

## DOCKETED

<b>Docket Number:</b>	09-AFC-04C
<b>Project Title:</b>	Oakley Genrating Station COMPLIANCE
<b>TN #:</b>	212744
<b>Document Title:</b>	Notice of Determination- Petition to Amend Oakley Generating Station
<b>Description:</b>	The petition requests changes to the location of the generator tie-line conductor support tower 2/21 and a corresponding modification to the generator tie-line alignment between tower 2/21 and tower 2/22
<b>Filer:</b>	Anwar Ali
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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<b>Docketed Date:</b>	8/11/2016

**CALIFORNIA ENERGY COMMISSION**

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



**NOTICE OF DETERMINATION  
PETITION TO AMEND  
OAKLEY GENERATING STATION  
(09-AFC-4C)**

On May 9, 2016, California Energy Commission (Energy Commission) staff docketed a petition to amend submitted by Contra Costa Generating Station LLC requesting modifications to the Oakley Generating Station (OGS). The petition requests changes to the location of the generator tie-line conductor support tower 2/21 and a corresponding modification to the generator tie-line alignment between tower 2/21 and tower 2/22.

The OGS is a 624-megawatt combined cycle facility located in the city of Oakley, in Contra Costa County, California. The project was certified by the Energy Commission on May 18, 2011, and was authorized to commence construction on July 26, 2011. The project's construction phase is not complete as it is currently on hold.

**DESCRIPTION OF PROPOSED MODIFICATIONS**

The proposed modifications to OGS include a change in the location of generator tie-line conductor support tower 2/21 and a corresponding minor modification to the generator tie-line alignment between tower 2/21 and tower 2/22 as identified in Figure 1 of the petition to amend (TN 211413). The new tower location would be approximately 225 feet south of the approved location. There are corresponding minor changes in the locations and design of the pull sites that would be located outside of the generator tie-line right-of-way and would result in both deletions and additions of designated work areas.

For additional information, the Energy Commission's webpage for this facility, <http://www.energy.ca.gov/sitingcases/oakley/index.html>, has a link to the petition to amend (TN 211413) accessible through 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 Air Quality, Hazardous Materials Management, Public Health, Socioeconomics, Transmission System Engineering, and Waste Management are not affected by the proposed changes.

For the technical areas of Biological Resources, Cultural Resources, Facility Design, Geological and Paleontological Resources, Land Use, Noise & Vibration, Soil & Water Resources, Traffic & Transportation, Transmission Line Safety & Nuisance, Visual Resources, and Worker Safety & Fire Protection staff has determined the project would continue to comply with applicable LORS and no changes to any conditions of certification are necessary to ensure that no significant impacts occur. Therefore, staff is

proposing to process the request as a Staff Approved Project Modification. Staff notes the following for these technical areas:

- **Biological Resources.** The relocation of tower 2/21, associated pull sites, and work areas will impact an additional 0.13 acres of ruderal and non-native woodland habitat as compared to the currently licensed project. Condition of Certification **BIO-21** requires the project owner to pay mitigation fees at a 1:1 mitigation ratio for temporary and permanent impacts. Due to this net increase in acreage impacted, the project owner has proposed an increase of \$1,473.17 to the mitigation fees in order to satisfy Condition of Certification **BIO-21** (East Contra Costa County Habitat Conservation Plan/Natural Communities Conservation Plan Mitigation Fees). These additional funds would satisfy **BIO-21**, and this project modification would not require any changes or additions to the existing conditions of certification.

The project modifications would not require any additional or different activities from those permitted under the existing license. Implementation of the Conditions of Certification (**BIO-1** through **BIO-23**) would ensure that no significant adverse effects to biological resources would occur as a result of this project modification.

- **Cultural Resources.** The new tower location would require ground-disturbing activities and therefore there is the potential to impact buried cultural resources. However, the proposed laydown area is located on a paved surface and there would be no potential impacts to cultural resources in that area. Implementation of Conditions of Certification **CUL-1** through **CUL-7** would ensure that any potential project-level impacts on cultural resources would be mitigated to less than significant level and that the project would comply with all applicable LORS.
- **Facility Design.** The building code requirements for the installation of the tower would remain unchanged and the project would remain in compliance with all applicable LORS and the existing conditions of certification in the May 2011 Commission Decision.
- **Geological and Paleontological Resources.** The proposed project would have no environmental impacts on geologic, mineralogic or paleontologic resources that were not originally analyzed in May 2011 Decision. Additionally, the project would not be subject to geologic hazards that are different from those originally analyzed and described in the final decision. The facility modification would not have an impact on the facility's ability to comply with existing conditions of certification, and applicable LORS. The existing conditions of certification and LORS conformance identified in the May 2011 Decision are adequate to ensure there would be no unmitigated significant impacts as a result of the project modification.
- **Land Use.** The new proposed site for tower 2/21 is within the right-of-way boundary established in the original license. No impacts to agricultural or residential land uses would occur. The proposed modification would comply with local zoning requirements and would not conflict with an applicable habitat conservation plan.
- **Noise and Vibration.** The proposed project modifications would not require any additional or different activities than those permitted under the existing license. The proposed project modification would not impact the project's noise-sensitive receptors. The project would remain in compliance with applicable LORS and Noise conditions of certification identified in the May 2011 Decision.

- **Soil and Water Resources.** The proposed project modification would not have a significant effect on soil and water resources because there are no changes to construction activities as well as no changes to the required water supply. Additionally, implementation of the Best Management Practices (BMPs) identified in the National Pollutant Discharge Elimination System (NPDES) construction permit issued for the project would control wastewater and would minimize soil erosion. With the implementation of the existing conditions of certification, impacts to soil and water resources would be less than significant and the project would comply with applicable LORS.
- **Traffic and Transportation.** The additional construction trips generated by the transportation of construction materials and workers for the project modification would be negligible and would not cause significant impacts to traffic level of service or transportation infrastructure. Traffic and transportation system impacts would remain less than significant with continued implementation of Conditions of Certification **TRANS-1** (Construction Traffic Control Plan) and **TRANS-4** (Jurisdictions Limitations on Vehicle Sizes, Weights, Roadway Encroachment, and Travel Routes) set forth in the May 2011 Decision.
- **Transmission Line Safety & Nuisance.** The proposed project modification is a minor change in the location of the Commission's approved generator tie-line and would not result in any significant changes to the already approved design and construction plans. All LORS and conditions of certification approved for the original project would apply for the construction of the proposed project.
- **Visual Resources.** The proposed relocation of one tower would be a minor change that would not result in additional visual impacts. The proposed design, color and appearance of the tower would remain the same. The project's overall visual contrast as viewed from key observation points 6 and 7 in the Commission Decision would not change. Visual resource impacts would remain less than significant with continued implementation of Conditions of Certification **VIS-1** (Surface Treatment of Project Structures), **VIS-2** (Landscape Screening), and **VIS-3** (Temporary and Permanent Exterior Lighting) set forth in the May 2011 Energy Commission Decision.
- **Worker Safety and Fire Protection.** The proposed project modification would not have a significant effect on the environment and would continue to comply with all applicable LORS. The construction activities during tower installation would comply with the worker safety requirements identified in the health and safety plans per Condition of Certification **WORKER SAFETY-1**.

The data presented in the **Environmental Justice Population Figure (Attached)** shows the population in the six-mile radius of the OGS site represents an environmental justice population, as defined by the Council on Environmental Quality in *Environmental Justice: Guidance Under the National Environmental Policy Act*. Staff has determined that the proposed modifications would not cause any significant environmental impacts. Therefore, there are no significant impacts to any population within the OGS six-mile radius, including environmental justice population.

Pursuant to section 1769(a)(2) of Title 20, California Code of Regulations, Commission approval of a petition to amend is not required “(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 [LORS]....”

Energy Commission staff has determined for this petition that formal approval by the Energy Commission at a noticed Business Meeting is not required, and the proposed modifications meet the criteria for approval at the staff level because:

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

Staff's conclusions for each the above 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 or LORS Inconsistency*	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 and Paleontological 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
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

\*No Energy Commission approval is necessary where staff determines 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)).

This Notice of Determination has been mailed to the Energy Commission's facility mail list of interested parties and property owners adjacent to the facility site. It has also

been emailed 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, 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 amendment 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. 09-AFC-04C  
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 Anwar Ali, Compliance Project Manager, at (916) 654-5020, or by fax to (916) 654-3882, or via e-mail at [anwar.ali@energy.ca.gov](mailto:anwar.ali@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](mailto: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](mailto:mediaoffice@energy.ca.gov).

Date

2/11/16

Christine Root

**Christine Root**  
Compliance Office Manager  
Siting, Transmission & Environmental Protection  
Division

CC: Oakley Mail list 7208  
Oakley listserv

**ENVIRONMENTAL JUSTICE POPULATION FIGURE**  
Oakley Generating Station Project - Census 2010 Minority Population by Census Block

