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CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



DATE: July 29, 2015

TO: Interested Parties

FROM: Joseph Douglas, Compliance Project Manager

**SUBJECT: GWF TRACY PROJECT (08-AFC-07C)
Staff Response to GWF Tracy's Comments**

On July 27, 2015, GWF Tracy (owner) submitted comments on the recently published Staff Analysis of Petition for Approval of Alternate Water Supplies. The comments and proposed edits focus on Condition of Certification **SOIL&WATER-4** and have two main points. The owner requests that the GE and the Bogetti Well water alternatives be given equal priority, and that each alternative be available if the City of Tracy Recycled Water Alternative proves unavailable. The owner's second point is to allow the mitigation plan for the use of Bogetti Well water to be completed within 120 days of first Bogetti Well water use instead of 15 days prior to first well water use. The owner's other proposed comments and edits on the analysis and proposed revised condition are minor and acceptable.

Staff will recommend that the Energy Commission approve the proposed language at the July 30, 2015 Business Meeting.

This response has been mailed to the Commission's 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 Energy Commission's webpage for this facility, scroll down the right side of the project webpage to the box labeled "Subscribe," and provide the requested contact information (<http://www.energy.ca.gov/sitingcases/tracyexpansion/>).

If you have questions about this response to comments, please contact Joseph Douglas, Compliance Project Manager, at (916) 653-4677, or by fax to (916) 654-3882, or via e-mail to joseph.douglas@energy.ca.gov.

Mail List 7312
GWF Tracy Listserv

**GWF TRACY PROJECT
(08-AFC-07C)
PETITION TO AMEND
Staff's Response to Comments**

INTRODUCTION

On July 27, 2015, GWF Tracy (owner) submitted comments on the recently published Staff Analysis of Petition for Approval of Alternate Water Supplies (TN#205345). The comments and proposed edits focus on Condition of Certification **SOIL&WATER-4** and have two main points. The owner requests that the GE and the Bogetti Well water alternatives be given equal priority, and that each alternative be available if the City of Tracy Recycled Water Alternative proves unavailable. The owner's second point is to allow the mitigation plan for the use of Bogetti Well water to be completed within 120 days of first Bogetti Well water use instead of 15 days prior to first well water use. The owner's other proposed comments and edits on the analysis and proposed revised condition are minor and acceptable.

Staff emphasizes that the intent of these water supply alternatives is to provide a backup water supply during an emergency, including a curtailment of the Byron-Bethany Irrigation District (BBID) surface water during a drought. Staff still encourages the owner to seek secure and sustainable water supplies. To ensure that this intent is recorded, staff added language to the beginning of Condition of Certification **SOIL&WATER-4** to require the owner to submit a new Petition to Amend when the City of Tracy recycled water infrastructure is within one mile of the project. When, and if this occurs, recycled water would be environmentally superior, permanent source water for the power plant.

ENERGY COMMISSION STAFF RESPONSES TO GWF TRACY'S COMMENTS

1. Water Supply Alternative Priority

GWF Tracy's Comment: The owner requests that the GE and the Bogetti Well water alternatives (Alternative 1 and Alternative 2 respectively, in staff's amendment analysis) be given equal priority, and that each alternative be available if the City of Tracy Recycled Water Alternative proves unavailable.

Staff's Response: After further consideration, staff agrees that the GE and the Bogetti Well water be ranked equal priority alternatives. These two alternatives would use water with comparable quality and both are effectively groundwater sources. Any potentially significant impact due to project groundwater use from either of these alternatives would be mitigated. As discussed in the staff analysis, groundwater use from the Bogetti Well would be mitigated through an offset plan required as a part of the revised condition of certification. Groundwater supply from the GE facility is a permitted use based on available supplies, is analyzed in the local urban water management plan and Santa Clara Valley Water District has

a comprehensive water management program which would also ensure there would be no impacts from the limited project groundwater use.

2. Water Supply Plan Due Date

GWF Tracy's Comment: The owner requests to allow the mitigation plan for the use of Bogetti Well water to be completed within 120 days of first Bogetti Well water use instead of 15 days prior to first well water use.

Staff's Response: Staff accepts the owner's proposed edit to the condition's verification language that would allow for a water offset plan submittal within 120 days of first use of the Bogetti Well. Because this alternative would only be used as an emergency backup supply, it makes sense to allow the owner the ability to seek offset opportunities when, and if necessary.

Staff proposed changes to Condition of Certification **SOIL&WATER-4**, based on the owner's comments and consistent with the published staff analysis, are shown in bold underline and hard strikeout below. Staff recommends that the revisions to the condition be adopted to provide GWF Tracy a range of emergency backup water supply alternatives.

SOIL & WATER-4: Water used for project operation for process, sanitary and landscape irrigation purposes shall exclusively be raw surface water from Byron-Bethany Irrigation District (BBID)-, **unless recycled water infrastructure from the City of Tracy is within one mile of the project site boundary. Then, the project owner shall file a Petition to Amend, seeking to convert to recycled water use for project operation and permanently define an emergency backup supply(s).** ~~Pumping or purchasing groundwater is prohibited.~~ **In the event that BBID water supply becomes unavailable, the use of alternative water supplies shall be prioritized as follows:**

- **City of Tracy Recycled Water (Alternative 4): The project owner shall use tertiary treated recycled water trucked from the City of Tracy wastewater treatment plant distribution system as the primary back up supply. The owner shall also obtain approval for the use of recycled water at the power plant from the City of Tracy. In the event recycled water is not available or the timing for conversion to recycled water use at GWF Tracy temporarily prevents its use, the project owner shall utilize the water supply identified in Alternative 1 or Alternative 3 below. The project owner must use recycled water whenever a back-up supply is needed and it is available as a backup supply.**

- **GE Water (Alternative 1): Raw water supply from the General Electric- industrial water supply facility in San Jose, California, may be used when recycled water from the City of Tracy is unavailable.**
- **Bogetti Well Water (Alternative 3): Groundwater from the neighboring Bogetti family well may be used when water supply from the City of Tracy is unavailable. The project owner must offset the groundwater use through water conservation measures implemented for the benefit of the Tracy Groundwater Subbasin. The project Owner must submit an Offset Plan for CPM review and approval.**
- **GWF Henrietta Water (Alternative 2): In the event backup water supplies in Alternatives 4, 1, and 3 are not available, the project owner may truck the necessary GWF Henrietta facility water supply for use at GWF Tracy.**
- **All trucks used to transport water to the project are required to comply with ARB's on-road, heavy-duty vehicle program requirements and be scheduled to minimize traffic impacts.**

Water use shall not exceed the annual water-use limit of 54.4 acre-feet per year. The project owner shall monitor and record the total water used on a monthly basis. For calculating the annual water use, the term "year" will correspond to the date established for the annual compliance report submittal.

Prior to using raw surface water **from BBID or any of the alternative supplies identified above** for process needs, the project owner shall install and maintain metering devices as part of the water supply and distribution systems to monitor and record, in gallons per day, the total volume(s) of water supplied to GWF Tracy, ~~from BBID~~. Those metering devices shall be operational for the life of the project.

For the first year of operation, the project owner shall prepare an annual Water Use Summary, which will include the monthly range and monthly average of daily raw surface water usage in gallons per day, and total water used by the project on a monthly and annual basis in acre-feet. For subsequent years, the annual Water Use Summary shall also include the yearly range and yearly average water use by the project. The annual Water Use Summary shall be submitted to the CPM as part of the annual compliance report.

Verification: At least sixty (60) days prior to commercial operation of GWF Tracy, the project owner shall submit to the CPM evidence that metering devices have been installed and are operational on the water supply and distribution systems. When the metering devices are serviced, tested and calibrated, the project owner shall provide a report summarizing these activities in the next annual compliance report. The project owner, in the annual compliance report, shall provide a Water Use Summary that states the source and quantity of ~~raw surface~~ water used on a monthly basis and on an annual basis in units of acre-feet. Prior annual water use including yearly range and yearly average shall be reported in subsequent annual compliance reports.

At least 48 hours prior to use of back up water supplies from Alternative 4, 1, or 3, the project owner shall notify the CPM. If Alternative 1 or 3 is used, the notification shall include a discussion of why Alternative 4 could not be used and an estimate of when it can be used. The notification will also provide evidence that all trucks used to transport water comply with ARB's on-road, heavy-duty vehicle program requirements and will be scheduled to minimize traffic impacts.

Within 120 days of use of groundwater from the Bogetti Well in Alternative 3, the project owner shall provide a plan showing how the groundwater use will be offset. The offset plan shall include information on the measures to be used to achieve groundwater offset, when the offset will be implemented, how the offset will be verified, costs for implementation of the offset measures, and discussion of whether any other agency review and approvals are needed for implementation.

At least 48 hours prior to use of the backup water supply from Alternative 2, the project owner shall notify the CPM. The notification shall include a discussion of why Alternative 4, 1, and 3 could not be used and an estimate of when Alternative 4 can be used. The notification will also provide evidence that all trucks used to transport water comply with ARB's on-road, heavy-duty vehicle program requirements and will be scheduled to minimize traffic impacts.

The project owner shall return to use of Alternative 4 at the time described in the notification and as agreed to with the CPM. The project owner shall provide a monthly notification describing what progress is being made for use of Alternative 4, while other alternative backup water supplies are in use.