

DOCKETED

Docket Number:	08-AFC-07C
Project Title:	GWF Tracy (Compliance)
TN #:	206446
Document Title:	Letter Regarding Supplement to Petition to Amend regarding Alternative Water Supplies
Description:	N/A
Filer:	Paul Kihm
Organization:	Latham & Watkins LLP
Submitter Role:	Applicant Representative
Submission Date:	10/28/2015 1:53:17 PM
Docketed Date:	10/28/2015

650 Town Center Drive, 20th Floor
Costa Mesa, California 92626-1925
Tel: +1.714.540.1235 Fax: +1.714.755.8290
www.lw.com

LATHAM & WATKINS LLP

FIRM / AFFILIATE OFFICES

Abu Dhabi	Milan
Barcelona	Moscow
Beijing	Munich
Boston	New Jersey
Brussels	New York
Century City	Orange County
Chicago	Paris
Dubai	Riyadh
Düsseldorf	Rome
Frankfurt	San Diego
Hamburg	San Francisco
Hong Kong	Shanghai
Houston	Silicon Valley
London	Singapore
Los Angeles	Tokyo
Madrid	Washington, D.C.

October 28, 2015

Mr. Joseph Douglas
Compliance Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: Docket No. 08-AFC-07C
GWF Tracy Combined Cycle Power Plant
Petition to Amend Regarding Alternative Water Supplies

Dear Mr. Douglas:

On behalf of GWF Energy LLC (“GWF”), this letter responds to requests made during our meeting on October 22, 2015 for additional information regarding the Petition to Amend filed in the above-referenced matter on October 19, 2015 (“Petition”).

As set forth in the Petition, on July 30, 2015, the California Energy Commission (“Commission”) approved modifications to the license for the GWF Tracy Combined Cycle Power Plant (“GWF Tracy”) to allow use of alternative water supplies under certain conditions set forth in revised Condition of Certification Soil&Water-4. One of the alternative water supplies approved by the Commission is groundwater from an agricultural well in close proximity to the GWF Tracy site (the “Bogetti Water”). At the time use of the Bogetti Water was approved, the primary plan for conveying the water to GWF Tracy was via existing and temporary pipelines, and this continues to be the preferred option. However, the Petition seeks approval to convey the Bogetti Water to GWF Tracy via truck, as an alternative to the pipelines, should that be necessary.

To reiterate, the request set forth in the Petition is limited to allowing GWF to transport the Bogetti Water via truck and to install temporary storage at the location of the Bogetti Water well and on the GWF Tracy site to facilitate such truck transport. GWF is not seeking any modification to Soil&Water-4 as modified by the Commission on July 30, 2015, including any change to the order of priority for use of alternative water supplies or the conditions under which the Bogetti Water could be utilized as an alternative source of water for GWF Tracy. GWF is merely requesting that in the event the conditions for use of the Bogetti Water are otherwise satisfied, that GWF be permitted to truck the Bogetti Water to GWF Tracy if for some reason the ability to pipe the water is not available.

Staff's requests for additional information are addressed below by subject matter.

Traffic and Transportation

1. Please confirm the maximum anticipated number of truck trips per year.

Response: 1,810 truck trips per year would maintain year round plant operations based on historic plant water usage. This averages about five truck trips per day annually. During the peak summer operations, the need would be for about 10 trucks per day. During non-peak operations, if water is required from the Bogetti Well, the need would be for as few as one truck per day.

2. Please confirm that the road segments along the route from the Bogetti Water well site to GWF Tracy are capable of accommodating the additional traffic associated with the trucking proposal (maximum 10 round trips per day).

Response: Exhibit A to this letter breaks down the truck route into the following segments:

- Segment 1 (Yellow on Exhibit A)
- Segment 2 (Green on Exhibit A)
- Segment 3 (Blue on Exhibit A)

Segment 1 consists of a hard-packed/gravel roadway on the Bogetti property. This road is currently utilized for agricultural equipment, some of which is comparable in size and weight to the trucks that will be utilized to transport water. Given current usage of this segment and the limited number of additional trips, no impacts are expected to Segment 1. GWF's agreement with the Bogetti family obligates GWF to compensate the Bogetti family for any adverse impacts on their property as a result of use of the Bogetti Water, which would include any impacts to the roadway.

Segment 2 of the route consists of paved public roads within San Joaquin County. These roads are designed and built for, and regularly carry, trucks similar to those that will be utilized to transport water. Exhibit C to this letter is a Traffic Count Map available on the City of Tracy website at http://www.ci.tracy.ca.us/documents/Traffic_Count_Map.pdf. It illustrates that the affected public roads – Lammers and Schulte, have average daily traffic of 6,200 – 7,600 and 11,200 – 13,800 vehicles, respectively. The additional truck trips associated with this request are well within the design capacity of the roads and represent a de minimis increase in current traffic. GWF Tracy commits to repairing any damage caused to public roadways as a result of transport of water.

Segment 3 is the existing GWF Tracy entrance, which was designed and built for, and regularly carries, trucks similar to those that will be utilized to transport water. This segment is a paved asphalt private road on an easement held by GWF on privately held property. The road is maintained by GWF as part of the easement agreement.

3. Please confirm that no additional signage is necessary at the intersections along the truck route in order to allow for safe transport of water.

Response: Exhibit A identifies by letter each of the intersections along the proposed truck route. The existing signage at each of these intersections is described below.

- Intersection A: Lammers Road and Valpico Road
- Intersection B: Lammers Road and West Schulte Road
- Intersection C: West Schulte Road and private road leading to GWF Tracy entrance road

Intersection A has a right of way on Lammers Road along the truck route going both directions, with a stop sign on the crossing street, Valpico Road.

Intersection B is a four-way stop and will be a left turn on the route of a truck leaving from the Bogetti Well and a right turn for trucks leaving from GWF Tracy to the Bogetti Well.

Intersection C is left turn, with right-of-way given to traffic coming from the opposing direction on the route leaving from the Bogetti Well to GWF Tracy. The return journey from GWF Tracy is a right turn, with a stop sign on the truck route with right-of-way yielded to oncoming traffic.

Given the existing intersection signage, and the limited number of additional truck trips that will be added to the intersections, no additional signage is required to safely transport water along the proposed truck route.

4. Please confirm that there are no sensitive receptors along the proposed truck route.

Response: There are no schools, school bus stops, daycare centers, hospitals or other similar receptors along the proposed truck route. There are 18 residences along the truck route, however, the route currently experiences truck traffic and the additional trucks associated with this request represent a de minimis increase in current traffic. GWF Tracy will schedule any truck trips to occur on business hours.

Air Quality

5. Please evaluate the need for dust suppression along the unpaved portions of the truck route.

Response: Only Segment 1 of the truck route is unpaved. Given the limited number of trips associated with this proposal, dust generation is expected to be minimal and consistent with what currently occurs as a result of agricultural operations. Therefore, additional dust suppression is not necessary.

LATHAM & WATKINS^{LLP}

Updated Property Owner List

6. For purposes of public notification, please provide an updated list of property owners within a 1,000 foot radius of GWF Tracy.

Response: An updated property owner list is attached to this letter as Exhibit B.

We hope that this additional information addresses all of your questions regarding the Petition. We look forward to staff's completion of its review of the Petition.

Best regards,

/s/ Michael J. Carroll

Michael J. Carroll
LATHAM & WATKINS LLP

Attachments

EXHIBIT A

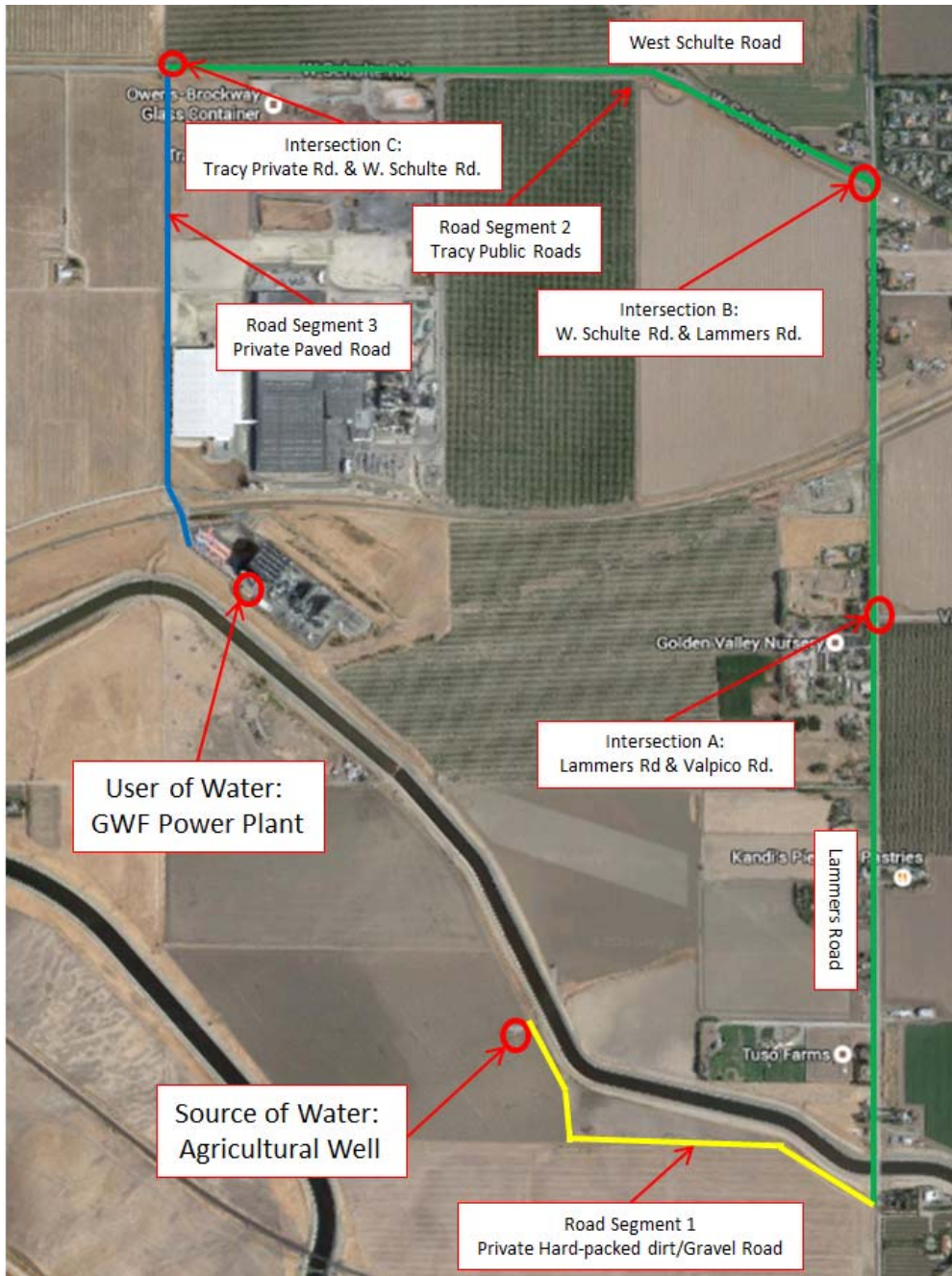


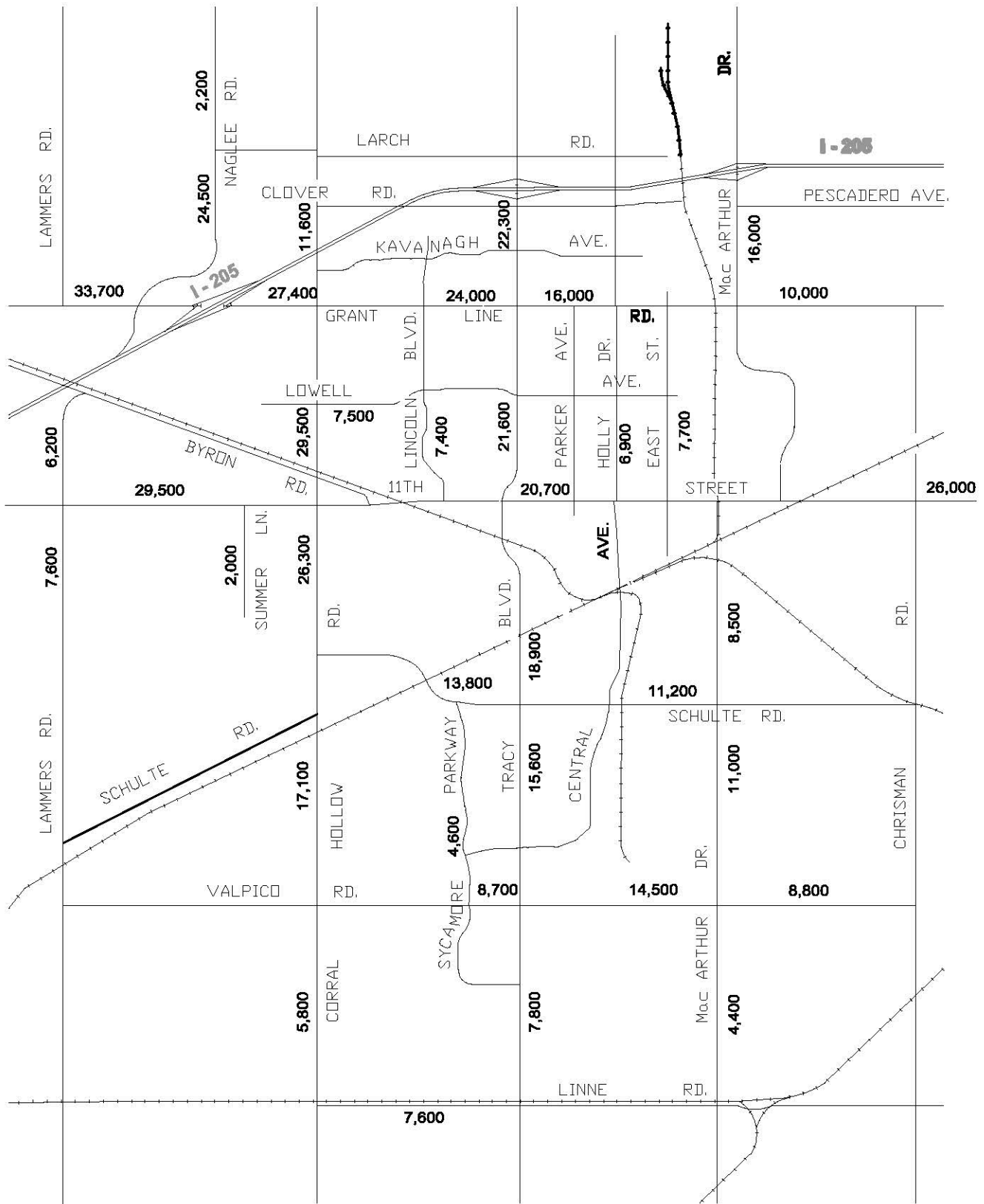
Exhibit A

EXHIBIT B

Owner	Description	Address
Owens-Brockway Glass Container	Industrial Facility (Glass Manufacturing)	14700 West Schulte Road, Tracy CA, 95377
Russell Kagehiro Jepson Webb Ranch LLC	Orchard	26977 S Lammers Rd, Tracy, CA 95377
Joe Lopez	Ranch/Home	15400 West Schulte Road, Tracy, CA 95377
Union Pacific Railroad	Railroad Tracks	Re: 997877 S. Hansen Road, Tracy, CA, 95377 T2S R4E Sec 35 1416 Dodge Street, Room 830 Omaha, NE 68179
United States of America	Empty field with abandoned building	Re: 15178 W. Schulte Road Tracy, CA 95377 P.O. Box 92007, Los Angeles CA 90009
Ramerirez	Empty Field, AP 209-240-10	2989 PERRY LN TRACY, CA 95377-8602
Summayya LLC	Empty Field, AP No. 209-230-05	26722 S Hansen Road, Tracy, CA
Pacific Gas and Electric	Switchyard and electrical transmission equipment.	One Market, Spear Tower, Suite 2400 San Francisco, CA 94105
Pombo	Orchard, AP 209-230-23	25726 S Hansen Road Tracy, CA 95377

Exhibit B

EXHIBIT C



TRAFFIC COUNT MAP
AVERAGE DAILY TRAFFIC (ADT)
CITY OF TRACY



NOT TO SCALE
 march 2011