



**Pacific Gas and
Electric Company**
Power Generation
Fossil Plant Construction

Gateway Generating Station
3225 Wilbur Ave.
Antioch, CA 94509
(925) 459-7000

April 10, 2007
GGG-L-00014C

DOCKET	
00-AFC-1C	
DATE	APR 10 2007
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Mr. Christopher Meyer
Compliance Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Subject: Gateway Generating Station (Docket 00-AFC-1C)
Petition to Amend Condition of Certification Noise-8

Dear Mr. Meyer:

Enclosed is a petition by Pacific Gas and Electric Company (PG&E) to amend Condition of Certification Noise-8 in the Final Decision for the Gateway Generating Station project. After careful evaluation of the project's construction schedule and discussions with Black & Veatch Construction, Inc. (the contractor building the plant), it has been determined that a 10-hour per day/six days per week construction schedule is needed to meet the commercial operating date schedule. Because this schedule is not consistent with the construction hours authorized under the requirements set forth in Condition of Certification Noise-8, PG&E is submitting this petition to amend the project's license to reflect the requested change in hours.

If you have any questions regarding this submittal, please contact me at (916) 780-1171.

Sincerely,

Andrea Grenier
GGG Compliance Manager

Attachment

AEG/aeg

cc: Tom Allen, PG&E
Scott Galati, Galati & Blek LLP
Jerry Salamy, CH2MHill

Pacific Gas and Electric's Gateway Generating Station License Petition Amendment for Noise-8

Prepared for
California Energy Commission

April 2007

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Pacific Gas and Electric's Gateway Generating Station License Petition Amendment for Noise-8

Submitted to
California Energy Commission

April 2007

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Introduction

1.1 Background

On January 18, 2007, the California Energy Commission (CEC) Compliance Project Manager (CPM) issued a letter to Pacific Gas and Electric Company (PG&E) authorizing them to restart construction activities on the Gateway Generating Station project. In late 2006, PG&E and Mirant Delta LLC completed a deal to transfer the project assets, formerly known as the Contra Costa Power Plant Unit 8 project, from Mirant to PG&E. PG&E has elected to retain Black & Veatch Construction, Inc. (BVCI), the original EPC contractor, and BVCI has reinitiated its engineering, procurement, and construction efforts for the Gateway Generating Station project. To support these efforts, BVCI will be subcontracting with several entities, including Contra Costa Electric, Marelich, and Granite Construction. Ground disturbance activities began on February 2, 2007, and work crews have recently started erecting the HRSG structures onto the foundations that were originally constructed back in 2001/2002 by Mirant Delta LLC. Commercial operation of the plant is expected to occur by early 2009.

It should be noted that current work activities are associated with constructing only those components of the project that were originally approved by the CEC in its Final Decision dated May 30, 2001. On December 19, 2006 PG&E submitted a petition to replace the originally approved wet cooling tower and river water supply with an air cooled system. This petition application is still being processed and no action has been taken by the Commission at this time.

1.2 Description of Proposed Amendment

After careful evaluation and a comprehensive review of the project's construction schedule and discussions with BVCI, the Engineering, Procurement, and Construction (EPC) contractor, PG&E has determined that a revision to the construction hours schedule is required to meet the commercial operating date schedule. BVCI is recommending a 10-hour per day, six days per week schedule be implemented. This construction work schedule is not consistent with the hours authorized under the requirements of Condition of Certification NOISE-8. Therefore, PG&E is submitting this petition to amend the Gateway Generating Station Final Decision to request a change in Condition of Certification NOISE-8.

PG&E is proposing a work schedule that allows work to occur from 6 a.m. to 7 p.m., Monday through Saturday. This schedule would begin April 1 and continue through the end of the project. A 6:00 a.m. start time, particularly during the hot summer days that are typical to the East Bay, would benefit the construction crews directly. PG&E recognizes that this schedule would require alteration if significant complaints are received from the public.

The remainder of this petition presents a detailed project description (Section 2), environmental analysis of the proposed project changes (Section 3), proposed modifications

to the Condition of Certification (Section 4), potential effects on the public (Section 5), a list of property owners potentially impacted by the proposed changes (Section 6), and potential effects on the property owners (Section 7).

1.3 Summary of Environmental Impacts

Section 1769 (a)(1)(E) of the CEC Siting Regulations requires that an analysis be conducted that addresses impacts that the modification might have on the environment and proposed measures to mitigate any significant adverse impacts. In addition, Section 1769 (a)(1)(F) of the Siting Regulations requires a discussion of the impacts the modification might have on the project's ability to comply with applicable laws, ordinances, regulations and standards (LORS).

The proposed change in the construction work schedule has the potential to impact noise sensitive resources in the project area. PG&E commits to minimizing these impacts to the extent feasible. Section 3 of this Amendment includes detailed analysis of the potential environmental impacts of the proposed project design changes, as well as a discussion of the consistency of the modification with LORS. Section 3 concludes that there will be no significant environmental impacts associated with the Amendment and that the project as amended will comply with applicable LORS.

1.4 Consistency of Amendment with License

Section 1769 (a)(1)(D) of the CEC Siting Regulations requires a discussion of the Amendment's consistency with the LORS and whether the modifications are based upon new information that changes or undermines the assumptions, rationale, findings, or other bases of the final decision. If the project is no longer consistent with the license, an explanation why the modification should be permitted must be provided. In the sections that follow, PG&E will provide an explanation of the proposed modification, rationale for the modification, and a LORS compliance analysis. A description of the proposed modification to existing Condition of Certification NOISE-8 is included in Section 4.0.

SECTION 2

Description of Project Amendment

Consistent with California Energy Commission Siting Regulations, Section 1769 (a)(1)(A) and 1769(a)(1)(B), this section includes a complete description of the project modifications, as well as the necessity for the amendment.

2.1 Project Description Modifications

After careful evaluation and a comprehensive review of the project's construction schedule and discussions with BVCI, PG&E's Engineering, Procurement, and Construction (EPC) contractor for the Gateway Generating Station project, a determination has been made that adjustments are needed to the allowed construction work hours in order to help ensure that the project can be completed in a timely fashion to support an early 2009 commercial on line date. BVCI is recommending a work schedule of 10-hours per day, six days per week (Monday through Saturday). Such a construction work schedule is not currently allowed under the requirements of Condition of Certification NOISE-8. Therefore, PG&E is submitting this license petition to request a change in Condition of Certification NOISE-8.

PG&E is proposing a work schedule that will allow work to occur from 6 a.m. to 7 p.m., Monday through Saturday. This schedule would begin April 1 and continue through the end of the project. PG&E recognizes that this schedule would require alteration if significant complaints are received from the public.

2.2 Necessity of Proposed Change

Section 1769 (a)(1)(B) and 1769(a)(1)(C) of the CEC Siting Regulations require a discussion of the necessity for the proposed changes to the project and whether this modification is based on information that was known by the petitioner during the certification proceeding. During the licensing period, it was not known that the project would be suspended by Mirant, that Mirant would ultimately transfer the asset to PG&E, or that PG&E would need to modify the original construction hours to expedite the overall construction schedule.

SECTION 3

Environmental Analysis of the Project Changes

The proposed project changes set forth in this Amendment will allow PG&E to complete the construction of the project on schedule to meet the need for the additional electrical capacity for PG&E's customer base.

As the proposed change only impact the duration of construction and does not increase the number of construction workers or the frequency of deliveries, the following environmental areas will **not** be affected by the change in the construction work schedule. Therefore, these areas have not been addressed in this petition.

- Air Quality
- Biological Resources
- Cultural Resources
- Land Use
- Public Health
- Worker Health and Safety
- Socioeconomics
- Soil and Agriculture
- Traffic and Transportation
- Visual Resources
- Hazardous Materials Handling
- Waste Management
- Water Resources
- Paleontological Resources

Additionally, the proposed change to the construction schedule will not alter the operational impacts that were used as the basis to license the project during the original proceeding. Therefore, operational impacts are expected to be equal to those analyzed in the Commission Decision and are not addressed in this amendment.

3.1 Noise and Vibration

3.1.1 Affected Environment

The project vicinity is predominately industrial in nature, with manufacturing, fabrication, and processing uses to the west, east, south, and the San Joaquin River to the north. The nearest residential area is approximately 2/3 of a mile southwest of the GGS project site. The Sportsman Yacht Club, located immediately adjacent to the northeastern property line of the PG&E parcel, is the nearly sensitive receptor to the project site. PG&E would continue to respect the 300-foot boundary from the caretaker's residence during the modified work hours.

Based on pre-construction ambient noise data collected in July 2001, the ambient noise levels in the project area range from 62 to 64 dBA L₉₀ from 10 p.m. to 7 a.m. These data were previously submitted to the CEC on July 1, 2003.

3.1.2 Laws, Ordinances, Regulations, and Standards

The GGS project site is located in the unincorporated area of Contra Costa County, within the City of Antioch's Sphere of Influence. The Contra Costa County's policies and ordinances are the controlling land use regulations because the project site is located in unincorporated territory rather than within the incorporated boundaries of the City of Antioch.¹ Since the project was first licensed, the County of Contra Costa has updated the General Plan. The Noise Element of the January 2005 Contra Costa County General Plan provides the same goals and objectives as the 1996 General Plan analyzed by CEC Staff. Namely, levels of up to 70 dBA CNEL are considered conditionally acceptable for residential uses and up to 80 dBA CNEL for industrial uses.

The Noise Element Policy 11-8 states "Construction activities shall be concentrated during the hours of the day that are not noise-sensitive for adjacent land uses and should be commissioned to occur during normal work hours of the day to provide relative quiet during more sensitive evening and early morning periods." The hours of the day considered noise are undefined in the Noise Element², but can be assumed to be from 10 p.m. to 7 a.m., consistent with the methodology used to estimate the DNL noise levels.

The City of Antioch General Plan indicates that the uses in the project areas (Eastern Water Front Employment Focus Area) are general industrial, open space, commercial, marina/support uses, and business park uses.

Figure 11-6 of the County Noise Element indicates the normally acceptable noise level for industrial land uses is 75 dB CNEL or DNL. The Noise Element's normally acceptable residential noise level of 60 dB CNEL or DLN and the conditionally acceptable residential noise level is 70 dB CNEL or DLN.

3.1.3 Environmental Consequence

The proposed construction schedule of 10 hours per day, six days a week would require work hours to be from 6 a.m. to 7 p.m., Monday through Saturday. General construction activities to be conducted during these hours can be divided into general construction noise, pile driving activities, and steam blowing. Each of these construction activities are discussed below.

The predicted general construction noise impacts are expected to be 63.2 dBA L₉₀³ at the closest residential receptor. Given the measured nighttime ambient noise levels measure pre-construction at this receptor were 62 dBA L₉₀, no significant construction noise impacts are expected for the extended daylight construction hours proposed.

Noise from pile driving activities were expected to reach up to 78 dBA L₉₀ at the closest residential receptor and 57 dBA L₉₀ at the next closest residential receptor approximately

¹ Contra Costa Power Plant Unit 8 Final Staff Assessment, Page 195.

² Personal Conversation with Jamar Stampes, Contra Costa Community Development Department, (925) 335-1210.

³ Contra Costa Power Plant Unit 8 Final Staff Assessment, Page 242.

4,000 feet from the project site.⁴ To reduce any potential impact associated pile driving activities, BVC I will limit pile driving to the hours of 9 a.m. and 5 p.m.

Steam blowing activities can also produce significant noise levels. Noise impacts from steam blowing can be mitigated through the installation to temporary silencers or other silencing systems. As no changes to the steam blowing activities are being proposed, no change in the steam blowing impacts, over those licensed by the Commission during the original proceeding, are expected. The implementation of Condition of Certification NOISE-4 that requires steam blowing activities to occur during the hours of 9 a.m. to 5 p.m. will not be changed.

3.1.4 Mitigation

The CEC Final Decision for the project includes a condition, NOISE-2, that specifies a protocol to be used in the event PG&E receives noise complaints from the public. PG&E will follow this protocol and will respond to noise complaints in a timely manner. PG&E acknowledges that the requested hours may be altered if significant complaints are received under the NOISE-2 process. PG&E will also plan high noise generating activities (pile driving and steam blows) to occur during the hours of 9 a.m. to 5 p.m., to reduce any potential construction noise impacts to below significant levels.

3.2 Cumulative Impacts

This Amendment will not change the assumptions or conclusions made in the Commission Decisions the proposed design changes will not result in cumulative impacts not already analyzed by the Commission.

3.3 Laws, Ordinances, Regulations, Standards

The Commission Decision certifying the Project concluded that the project complied with all applicable LORS. As shown above, the potential impacts from this Amendment will be equal to or less than the impacts analyzed in the Commission Decision.

⁴ Contra Costa Power Plant Unit 8 Final Staff Assessment, Page 243.

SECTION 4

Proposed Modifications to the Conditions of Certification

Consistent with the requirements of the CEC Siting Regulations Section 1769 (a)(1)(A), this section addresses the proposed modifications to the project's Conditions of Certification.

The proposed modifications to the applicable of Conditions of Certification are shown below. New text is shown in underline format, while deleted text is shown in strike-out mode.

NOISE-8 Heavy equipment operation and noisy construction work shall be restricted to the times of day delineated below:

Weekdays Monday through Saturday ¹	7 <u>6</u> a.m. to 6 <u>7</u> p.m.
Weekdays	8 a.m. to 5 p.m.
Weekends and Holidays	9 a.m. to 5 p.m.
<u>Pile Driving and Steam Blows</u>	9 a.m. to 5 p.m.

¹ – ~~For construction activities within 300 feet of the Sportsmen Yacht Club and San Joaquin Yacht Harbor Residences~~ Excludes Saturdays during the period of March 1 through September 30.

Verification: The project owner shall transmit to the CPM in the first Monthly Construction Report a statement acknowledging that the above restrictions will be observed throughout the construction of the project.

SECTION 5

Potential Effects on the Public

Consistent with the requirements of the CEC Siting Regulations Section 1769 (a)(1)(G), this section addresses the proposed Amendment's effects on the public.

The proposed project design changes are not expected to result in a significant environmental impact and will increase the electrical supply to PG&E's customer base, increasing the electrical system reliability. Therefore, impacts to the public are expected to be equal or lower than those analyzed during the license proceeding for the project.

SECTION 6

List of Property Owners

Consistent with the CEC Siting Regulations Section 1769(a)(1)(H), this section lists the property owners affected by the proposed modifications are presented the appendix.

SECTION 7

Potential Effects on Property Owners

Consistent with the CEC Siting Regulations Section 1769(a)(1)(I), this section addresses potential effects of the proposed Amendment on nearby property owners, the public, and parties in the application proceeding.

The proposed project design changes are not expected to result in significant environmental impacts due to the change in construction schedule. Therefore, impacts to property owners are expected to be equal to or lower than those analyzed during the license proceeding for the project. The operational impacts of the proposed design changes will not result in significant unmitigated environmental impacts.

APPENDIX

**List of Property Owners within 1,000 Feet of the
Project Site and 500 Feet from the Project
Linear Routes**

051 031 014
Southern Energy Delta LLC
1350 Treat Blvd #500
Walnut Creek, CA 94597

037 020 012
Ei Du Pont De Nemours & Co
P.O. Box 1039
Wilmington DE 19899

037 040 007
OXFOOT ASSOCIATES LLC
24737 Arnold Dr
Sonoma, CA 95476

037 040 015
OXFOOT ASSOCIATES LLC
24737 Arnold Dr
Sonoma, CA 95476

051 031 003
STATE OF CALIFORNIA
P.O. Box 7791
San Francisco, CA 94120

051 031 004
STATE OF CALIFORNIA
P.O. Box 7791
San Francisco, CA 94120

051 031 005
GAYLORD CONTAINER
CORPORATION
P.O. Box 1149
Austin TX 78767

051 031 007
STATE OF CALIFORNIA
P.O. Box 7791
San Francisco, CA 94120

051 031 015
PACIFIC GAS & ELECTRIC CO
P.O. Box 770000
San Francisco, CA 94177

051 032 004
Tony Cutino
4030 Saint Marys St
Martinez, CA 94553

051 032 005
Tony Cutino
4030 Saint Marys St
Martinez, CA 94553

051 032 006
Tony Cutino
4030 Saint Marys St
Martinez, CA 94553

051 032 007
Tony Cutino
4030 Saint Marys St
Martinez, CA 94553

051 032 009
Roy A Cunha
P.O. Box 23893
Pleasant Hill, CA 94523

051 032 011
John A & Lana S Martinez
3000 Wilbur Ave
Antioch, CA 94509

051 032 013
Randy W & Cani L Christ
P.O. Box 1163
Brentwood, CA 94513

051 040 009
Tommy L & Dorothy M Hampton
480 Fleming Ln
Antioch, CA 94509

051 040 019
Linda McDaniel
3307 Wilbur Ave
Antioch, CA 94509

051 040 023
Lloyd Q Fleming
415 Fleming Ln
Antioch, CA 94509

051 040 035
Wallace & Judith Gibson
P.O. Box 20697
El Sobrante, CA 94820

051 040 041
Michael R & Kimberly Wiley
P.O. Box 670
Oakley, CA 94561

051 040 044
STATE OF CALIFORNIA
P.O. Box 7791
San Francisco, CA 94120

051 040 048
Linda McDaniel
3307 Wilbur Ave
Antioch, CA 94509

051 040 049
Linda McDaniel
3307 Wilbur Ave
Antioch, CA 94509

051 040 056
Michael G & Nancy F McKim
5600 Oak Knoll Rd
El Sobrante, CA 94803

051 040 063
John E & Lillian A Whalen
6003 Horsemans Canyon Dr
Walnut Creek, CA 94595

051 040 064
Daniel M & Shari D Grady
3361 Pebble Beach Ct
Fairfield, CA 94534

051 040 065
SPORTSMEN INC
P.O. Box 518
Antioch, CA 94509

051 040 066
Mechanical Co Monterey
8275 San Leandro St
Oakland, CA 94621

051 040 069
Trailer Storage Antioch
2120 American Canyon Rd
American Canyon, CA 94503

051 040 070
Virginia H Fleming
415 Fleming Ln
Antioch, CA 94509

051 040 071
Trailer Storage Antioch
2120 American Canyon Rd
American Canyon, CA 94503

051 040 072
WILBUR AVENUE LLC
P.O. Box 31114
Walnut Creek, CA 94598

051 040 073
KIEWIT CONSTRUCTION
GROUP INC
3555 Farnam St #1000
Omaha NE 68131

051 051 015
Norman P Jr & Edith Olsen
1308 W 7th St
Antioch, CA 94509

051 051 018
Thomas M Oneil
333 Chardonnay Cir
Clayton, CA 94517

051 051 019
Frank C Sr & Helen Alegre
2000 Edgewood Dr
Lodi, CA 95242

051 051 021
GWF POWER SYSTEMS COMPANY
4300 Railroad Ave
Pittsburg, CA 94565

051 051 023
Delta Diablo Sanitation Dist
2500 Pittsburg Antioch Hwy
Antioch, CA 94509

051 051 024
Delta Diablo Sanitation Dist
2500 Pittsburg Antioch Hwy
Antioch, CA 94509

051 052 007
Frank D & Jo Ann Evangelho
897 Oak Park Blvd #288
Pismo Beach, CA 93449

051 052 008
City of Antioch
P.O. Box 5007
Antioch, CA 94531

051 052 049
Kenneth P Jr Graunstadt
1371 Main St
Oakley, CA 94561

051 052 053
SANDY LANE PROPERTIES
361 Sandy Ln
Oakley, CA 94561

051 052 056
GAYLORD CONTAINER
CORPORATION
P.O. Box 1149
Austin TX 78767

051 052 096
ANTIOCH CITY OF
P.O. Box 5007
Antioch, CA 94531

051 052 099
Stamm-Balocco Storage LLC
P.O. Box 633
Antioch, CA 94509

051 052 100
City of Antioch
P.O. Box 5007
Antioch, CA 94531

051 052 101
BELLECCI FAMILY
4030 Saint Marys St
Martinez, CA 94553

051 082 003
John M & Bea Wadkins
1473 Walnut Ave
Antioch, CA 94509

051 082 004
Johnny W & Alice I Strawther
1957 Santa Fe Ave
Antioch, CA 94509

051 082 005
James Jr & Marcilynn Kennard
1915 Santa Fe Ave
Antioch, CA 94509

051 082 010
SANDY LANE PROPERTIES
361 Sandy Ln
Oakley, CA 94561

051 082 011
Brian & Kimberly Bogart
1939 Santa Fe Ave
Antioch, CA 94509

051 250 001
STATE OF CALIFORNIA
P.O. Box 7791
San Francisco, CA 94120