this communication in error,  
please reply to the sender indicating that fact and delete the copy you received. In  
addition, you should not copy, re-transmit, disseminate, or  
otherwise use the information. Thank you.





December 13, 2012

Mr. Craig Hoffman, Compliance Project Manager  
California Energy Commission  
Siting, Transmission and Environmental Protection Division  
1516 Ninth Street, MS 2000  
Sacramento, CA 95814

**RE: Tracy Combined Cycle Power Plant (08-AFC-07)**

Dear Mr. Hoffman:

In accordance with **Compliance 14 – Post Certification Changes to the Energy Commission Decision: Amendments, Ownership Changes, Staff Approved Project Modifications and Verification Changes**, GWF Energy LLC (GWF) requests approval of the following item:

- Extension of time for use of two temporary Office Trailers initially used for construction by GWF. The GWF Operations Department requests the two trailers remain on site for up to twelve (12) months while plans are formulated to expand the Control Room/Maintenance Building needed for the change in operations of the Tracy Combined Cycle Power Plant and the two additional GWF Peaker Plants.
- GWF proposes to leave the single wide and double wide office trailers in the location where they presently reside. This area was identified in the application for certification as temporary construction office space and was fully mitigated for environmental impacts related to construction.
- Once GWF determines the office space and maintenance/warehouse needs for the expanded Operations we will take appropriate actions to secure approval for the proposed modifications to the plant from the CEC.

GWF will not finalize the finally grading of the area beneath the trailers until the trailers are removed that the residual stockpile of "roadbase" has been used. If you have any questions regarding this request please feel free to contact me at 925.431.1440. Thank you for your time and consideration regarding this request for temporary use of the office trailers for Operations.

Respectfully,  
**GWF Energy LLC**

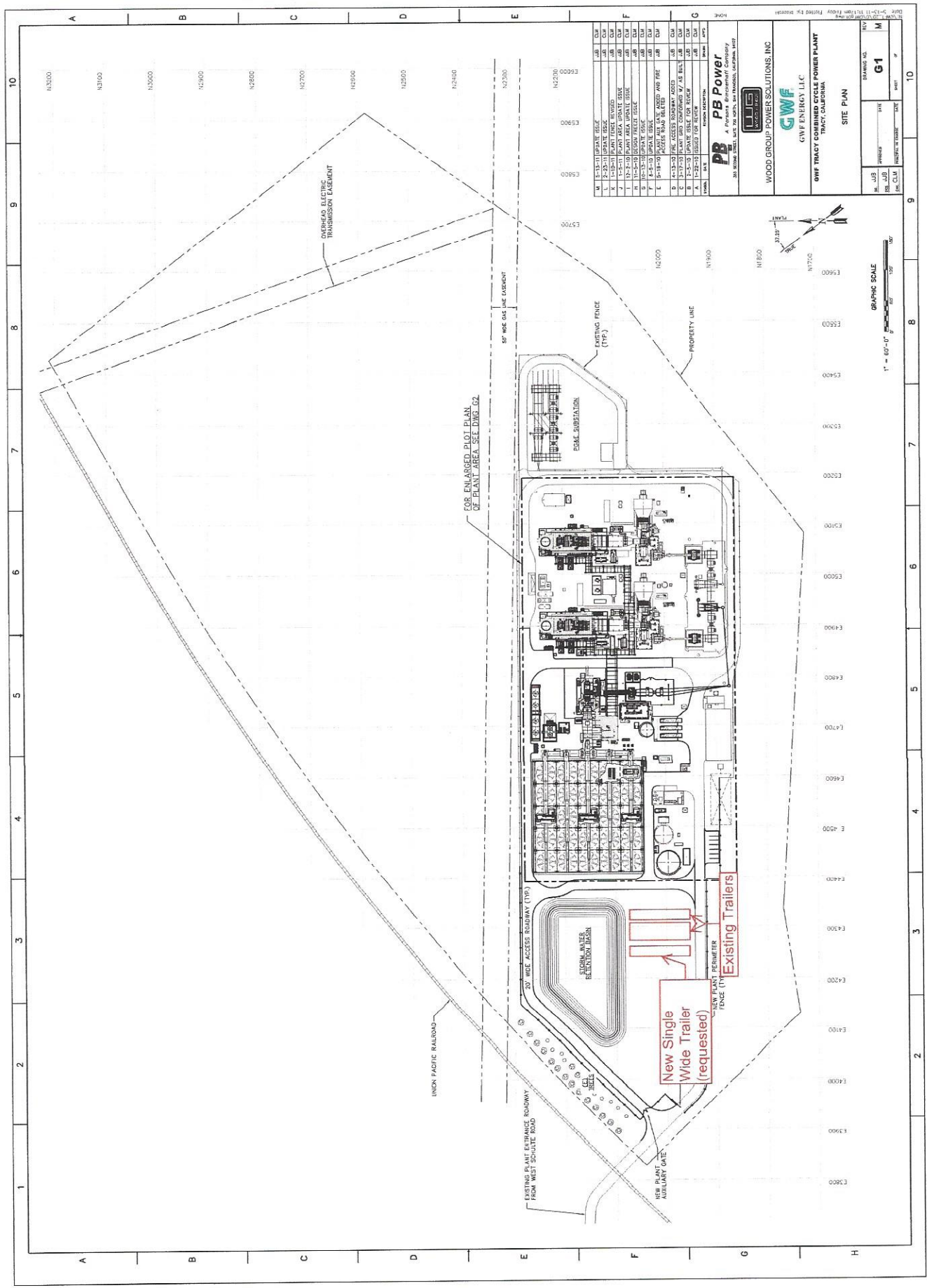
A handwritten signature in black ink, appearing to read "Mark Kehoe", is written over a light blue horizontal line.

Mark Kehoe  
Director, Environmental and Safety Programs

cc Sharnica Zenn – Project Manager, Bureau Veritas, NA  
Malcolm Jacobson, President, Star West Generation

# Attachment 2: Map Showing Trailers

RECEIVED  
By Kevin Speers at 9:30 am, May 17, 2011



NO.	DATE	DESCRIPTION	BY	CHKD.
M	12-13-11	UPDATE ISSUE	JAB	CLM
L	12-13-11	UPDATE ISSUE	JAB	CLM
K	12-13-11	UPDATE ISSUE	JAB	CLM
J	12-13-11	UPDATE ISSUE	JAB	CLM
I	12-13-11	UPDATE ISSUE	JAB	CLM
H	12-13-11	UPDATE ISSUE	JAB	CLM
G	12-13-11	UPDATE ISSUE	JAB	CLM
F	12-13-11	UPDATE ISSUE	JAB	CLM
E	12-13-11	UPDATE ISSUE	JAB	CLM
D	12-13-11	UPDATE ISSUE	JAB	CLM
C	12-13-11	UPDATE ISSUE	JAB	CLM
B	12-13-11	UPDATE ISSUE	JAB	CLM
A	12-13-11	UPDATE ISSUE	JAB	CLM

**PB Power**  
333 BROADWAY, SUITE 300, SAN ANTONIO, TEXAS 78202

**WOOD GROUP POWER SOLUTIONS, INC.**

**GWF ENERGY LLC**  
GWF TRACT COMBINED CYCLE POWER PLANT  
TRACY, CALIFORNIA

**SITE PLAN**

DRAWING NO. **G1**

REV. NO. **01**

DATE **05/17/11**

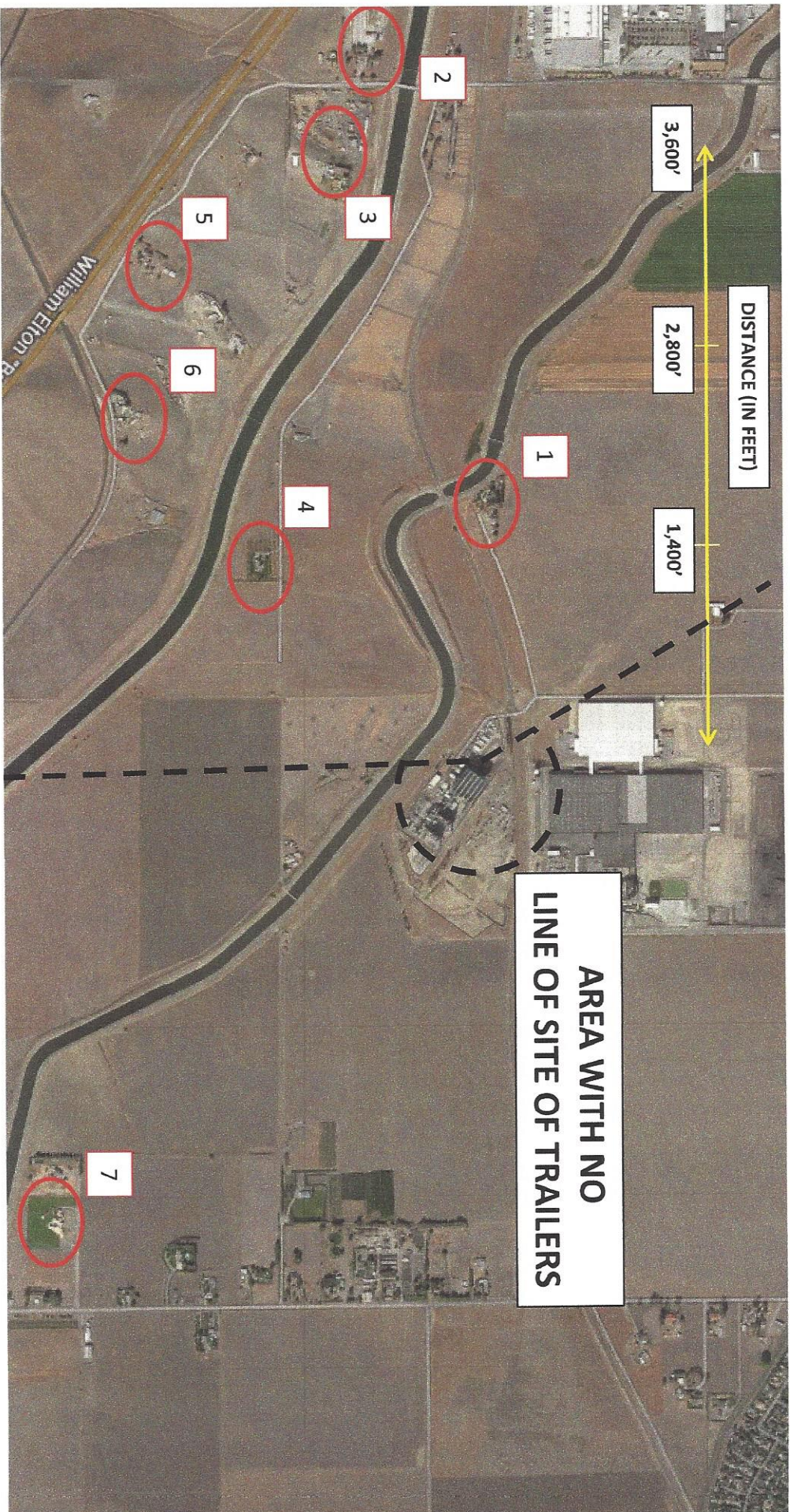
BY **JAB**

CHKD. **CLM**

GRAPHIC SCALE  
1" = 60'-0"

# Attachment 3: Visual Impact of Trailers Map

# Visual Overview

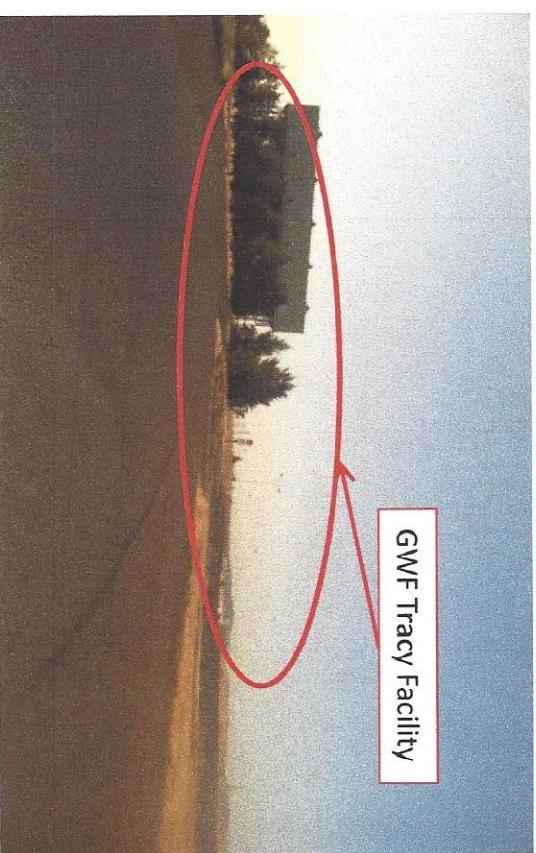


**Property Owners in General Area of GWF Tracy Facility**

<b>Property Owner</b>	<b>Address</b>	<b>Comments</b>
United States of America	Re: 15178 W. Schulte Road Tracy, CA 95377 P.O. Box 92007, Los Angeles CA 90009	No impact. Area of point 1 of visual impact map, no line of site to trailers
Frederick G Orlando	Re: 26722 S. Hansen Road 3535 Lariat Loop Road Cameron Park, CA 95682	No impact. Area of point 3 of visual impact map, no line of site to trailers
Union Pacific Railroad Company	Attn: Barbara Holder Re: 997877 S. Hansen Road, Tracy, CA, T2S R4E Sec 35 1416 Dodge Street, Room 830 Omaha, NE 68179	No impact. Area of point 3 of visual impact map, no line of site to trailers
Union Pacific Railroad Company	Attn: Barbara Holder Re: 997878 S. Hansen Road, Tracy, CA, T2S R4E Sec 35 1416 Dodge Street, Room 830 Omaha, NE 68179	No impact. Area of point 3 of visual impact map, no line of site to trailers
Union Pacific Railroad Company A	Attn: Barbara Holder Re: 997879 S. Hansen Road, Tracy, CA, T2S R4E Sec 35 1416 Dodge Street, Room 830 Omaha, NE 68179	No impact. Area of point 3 of visual impact map, no line of site to trailers
Harold & P H Timmins	Re: 26666 S. Hansen Road 27001 S. Hansen Road Tracy, CA 95377	No impact. Area of point 5 of visual impact map, no line of site to trailers.
David J Pombo	Re: 997108 S. Hansen Road 25726 S Hansen Road Tracy, CA 95377	No impact. Area of point 5 of visual impact map, no line of site to trailers.
George Cheng	Re: 14250 W. Schulte Road 44908 Winding Lane Fremont, CA 94539	No impact. Area of point 1 of visual impact map, no line of site to trailers
Cheun Hee Lee	Re: 26788 S. Hansen Road 414 33rd Avenue San Francisco, CA 94121	No impact. Area of point 3 of visual impact map, no line of site to trailers
Russell Kagehiro		No impact. Area of point 7 of visual impact map, no line of site to trailers.
Jepson Webb Ranch LLC	Re: 26977 S. Lammers Road 7200 W. 11th Street Tracy, CA 95377	No impact. Area of point 3 of visual impact map, no line of site to trailers.
Union Pacific Railroad Company	Attn: Barbara Holder Re: 997883 S. Lammers Road, Tracy, CA, T2S R4E Sec 35 1416 Dodge Street, Room 830 Omaha, NE 68179	No impact. Area of point 3 of visual impact map, no line of site to trailers
Owens Illinois Glass Container Inc.		
Owens-Brockway Glass Container Inc	Re: 14700 W. Schulte Road Ernst & Young / Jim Beckman One Seagate, Suite 1200 Toledo, OH 43604	No impact. Area of point 1 of visual impact map, no line of site to trailers
Nutting-Rice Tracy LLC	Re: 15000 W. Schulte Road Attn: Charles C. Wallace, Jr. One Websters Landing Syracuse, NY 13202	No impact. Area of point 1 of visual impact map, no line of site to trailers
Gene Panella	Re: 27004 S. Hansen Road, Tracy 2025 E. Cliff Drive Santa Cruz, CA 95062	No impact. Area of point 6 of visual impact map, Tracy trailers not readily visible due to distance
Frederick G. Orlando	Re: 27009 S. Lammers Road 3535 Lariat Loop Road Cameron Park, CA 95682	No impact. Area of point 7 of visual impact map, no line of site to trailers.
Valley Land Co Corp	Re: 28321 S. Lammers Road Attn: John A Christie 7700 College Town Drive, Suite 101 Sacramento, CA 95826	No impact. Area of point 7 of visual impact map, no line of site to trailers.
James A & Mary Stokley	27550 S. Lammers Road Tracy, CA 95377	No impact. Area of point 7 of visual impact map, no line of site to trailers.
F A & C K Robertson	Re: 26900 S. Hansen Road 704 Wimbledon Lane Livermore, CA 94550	No impact. Area of point 5 of visual impact map, Tracy trailers not visible to naked eye.
Paul & Barbara Swartzle	27150 S. Hansen Road Tracy, CA 95377	No impact. Area of point 5 of visual impact map, Tracy trailers not visible to naked eye.
Laurel Eckert	27240 S. Hansen Road Tracy, CA 95377	No impact. Area of point 5 of visual impact map, Tracy trailers not visible to naked eye.
Robert & Emily Richardson	Re: 27380 S. Hansen Road PO Box 10871 Fort Mojave, AZ 86427	No impact. Area of point 5 of visual impact map, Tracy trailers not visible to naked eye.
Harold & P H Timmins	27001 S. Hansen Road Tracy, CA 95377	No impact. Area of point 5 of visual impact map, Tracy trailers not visible to naked eye.
Frederick G. Orlando	Re: 999756 S. Lammers Road 3535 Lariat Loop Road Cameron Park, CA 95682	No impact. Area of point 5 of visual impact map, Tracy trailers not visible to naked eye.
Charles J & Marilyn Tuso et al.	Re: 27191 S. Lammers Road Steve S & Kandi L Tuso 27210 S. Lammers Road Tracy, CA 95377	No impact. Area of point 5 of visual impact map, Tracy trailers not visible to naked eye.
Peter M Yroz	Re: 28305 S. Hansen Road 12972 W Finck Road Tracy, CA 95377	No impact. Area of point 6 of visual impact map, Tracy trailers not readily visible due to distance
Peter M Yroz	Re: 28201 S. Hansen Road 12972 W Finck Road Tracy, CA 95377	No impact. Area of point 6 of visual impact map, Tracy trailers not visible to naked eye.
Peter M Yroz	Re: 27007 S. Hansen Road 12972 W Finck Road Tracy, CA 95377	No impact. Area of point 6 of visual impact map, Tracy trailers not readily visible due to distance
PG&E	RE: PARCEL 99B-7885-12 One Market, Spear Tower, Suite 2400 San Francisco, CA 94105	No impact. PG&E Switchyard. No line of site to trailers
Gabro	20764 Hansen Rd TRACY, CA 95377	No impact. Area of point 2 of visual impact map, no line of site to trailers
Atkins	20837 Hansen Rd TRACY, CA 95377	No impact. Area of point 2 of visual impact map, no line of site to trailers
Hendrikson	20857 Hansen Rd TRACY, CA 95377	No impact. Area of point 2 of visual impact map, no line of site to trailers
JIMMY LOPEZ	15400 W SCHULTE RD TRACY, CA 95377-9746	No impact. Area of point 1 of visual impact map, no line of site to trailers
DAVID J POMBO	25726 HANSEN RD TRACY, CA 95377-9748	No impact. Area of point 2 of visual impact map, no line of site to trailers
AMY N FIELDS	26666 HANSEN RD TRACY, CA 95377-9748	No impact. Area of point 3 of visual impact map, no line of site to trailers
KIMIYE IWAWAKI	26670 HANSEN RD TRACY, CA 95377-9748	No impact. Area of point 3 of visual impact map, no line of site to trailers
DAN LEASURE	25333 S LAMMERS RD TRACY, CA 95377-9101	No impact. Area of point 3 of visual impact map, no line of site to trailers
DANIEL LEITE	25271 S LAMMERS RD TRACY, CA 95377-9101	No impact. Area of point 3 of visual impact map, no line of site to trailers

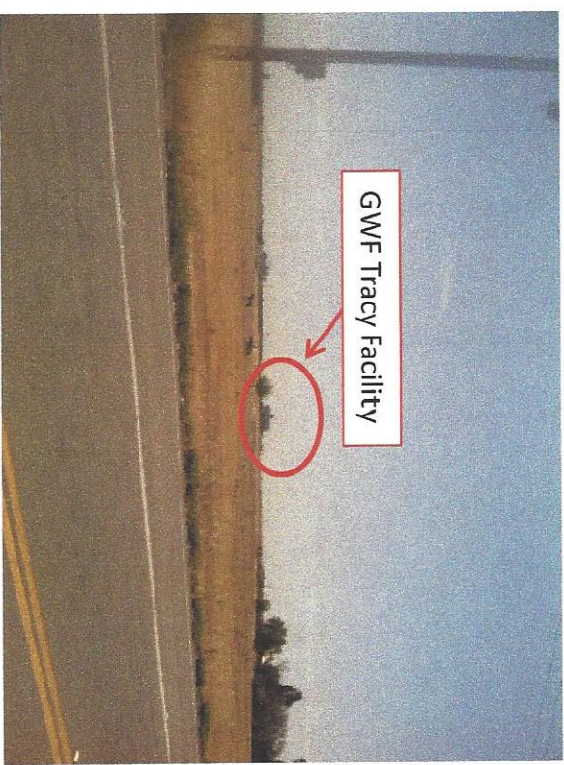
# View from 1

- Description: No line of site to trailers, fence-line completely blocks view



## View from 2

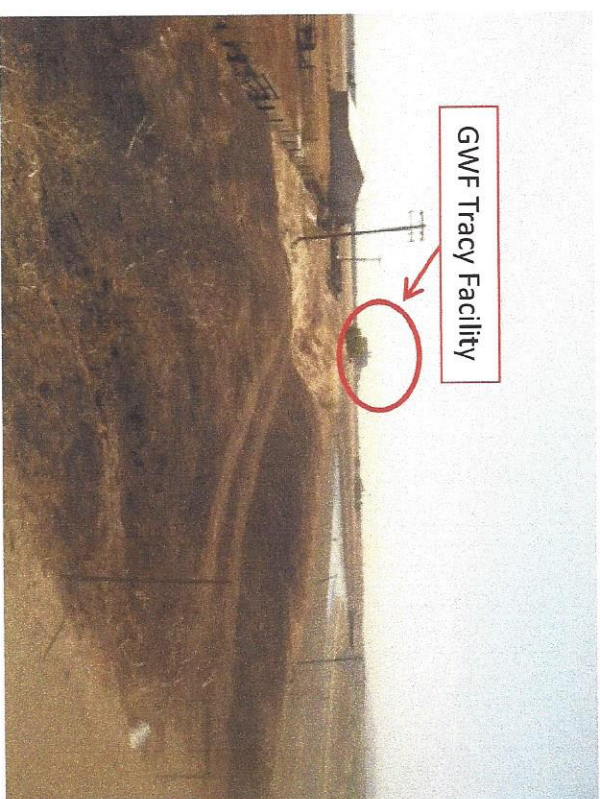
- Description: No line of site to trailers, fence-line completely blocks view





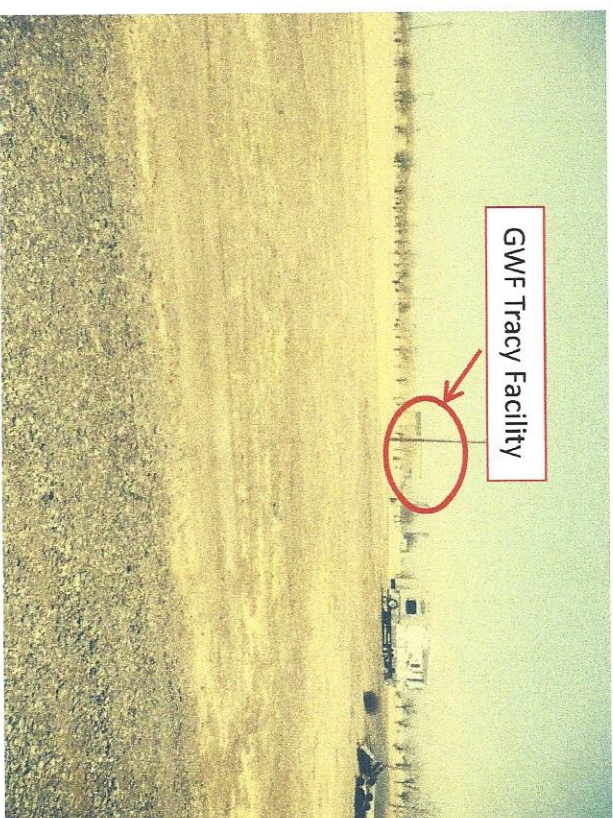
# View from 3

- Description: No line of site to trailers.



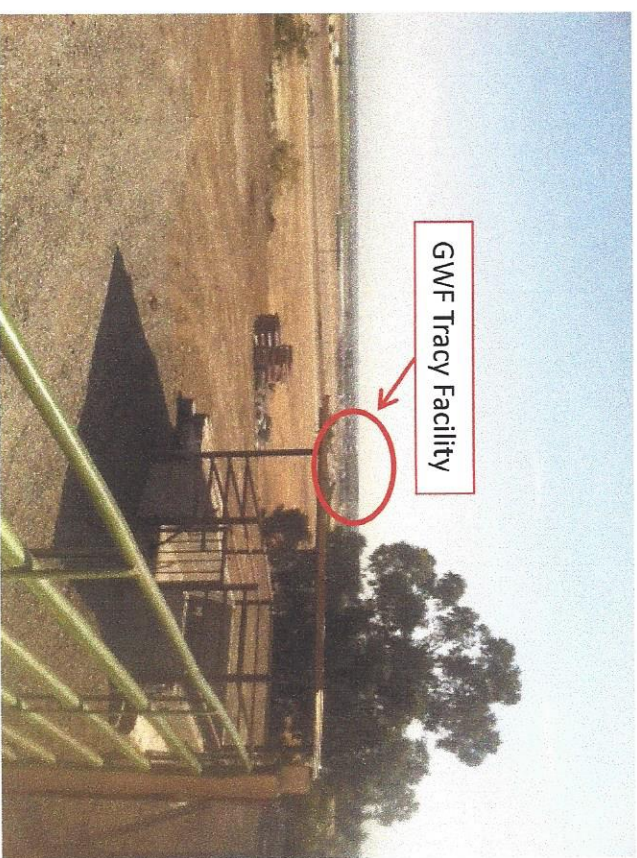
# View from 4

- Description: No line of site to trailers.



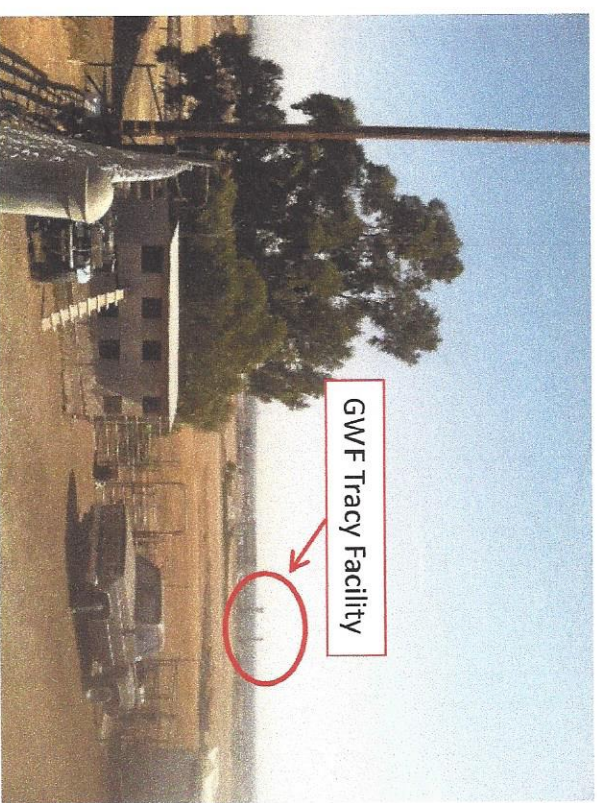
# View from 5

- Description: Tracy Trailers not visible with naked eye



# View from 6

- Description: Tracy Trailers not visible with naked eye.



# View from 7

- Description: No line of site to trailers.

