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November 11, 2009

File No. 033947-0020

DOCKET	
08-AFC-7	
DATE	NOV 11 2009
RECD	NOV 11 2009

VIA FEDEX

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-7
1516 Ninth Street, MS-4
Sacramento, California 95814-5512


Re: GWF Tracy Combined Cycle Power Plant Project: Docket No. 08-AFC-7

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, enclosed herewith for filing please find Applicant's Comments on the Final Staff Assessment.

Please note that the enclosed submittal was also filed today via electronic mail to your attention and served on all parties to the above-referenced project.

Very truly yours,


Paul E. Kihm
Senior Paralegal

Enclosure

cc: CEC 08-AFC-7 Proof of Service List (w/encl. via e-mail and U.S. Mail)
Michael J. Carroll, Esq. (w/ encl.)



GWF ENERGY, LLC

November 11, 2009

Alan Solomon
Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: Comments on the Final Staff Assessment
GWF Tracy Combined Cycle Power Plant Project (08-AFC-7)

Dear Mr. Solomon:

GWF Energy LLC (GWF) appreciates Staff's efforts in completing the Final Staff Assessment (FSA) for the GWF Tracy Combined Cycle Power Plant Project (08-AFC-7). The FSA comprehensively assesses the proposed project's impacts, identifies required mitigation, and documents consistency with applicable laws, ordinances, regulations, and standards.

GWF wishes to make the following comments to the FSA, presented in the same order as they appear in the FSA.

Executive Summary

Executive Summary, Page 1-2, 1st Paragraph, Last Sentence – The paragraph indicates that process water is used for non-cooling purposes. This is inaccurate as the wet surface air cooler uses process water for steam turbine lubricating oil cooling. This same paragraph indicates the canal water is used for potable water. All drinking water is from bottled sources.

Executive Summary, Page 1-2, 2nd Paragraph – This paragraph indicates the correct expected commercial operation date of June 2012. But this is inconsistent with the date of 2nd calendar quarter of 2013, noted on Page 3-4 of the FSA (and possibly elsewhere in the document).

Air Quality

Page 4.1-40, Last Bullet – The electronic version of the FSA omits the end of the last sentence of this bullet. However, the paper copy of the FSA includes the end of the last sentence.

Biological Resources

Page 4.2-5, Project Site and Vicinity Description – The construction laydown/parking area is incorrectly represented as 15.58 acres. The correct construction laydown/parking area is 12.3 acres as noted elsewhere in the FSA.

Page 4.2-21, 3rd Paragraph, 1st Sentence – GWF believes the reference to the natural gas stack in this sentence refers to the natural gas fired auxiliary boiler exhaust stack which is 50 feet. Please revise the description to auxiliary boiler stack.

Page 4.2-33, Condition BIO-9, Verification – This Verification references reconductoring. Please strike the reference to “and reconductoring” as this work will be performed by Pacific Gas and Electric Company.

Cultural Resources

Page 4.3-5, 2nd Bullet – The bullet inaccurately indicates the reconductored Segment 3 line is 2.5 miles long. Please revise to show the reconductored Segment 3 line is 1.6 miles long.

Page 4.3-34, Condition CUL-6, 2nd Paragraph – The proposed project does not include any offsite linear facilities. Therefore, delete the reference to “along linear facilities routes” from this paragraph.

Page 4.3-34, Condition CUL-6, 4th Paragraph – This paragraph imposes a prescriptive monitoring approach to a project site that has already undergone significant subsurface disturbance during the construction of the Tracy Peaker Project. GWF requests that this paragraph be revised to allow the Cultural Resource Specialist to determine when additional monitors are required based on onsite understanding of the subsurface cultural resource sensitivity of the site. Proposed changes are presented below.

Full-time archaeological monitoring for this project shall be the archaeological monitoring of all ground-disturbing activities in the locations identified by the CRS for as long as the activities are ongoing. The CRS shall determine when the extent or nature of the excavation requires more than one monitor. This determination shall be made based on the CRS's knowledge of the onsite cultural sensitivity of subsurface conditions in the areas being excavated. ~~Where excavation equipment is actively removing dirt and hauling the excavated material farther than fifty feet from the location of active excavation, full-time archaeological monitoring shall require at least two monitors per excavation area. In this circumstance, one monitor shall observe the location of active excavation and a second monitor shall inspect the dumped material. For excavation areas where the excavated material is dumped no further than fifty feet from the location of active excavation, one monitor shall both observe the location of active excavation and inspect the dumped material.~~

Public Health

Page 4.7-11, Emission Sources, 1st Paragraph, 1st Sentence – Please revise this sentence to show that the project includes two combustion turbine generators, not one.

Soil & Water

Page 4.9-24, 2nd Paragraph, 2nd to Last Sentence – The percent reduction of water to M&I users should be 60 percent to yield a 54.4 AFY for GWF Tracy, not 40 percent.

Page 4.9-34, Condition Soil&Water-5 – The septic system is existing and will not be altered as a result of the proposed project. Since the septic system has already been reviewed and approved by the CEC and the County as a condition of the original license and Staff's analysis shows that the septic system and leach field are appropriately sized, the condition is unnecessary. Therefore, we respectfully request that proposed condition Soil & Water – 5 be deleted.

Transmission Line Safety and Nuisance

Page 4.11-4, 2nd Paragraph, 1st Sentence - The reference to the Tesla Substation should be corrected to the Kasson Substation.

Visual Resources

General Comment - Project is proposing to convert 3.28 acres, not four acres as noted throughout the visual resources section.

Page 4.12-6, #3 Bullet - GWF proposed to install six, 45-foot tall transmission structures (not two) to interconnect the facility to the existing transmission line.

Page 4.12-6, #4 - PG&E is proposing to reconnector 2.3 miles of the Vierra-Tracy-Kasson 115-kV line and reconductoring the 8.9 mile reconductoring of the Schulte SW ST-Kasson line is no longer required. Please remove the incorrect reference to the Schulte SW ST-Kasson line which will not be impacted since GWF has elected a remedial action scheme.

Page 4.12-24, Condition VIS-4, 2nd Paragraph - GWF proposes the following changes to reflect the existing, approved Tracy Peaker Project landscaping plan.

This Condition of Certification **VIS-4**, designed to ensure the continuation of this previously approved and revised landscaping plan, requires the continuation of the planting of ~~Fremont cottonwoods (Populus fremontii); western rebud (cercis occidentalis); and elderberry (sambucus Mexicana)~~ trees and shrubs along the northern, eastern, and western edges of the ~~four~~3.28 acres added to the site by the construction of GWF Tracy.

Verification: At least 30 (thirty) days prior to start of ~~construction~~landscape installation, the project owner shall submit the revised perimeter landscape plan to the San Joaquin County Community Development Department for ordinance consistency review and comment and to the CPM for review and approval. This plan, designed to continue the landscaping of the same trees and shrubs approved ~~proposed~~ for the TPP, ~~shall consist of Fremont cottonwoods (Populus fremontii); western rebud (cercis occidentalis); and elderberry (sambucus mexicana) trees~~ to be planted along the northern, eastern, and western edges of the entire site. The continuation of the previous landscaping plan to include the ~~four~~3.28 acres added by the construction of GWF Tracy will help to blend GWF Tracy with its surroundings ~~and comply with local ordinances.~~

Page 4.12-24, Condition VIS-5, G. - GWF believes the reference to the natural gas stack in this Condition refers to the natural gas fired auxiliary boiler exhaust stack. Please revise the description to auxiliary boiler stack.

If you have any questions regarding our comments, please do not hesitate to call me.

Sincerely,



Douglas Wheeler
Vice President, Project Development
GWF Energy LLC

c: Proof of Service List

**STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

In the Matter of:)	Docket No. 08-AFC-7
)	
Application for Certification,)	PROOF OF SERVICE
for the GWF TRACY COMBINED CYCLE)	
POWER PLANT PROJECT)	(Revised February 25, 2009)
by GWF Energy, LLC)	
_____)	

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GWF TRACY COMBINED CYCLE POWER PLANT PROJECT
CEC Docket No. 08-AFC-7

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GWF TRACY COMBINED CYCLE POWER PLANT PROJECT
CEC Docket No. 08-AFC-7

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DECLARATION OF SERVICE

I, Paul Kihm, declare that on November 11, 2009, I served and filed copies of the attached:

APPLICANT'S COMMENTS ON THE FINAL STAFF ASSESSMENT

to all parties identified on the Proof of Service List above in the following manner:

California Energy Commission Docket Unit

- Transmission via electronic mail and by depositing one original paper copy with FedEx overnight mail delivery service at Costa Mesa, California, with delivery fees thereon fully prepaid and addressed to the following:

CALIFORNIA ENERGY COMMISSION
Attn: DOCKET NO. 08-AFC-7
1516 Ninth Street, MS-4
Sacramento, California 95814-5512
docket@energy.state.ca.us

For Service to All Other Parties

- Transmission via electronic mail to all email addresses on the Proof of Service list; and
- by depositing one paper copy with the United States Postal Service via first-class mail at Costa Mesa, California, with postage fees thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses **NOT** marked "email preferred."

I further declare that transmission via electronic mail and U.S. Mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 11, 2009, at Costa Mesa, California.



Paul Kihm